# City of Rockingham
## Planning and Engineering Services Committee
### Meeting Minutes
#### Monday 20 August 2018

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   - Engineering and Parks Services Information Bulletin - August 2018  
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     - PD-041/18 Proposed Council Policy - Single Use Plastic and Balloons  
     - PD-042/18 Proposed Modification to Building Envelope  
     - PD-043/18 Final Approval - Scheme Amendment No.167 - Rezoning from 'Rural' to 'Special Residential'  
     - PD-044/18 Impact of ‘Perth and Peel@3.5 Million and Frameworks’ on 'Special Rural' and 'Special Residential' Scheme Amendments  
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     - EP-011/18 Recommendation from the RoadWise Advisory Committee Meeting held on 11 June 2018 (Absolute Majority)  
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15. Motions of which Previous Notice has been given  
### Planning and Development Services  
- PD-047/18 Alternate Motion - Cape Peron Reserve
<table>
<thead>
<tr>
<th></th>
<th>Notices of Motion for Consideration at the Following Meeting</th>
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</thead>
<tbody>
<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
</tr>
</tbody>
</table>
# City of Rockingham
## Planning and Engineering Services Committee Meeting Minutes
### Monday 20 August 2018 - Council Boardroom

<table>
<thead>
<tr>
<th>1.</th>
<th>Declaration of Opening</th>
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<tbody>
<tr>
<td>The Chairperson declared the Planning and Engineering Services Committee Meeting open at <strong>4:00pm</strong>, welcomed all present, and delivered the Acknowledgement of Country.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>2.</th>
<th>Record of Attendance/Apologies/Approved Leave of Absence</th>
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<tbody>
<tr>
<td><strong>2.1 Councillors</strong></td>
<td></td>
</tr>
<tr>
<td>Cr Chris Elliott</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Cr Barry Sammels (Mayor)</td>
<td></td>
</tr>
<tr>
<td>Cr Leigh Liley</td>
<td>(Deputising for Cr Deb Hamblin)</td>
</tr>
<tr>
<td>Cr Katherine Summers</td>
<td>(Arrived at 4:03pm)</td>
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<tr>
<td>Cr Mark Jones</td>
<td>(Observer)</td>
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<tr>
<td><strong>2.2 Executive</strong></td>
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<tr>
<td>Mr Michael Parker</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr Peter Doherty</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Sam Assaad</td>
<td>Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Manager Major Planning Projects</td>
</tr>
<tr>
<td>Ms Natalie Elliott</td>
<td>Coordinator Sustainability and Environment</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Ms Erica Scott</td>
<td>A/Manager Health and Building Services</td>
</tr>
<tr>
<td>Mr David Caporn</td>
<td>Manager Compliance and Emergency Liaison</td>
</tr>
<tr>
<td>Mr Ian Daniels</td>
<td>Manager Infrastructure Project Delivery</td>
</tr>
<tr>
<td>Mr Manoj Barua</td>
<td>Manager Engineering Services</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
<td>Manager Asset Services</td>
</tr>
<tr>
<td>Mr James Henson</td>
<td>Manager Land and Development Infrastructure</td>
</tr>
<tr>
<td>Mr Cyril Sharrock</td>
<td>Coordinator Maintenance - Parks Services</td>
</tr>
<tr>
<td>Mr Peter Varris</td>
<td>Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Mr Aiden Boyham</td>
<td>City Media Officer</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
</tbody>
</table>

| **2.3 Members of the Gallery:** | 11 |
| **2.4 Apologies:** | |
| Cr Deb Hamblin | |

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

<table>
<thead>
<tr>
<th></th>
<th>Mr James Mumme, 36 Gloucester Avenue, Shoalwater - PD-038/18 - Alternative Motion - Cape Peron</th>
</tr>
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</table>
| 3.1 | At the Planning and Engineering Services Committee meeting held on 16 July 2018 Mr Mumme asked the following questions that were taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 23 July 2018 as follows:  

(Preamble to questions) Regarding the "pending advice from the Department of Planning Heritage and Lands on the implications of a 'Class A' reserve and the 'Conservation Park' Purpose over Cape Peron on existing and future landuse", I understand that the City has been waiting over a month now.  

Question  
1. Has the City receive any response from DPHL since the agenda was published? If not, I submit, on behalf of those in the community who wish to see a proper Coastal Park go ahead, that this is not an acceptable way to do business?  

Response (provided at meeting)  
Mr Brett Ashby, Manager Strategic Planning and Environment confirmed that no information had been received to date.  

Question  
2. Will the City please be good enough in its advocacy role to contact DPHL on our behalf regarding this issue every day from now until a response is receive?  

Response  
The City has now received a response from the DPLH.  

(Preamble to question) Back in June 2012 the City passed a motion supporting the concept of converting part of the Cape Peron Reserve 48689 into housing and a marina.  

This was done by the City on its own initiative and its own behalf without waiting to consult the Department of Planning or any other Government Department about the implications of the MBM for existing and future landuse (or impacts on Cockburn Sound).  

This year Council has refused to support the concept of a Class A reserve being declared on the Cape Peron Reserve and instead referred the matter for advice from DPHL.  

Question  
3. Please explain why Council has adopted one approach to facilitate a radical landuse development proposal in 2012 and a different one in 2018 to frustrate a proposal that has been confirmed to have far fewer implications for landuse.  

Response  
The two proposals are not comparable. The City cannot properly inform the Council on the implication of the area being designated as a Class A Reserve with a 'Conservation Park' Purpose in the absence of advice from the DPLH.  

(Preamble to question) I refer to the Strategic Community Aspiration regarding quality leadership that Council has "governance systems that enable Council to make informed and considered decisions…within an accountable,…transparent and ethical environment.” I believe that the community expects accountable to mean liable to give an explanatory statement of account or a statement of reasons for an event (Macquarie Dictionary).  

In the SCP 2015-25 there is a section called How do we measure success in implementing community aspirations. Here's how the City measured its success up to 2014 in providing Civic Leadership - reference to a number of Council meetings each year, citizenship ceremonies and Pioneer luncheons (page 23). In my view there is nothing that fulfils any aspiration regarding Quality leadership.
<table>
<thead>
<tr>
<th></th>
<th>Question</th>
<th>Response</th>
</tr>
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<tbody>
<tr>
<td>4</td>
<td>In view of the evidence that there was overwhelming support for a Coastal Park which Council and the Minister for Planning have acknowledged, what can the City do to convince the community that it is providing accountable and transparent leadership on this issue of Class A Status for Cape Peron Reserve 48689?</td>
<td>The City has received the information needed to properly inform the Council on the implications of the area being designated as a Class A Reserve with a 'Conservation Park' Purpose, in accordance with its responsibilities under the Local Government Act.</td>
</tr>
<tr>
<td>5</td>
<td>What hope can the City offer residents that it is standing up for what the community wishes?</td>
<td>See response to question 4 above.</td>
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### Public Question Time

<table>
<thead>
<tr>
<th>Time</th>
<th>Question</th>
<th>Response</th>
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<tbody>
<tr>
<td>4:04pm</td>
<td>The Chairperson invited members of the Public Gallery to ask questions.</td>
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<tr>
<td>4.1</td>
<td>Mr Colin Osborne, No.42 Lake Street, Rockingham - DHA Development - Lots 1512 Lake Street and Lot 5000 Fisher Street, Palm Beach</td>
<td>I submit these questions on behalf of the residence of Lake St and surrounds in relation to the DHA unit development on the former caravan park Lots 1512 Lake St and 5000 Fisher St in Palm Beach Rockingham and possible changes to the original Local Structure Plan (LSP) on which submissions closed on 14th April 2017. Our community do not believe there has been any further advice or public consultation on changes to the submitted LSP by anyone since that date!</td>
</tr>
<tr>
<td></td>
<td>1. Is the proposal still for 350 units on the site?</td>
<td>The Chairperson advised that the advertised Structure Plan states that approximately 340 dwellings are proposed to be developed on the site.</td>
</tr>
<tr>
<td></td>
<td>2. Does it still contain a multi-level 5 story block?</td>
<td>The Chairperson advised &quot;Yes&quot;. The City’s Town Planning Scheme No.2 permits building height up to five storey’s with lower 2 storey buildings along Lake Street and Fisher Street.</td>
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<td></td>
<td>3. Are the two entry and exit points for traffic to the development still in the locations shown on the original Local Structure Plan on which our submissions were requested from us prior to 14th April 2017?</td>
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</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 SEPTEMBER 2018  

PRESIDING MEMBER
| **Response** | The Chairperson advised "Yes", however, the Structure Plan has not yet been approved by the Western Australian Planning Commission (WAPC) and it is at its discretion to make any changes beyond the advertised plan. |
| **Question** | 4. If the traffic entry/exit points have been relocated from the 2017 LSP, where exactly have they been relocated to? |
| **Response** | The Chairperson referred to his answer to Question 3. |
| **Question** | 5. If they have been relocated, give us detailed reasons/criteria why this was decided/must happen? |
| **Response** | The Chairperson referred to his answer to Question 3. |
| **Question** | 6. Has an amended Traffic Impact Assessment (TIA) from the one used in the 2017 LSP been submitted? |
| **Response** | The Chairperson advised "No". |
| **Question** | 7. We are led to believe that the only issue yet to be resolved before planning approval is given, is the location of the public open space to be provided by the developer. Is this correct? |
| **Response** | The Chairperson advised that once a Structure Plan has been approved by the WAPC a Local Development Plan will be required as a more detailed plan to guide development. The Structure Plan should be discussed with the Department of Planning, Lands and Heritage directly, rather than the City. |
| **Question** | 8. Will those of us whom are likely to be affected by changes to the original LSP and those whom made submissions on the original LSP, have any opportunity to view and make submissions on the amended proposal before final planning approval by the City of Rockingham? |
| **Response** | The Chairperson advised that the WAPC is responsible for approving the Structure Plan. There is no further opportunity to comment on the Structure Plan process, however, a subsequent Local Development Plan will be advertised by the City for public comment. |

### 4.2 Mr Ian Duperouzel - Representing Aureus Commercial Pty Ltd (Proponent) - PD-046/18 - Proposed Marina

The Chairperson invited Mr Duperouzel to present his questions to the Planning and Engineering Services Committee. Mr Duperouzel made the following statement:

"Is the Council aware that under the adopted “Community Planning Strategy” (CPS) the following outcomes will occur for the options provided by the Planning Committee?

- **Option A** Maximum cash-in-lieu payments for 478 car Bays
- The cost to the developer for cash-in-lieu payments is estimated at $16 million dollars?"
Under Option B cash-in-lieu payments for 368 car Bays
The cost to the developer is estimated around $13 million dollars.
Both cash-in-lieu car park payments render the total development commercially
unviable and the community will lose a valuable public asset.
As this development is an extension of the public domain, has a huge community
appeal which will support activation of the Waterfront Village precinct and
beachfront beautification it deserves to be assessed on its public merit.
Should Council not accept Option C as submitted by the proponent then Council
consider a fourth option, where by the Council offers land to the developer to
facilitate the construction of an Australian Standards multi deck, public car park
at the cost of the developer.
This option would satisfy the Council’s objective of the provision of a decked,
public parking facility.
We urge the Committee to consider the public facilities and economic benefit this
project would bring to Rockingham now and into the future.”

*Response*

The Chairperson advised that this is an item contained in today’s Committee
agenda and will be considered later in the meeting.

4:14pm There being no further questions the Chairperson closed Public Question
Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Summers:
That Committee CONFIRMS the Minutes of the Planning and Engineering Services
Committee Meeting held on 16 July 2018, as a true and accurate record.
Committee Voting – 4/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:14pm The Chairperson announced to all present that decisions made at Committees of
Council are recommendations only and may be adopted in full, amended or
defered when presented for consideration at the next Council meeting.

8. Declarations of Members and Officers Interests

4:15pm Cr Sammels declared the following Declaration of Interest:

8.1 Item PD-046/18 Proposed Marina
Councillor/Officer: Cr Sammels
Type of Interest: Impartiality
Nature of Interest: The proponent is a friend of his.
Extent of Interest: Not Applicable

The Chairperson noted there were no further interests declared.

9. Petitions/Deputations/Presentations/Submissions

Nil
10. Matters for which the Meeting may be Closed

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<thead>
<tr>
<th>Engineering and Parks Services</th>
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<tr>
<td>EP-011/18 Recommendation from the RoadWise Advisory Committee Meeting held on 11 June 2018 (Absolute Majority)</td>
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In accordance with section 5.23(2)(b) and (e)(iii) of the Local Government Act 1995 – if there are any questions or debate on Confidential Item EP-011/18 - Recommendation from the RoadWise Advisory Committee Meeting held on 11 June 2018 (Absolute Majority), then the Planning and Engineering Services Committee will need to defer the matter for consideration at Agenda Item 18 - Matters Behind Closed Doors.

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**CONFIDENTIAL ITEM**

**NOT FOR PUBLIC ACCESS**

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

This item may be discussed behind closed doors as per Section 5.23(2)(b) and (e)(iii) of the Act

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**Engineering and Parks Services**

**Engineering Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-011/18 Recommendation from the RoadWise Advisory Committee Meeting held on 11 June 2018 (Absolute Majority)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>RDS/15-10</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Manoj Barua, Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Morgan Ward, Business Support Officer - Engineering</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 August 2018</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Minutes of the RoadWise Advisory Committee Meeting held on 11 June 2018</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
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**Voting Requirements**

Absolute Majority
Recommendations to the Planning and Engineering Services Committee

Advisory Committee Recommendation 1 of 1: Recommendation from the RoadWise Advisory Committee Meeting held on 11 June 2018

That Council APPOINTS Ms Tania Gigg as the representative of the School Drug Education and Road Aware (SDERA) to the RoadWise Advisory Committee.

Officer Recommendation if Different to Advisory Committee Recommendation

That Council:

1. **AMENDS** the composition of the RoadWise Advisory Committee to the following:
   - 6 community members
   - 1 representative from Western Australia Local Government Association (WALGA)
   - 1 representative from Western Australia Police (WA Police)
   - 1 representative from School Drug Education and Road Aware (SDERA)

2. **APPOINITS** the following community and organisation representatives to the RoadWise Advisory Committee listed as follows for a two-year term of office until September 2020:
   - Mrs Arlene Yates as Community Representative
   - Mr Rick Bryant as Community Representative
   - Mr Bob Cooper as Community Representative
   - Mrs Celine Low as Community Representative
   - Mr Tony Gale as Community Representative
   - Mr William Ashman as Community Representative
   - Sgt Bob Bateman as Western Australia Police Representative
   - Mrs Engel Predergast as Western Australia Local Government Association – RoadWise Representative
   - Ms Tania Gigg as School Drug Education and Road Aware Representative

The Officer’s Reason for Varying the Advisory Committee Recommendation

The previous review of the RoadWise Advisory Committee in August 2016 had omitted two organisational representatives comprising Western Australia Local Government Association – RoadWise and Western Australia Police. This report corrects this omission. Representatives from these two organisations regularly attend the meeting as guests. The City is also appointing the community representatives due to the Advisory Committee review conducted in June 2018.

Committee Recommendation

Moved Cr Sammels, seconded Cr Liley:

That Council:

1. **AMENDS** the composition of the RoadWise Advisory Committee to the following:
   - 6 community members
   - 1 representative from Western Australia Local Government Association (WALGA)
   - 1 representative from Western Australia Police (WA Police)
   - 1 representative from School Drug Education and Road Aware (SDERA)

2. **APPOINITS** the following community and organisation representatives to the RoadWise Advisory Committee listed as follows for a two-year term of office until September 2020:
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 SEPTEMBER 2018

Mrs Arlene Yates as Community Representative
Mr Rick Bryant as Community Representative
Mr Bob Cooper as Community Representative
Mrs Celine Low as Community Representative
Mr Tony Gale as Community Representative
Mr William Ashman as Community Representative
Sgt Bob Bateman as Western Australia Police Representative
Mrs Engel Predergast as Western Australia Local Government Association – RoadWise Representative
Ms Tania Gigg as School Drug Education and Road Aware Representative

Committee Voting – 4/0

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

Implications of the Changes to the Officer’s Recommendation
Not Applicable
11. **Bulletin Items**

**Planning and Development Services Information Bulletin - August 2018**

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

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

**Compliance and Emergency Liaison**
1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Ranger Services Action Reports
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Emergency Management and Fire Prevention
   4.4 State Emergency Service (SES) – Matagarup Bridge Testing
| 4.5 CRM |
| 4.6 Requests for Assistance – Storm Events July 2018 |
| 4.7 Accredited Training |
| 4.8 SmartWatch Key Result Area: Visibility |
| 4.9 SmartWatch Key Result Area: Engagement with Community |
| 4.10 SmartWatch Key Result Area: Increasing perception of Safety |
| 4.11 SmartWatch Notable Statistics |

**Strategic Planning and Environment**

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

**Land and Development Infrastructure**

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

**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 Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
4.12 Subdivision/Amalgamation Refused

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

Advisory Committee Minutes

Committee Recommendation

Moved Cr Liley, seconded Cr Summers:
That Councillors acknowledge having read the amended Planning Services Information Bulletin – August 2018 and the content be accepted.

Committee Voting – 4/0

Engineering and Parks Services Information Bulletin – August 2019

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

Infrastructure Project Delivery
1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Beach Foreshore Revitalisation Stage One
4. Information Items
   4.1 Aqua Jetty 290KW Photovoltaic Array, Warnbro
   4.2 Aqua Jetty Monolith Sign, Warnbro
   4.3 Arcadia Drive stairway replacement, Shoalwater
   4.4 Centenary Park shelter replacement, Safety Bay
   4.5 City Park lighting upgrade, Rockingham
   4.6 Council Depot and Operation Centre security electric fence, Rockingham
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<tbody>
<tr>
<td>4.7</td>
<td>Council Administration Building disability inclusion works, Rockingham</td>
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<tr>
<td>4.8</td>
<td>Eva Lynch and Hourglass Reserve lighting replacement, Warnbro</td>
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<td>4.9</td>
<td>Fantasy Park disc golf course, Waikiki</td>
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<td>4.10</td>
<td>Golden Bay Foreshore shade sails</td>
</tr>
<tr>
<td>4.11</td>
<td>Golden Bay Coastal Community Centre (louvres replacement and roofing repairs)</td>
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<td>4.12</td>
<td>Golden Bay Coastal Community Centre (rust treatment and painting)</td>
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<tr>
<td>4.13</td>
<td>Governor Road LED (light emitting diode) park lighting, East Rockingham</td>
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<td>4.14</td>
<td>Harrington Waters exercise equipment, Waikiki</td>
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<td>4.15</td>
<td>Hourglass Reserve athletic infrastructure, Cooloongup</td>
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<td>4.16</td>
<td>Kent Street median island fencing and streetscape, Rockingham</td>
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<td>4.17</td>
<td>Kingaroy Reserve play equipment and surrounds, Baldivis</td>
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<td>4.18</td>
<td>Lagoon Reserve landscape upgrade, Secret Harbour</td>
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<tr>
<td>4.19</td>
<td>Lot 206 Longbeach Rise Park Open Space, Port Kennedy</td>
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<tr>
<td>4.20</td>
<td>Mersey Point Timber Jetty demolition, Shoalwater</td>
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<tr>
<td>4.21</td>
<td>Mundijong Road and St Albans Road, Baldivis</td>
</tr>
<tr>
<td>4.22</td>
<td>Nairn Drive (Stage 3) Blaxland Terrace to Cottonwood Drive, Baldivis</td>
</tr>
<tr>
<td>4.23</td>
<td>Old Abattoir, Hillman</td>
</tr>
<tr>
<td>4.24</td>
<td>Palermo Cove Carpark (opposite Palisades Boulevard) lighting upgrade, Secret Harbour</td>
</tr>
<tr>
<td>4.25</td>
<td>Rhonda Scarrott Reserve floodlighting, Golden Bay</td>
</tr>
<tr>
<td>4.26</td>
<td>Rockingham Aquatic Centre asbestos removal</td>
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<tr>
<td>4.27</td>
<td>Rockingham Lakes Oval carpark (La Guardia Loop), Port Kennedy</td>
</tr>
<tr>
<td>4.28</td>
<td>Singleton Volunteer Bush Fire Brigade shed extension</td>
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<tr>
<td>4.29</td>
<td>Secret Harbour Foreshore fitness equipment</td>
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<tr>
<td>4.30</td>
<td>Smirk Road guarded school crossing (Tuart Rise Primary School), Baldivis</td>
</tr>
<tr>
<td>4.31</td>
<td>Surf Drive Reserve play equipment, seating and shelter, Secret Harbour</td>
</tr>
<tr>
<td>4.32</td>
<td>Townsend Reserve gazebo, Rockingham</td>
</tr>
<tr>
<td>4.33</td>
<td>Warnbro Recreation Centre seating and shelter</td>
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<tr>
<td>4.34</td>
<td>Zedora Park play equipment, Baldivis</td>
</tr>
</tbody>
</table>

### Parks Services

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Public Open Space Handovers
   4.2 Vegetation clearance pruning from Western Power Assets
   4.3 Storm Damage
   4.4 Koorana Reserve – Overflow Parking
   4.5 Passive Herbicide Treatment
   4.6 Baldivis Primary School Turf Renovation
   4.7 Feral Animal Control and Regional Fox Tracking Project
   4.8 Native Area Revegetation
   4.9 Greening Plan Tree Planting

### Engineering Services

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Future Traffic Modelling
   3.2 Integrated Transport Plan Eight Year Review
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure
Committee Recommendation

Moved Cr Liley, seconded Cr Summers:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – August 2018 and the content be accepted.

Committee Voting – 4/0
12. Agenda Items

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Planning and Development Services</th>
<th>Health Services</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>PD-040/18</td>
<td>Proposed Outdoor Events Policy (Final Adoption)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>PBH/661</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms Erica Scott, A/Manager Health and Building Services</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Caitlin Logan, Events and Permits Administration Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>20 August 2018</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>June 2018 (PD-023/18)</td>
<td></td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>MRS Zoning:</td>
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<td>Attachments:</td>
<td>1. Schedule of Submissions</td>
<td></td>
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<td></td>
<td>2. Proposed Outdoor Events Guidelines</td>
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<tr>
<td>Maps/Diagrams:</td>
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</table>

Purpose of Report

To consider the adoption of the revised Outdoor Events Policy, following community consultation.

Background

At its ordinary Meeting held on 26 June 2018, Council resolved to approve the draft Outdoor Events Policy, along with the supporting Outdoor Events Guidelines, for the purposes of community consultation.
Details

The purpose of the revised Outdoor Events Policy is to simplify the application process for smaller events and make it easier for organisers to gain the appropriate approvals from the City. It applies to all outdoor events involving public attendance including those on private land.

The Outdoor Events Guidelines were drafted to assist Event Organisers with planning an event that complies with the various legislative requirements, as well as being able to successfully obtain the relevant approvals from the City.

Council approval is only required to adopt the Outdoor Events Policy, however, the Outdoor Events Guidelines were also included during the advertising period to provide additional clarification.

The advertising period for the revised Outdoor Events Policy and supporting Outdoor Events Guidelines has concluded, the details of which form the basis of this Report.

Implications to Consider

a. Consultation with the Community

The revised Outdoor Events Policy was advertised for public comment in the following manner:
- an advertisement was published in the Sound Telegraph on Wednesday 11 July 2018 and Wednesday 18 July 2018;
- a copy of the proposed Outdoor Events Policy (and supporting Outdoor Events Guidelines) was advertised on the City's website from Thursday 28 June 2018 to Thursday 26 July 2018;
- direct consultation with existing regular event organisers on Thursday 28 June 2018 and Tuesday 17 July 2018;
- an advertisement was posted on the City's Facebook page on Thursday 28 June 2018; and
- consultation was undertaken via RockPort on Thursday 28 June 2018.

At the conclusion of the public advertising period, a total of six submissions were received. A full copy of each submission is included in the Schedule of Submissions attached to this Report.

A summary of the comments raised by the submitters, and the City's comment in respect to each submission, is included in the table below.

Any specific queries on how the Policy and Guidelines relate to event organisers or their events were individually responded to and addressed.

1. Submission

Submission Summary:
No objections to the proposed Outdoor Events Policy.

City's Comment:
The submission is noted.

2. Submission

Submission Summary:
The submitter made suggestions with regards to wording and formatting of the proposed forms. The submitter also raised event specific queries, including the signing of the Hold Harmless Agreement and the Electrical Installations section of the guidelines.

City's Comment:
The submission is noted, and the event specific queries were responded to directly.
A Hold Harmless Agreement is required to be submitted by the event organiser of any event on City land and is intended to indemnify the City against any damage caused by the event. The Hold Harmless provisions remain unchanged under the new Policy and Guidelines.

All electrical installations must comply with the Supply Authority or Office of Energy requirements AS 3000, AS 3002 plus any requirements of the *Health (Public Buildings) Regulations* 1992. These requirements are expanded in the Guidelines to provide further clarification for event organisers.

### 3. Submission

**Submission Summary:**
Queries surrounding how the impact criteria would work for certain events, and the requirement for toilets for events.

**City's Comment:**
The event specific queries were responded to directly.

The Policy states that the Director of Planning and Development Services has discretion to classify events that do not meet the criteria.

The toilet requirements for events are determined by the *Health (Public Buildings Regulations)* 1992. The toilet numbers are based on event duration, number of patrons and whether alcohol will be available. When assessing event applications, officers take these factors into consideration to ensure the proposed number of toilets are appropriate for the nature of the event.

### 4. Submission

**Submission Summary:**
No objections to the proposed Outdoor Events Policy.

**City's Comment:**
The submission is noted.

### 5. Submission

**Submission Summary:**
The submitter made suggestion of not allowing tents/marquees in front of beachside restaurants and houses; that Disability Access and Inclusion should require events to have accessible access into and out of the event, and an accessible toilet at the event; and that there should be sustainability options / guidelines for event organisers to comply with.

**City's Comment:**
The City needs to balance the needs to the community, with the needs of the residents and business. The City works with event organisers to mitigate any potential concerns to the best of their ability and encourages the event organiser to incorporate nearby businesses into the event where possible.

All events are required to have a minimum of one accessible toilet available for patrons. The Guidelines include suggestions that organisers can incorporate to ensure their event is accessible.

The City is currently in the process of developing a Sustainability Strategy, and if adopted, there may be opportunities to incorporate additional requirements into the Outdoor Event Guidelines.
6. Submission

Submission Summary:
No objections to the proposed Outdoor Events Policy. Event specific queries relating to Traffic Management Plan requirements.

City's Comment:
The submission is noted and the event specific queries were responded to directly. Main Roads WA requires Traffic Management Plans (TMP) to be reviewed, certified and submitted each year for reassessment and approval. It is noted that the TMP can be the same as previous years, however, it does need to be reviewed.

b. Consultation with Government Agencies
Nil

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

**Aspiration B:** A Strong Community

**Strategic Objective:** Capacity Building and Wellbeing – A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community sporting, cultural and artistic organisations and pursuits.

d. Policy
The City of Rockingham Policy Framework guides the process required for adopting or amending a Council Policy.

e. Financial
Nil

f. Legal and Statutory
Nil

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

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

Nil

Comments
The proposed changes to the event impact classification should make it easier for smaller event organisers to gain approval. For events that fall into a medium impact category, the process should still be easier for applicants. The time for event applications to be submitted to the City has been reduced, and the associated application forms have been simplified.

The Outdoor Events Policy has excluded events that are not open to the public, as they fall outside of the provisions of the *Health (Public Building) Regulations* 1992.

The Outdoor Events Policy has also excluded events that are run by sporting clubs at sporting grounds given that the overall facility is assessed for compliance for normal sporting fixtures, and events such as club registration days are not outside this scope.
The Outdoor Events Policy will apply for other event organisers using sporting club facilities as this is outside of the normal sporting use of the facility. The Outdoor Events Policy will also apply to other community groups where they want to hold events outside of their premises, such as churches and the like, as the City only assesses the indoor facility.

Six submissions were received during the advertising period, with no major concerns being raised that warrant amendments to the Outdoor Events Policy.

It is recommended the Council adopts the revised Outdoor Events Policy accordingly.

If the Outdoor Events Policy is adopted, the City’s Health Services will directly notify all known event organisers of the changes, and offer each event organiser training on how to successfully submit an application under the new framework.

### Voting Requirements

**Simple Majority**

**Officer Recommendation**

That Council **ADOPTS** the draft Outdoor Events Policy.

**Committee Recommendation**

Moved Cr Liley, seconded Cr Summers:

That Council **ADOPTS** the draft Outdoor Events Policy, as follows:

### OUTDOOR EVENTS POLICY

**Council Policy Objective**

Council recognises the need to support the contribution that outdoor events make to the City’s cultural landscape and economy, whilst minimising the potential impact of temporary events on the community.

This Policy aims to deliver the following objectives:

- Provide for a range of events that meet the community’s aspirations;
- Provide controls that minimise adverse impacts of events on the community and environment;
- Manage the health and safety of people attending the event; and
- Manage compliance with relevant legislative requirements and standards.

**Council Policy Scope**

This Policy applies to all outdoor events held in the City of Rockingham including those on private land.

This Policy does not apply to:

- Private events not open to members of the public, such as private parties, weddings, funerals and the like
- Seasonal use of sports fields by schools and registered sporting clubs for club related activities

**Council Policy Statement**

This Policy provides a three tiered classification system for outdoor events in the City of Rockingham, based on the impact of the event. The classification of the event will determine the information required to be submitted to the City, to enable the assessment and approval of the event.

**Event Purpose**

Outdoor event applications are required to demonstrate how the event will provide a welcoming and safe environment that meets one or more of the following outcomes:
- delivers either recreational, social, cultural, education or information opportunities for residents and visitors to participate
- supports and contributes to the well-being of residents and visitors
- supports and includes people from all sections of the community
- supports and respects the unique identity of Rockingham and its culture
- recognises occasions of historical, social or cultural significance
- contributes to the local economy, businesses and tourism

**Limitations and Restrictions**

The City will not approve events:

- which promote tobacco or gambling;
- with alcohol promotion being the main purpose;
- which are discriminatory in nature;
- which involve endangered animals, or cruelty to animals;
- which prevents the public space from being used for its dedicated purpose; or
- which threaten ecologically sensitive areas.

The City may cancel or modify events at any stage as a result of, but not limited to:

- Extreme weather
- Identified high risks
- Site safety or conditions

**Approval Process**

Approval is required for all outdoor events held in the City of Rockingham including those on private land. Assessment of an event application will be based on the following criteria:

- Suitability and purpose of the event activity;
- Suitability and experience of the event organiser;
- Suitability and availability of the event location and duration;
- Impact of the event on location and surrounds.

**Event Impact Criteria**

To determine the level and number of management and compliance conditions to be applied, events will be categorised as either a low, medium or high impact based on the activity proposed.

<table>
<thead>
<tr>
<th>Event Impact Category</th>
<th>Impact Criteria</th>
<th>Lodgement Due</th>
</tr>
</thead>
</table>
| Low Impact Event      | • Held between 7am and 6pm  
                      • Less than 100 attendees  
                      • No food sales  
                      • No amplified noise  
                      • No marquees over 3x3m  | Due 10 days prior to the event.                 |
| Medium Impact Event   | • Held between 6am and 9pm  
                      • Between 100 and 1,000 attendees  
                      • Involves food sales  
                      • Low level amplified noise  | Due 30 days prior to the event.                 |
Event Impact Category | Impact Criteria | Lodgement Due
--- | --- | ---
High Impact Event | • Finishes after 9pm  
• More than 1,000 attendees  
• Involves food sales  
• Involves amplified noise  
• Includes fencing  
• Requires road closures or impacts on the normal use of the roads  
• Involves fireworks / pyrotechnics | Due 60 days prior to the event.

The Director of Planning and Development Services has discretion to classify events that do not meet the above criteria.

Applications received after the Application Lodgement time before the event is scheduled, as listed above, may be rejected.

Outdoor Event Guidelines
Outdoor event organisers are required to comply with all legal and City requirements as detailed in the Outdoor Event Guidelines (as attached). The Outdoor Event Guidelines will be updated periodically to reflect any legislative and/or City operational changes affecting the delivery of safe, accessible and sustainable events in Rockingham.

Outdoor Event Approval and Conditions
Approved Outdoor Events will be issued with a Maximum Accommodation Certificate under the Health (Public Buildings) Regulations 1992.

Outdoor Events that do not receive all relevant approvals cannot proceed.

It is the responsibility of the Event Organiser to ensure all relevant approvals have been obtained from the City and other approving agencies.

Council Adoption
28 August 2018

Definitions
Outdoor Event: means an organised one-off temporary occurrence within the City of Rockingham on public or private land, where members of the public assemble outside at a given time and location, for a set purpose, either for free or for the payment of a fee.

Legislation
Health (Miscellaneous Provisions) Act 1911
Public Health Act 2016
Health (Public Buildings) Regulations 1992
Activities in Thoroughfares and Public Places and Trading Local Law 2001
Local Government Property Local Law 2001

Other Relevant Policies/ Key Documents
Outdoor Event Guidelines

Responsible Division
Health Services

Review Date
Review every two years

Committee Voting – 4/0
<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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<tbody>
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<table>
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<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
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<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### Purpose of Report

To consider preparation of a Council Policy on single use plastics and balloons.

### Background

It is widely accepted that single use plastics, such as bottles, cutlery and straws have many environmental, social and economic impacts. Despite this, historical data has shown that global demand for this product has increased dramatically with more plastic produced in the first 10 years of this century than in the 100 years prior.

Currently only a very small percentage of these plastics are being recovered by recycling streams and those items which are recycled are generally only used once more before eventually entering landfill. Other items such as balloons cannot be recycled and easily escape from the waste stream. Unfortunately, much of this plastic and other waste ends up in the environment where it is having a severe impact on the health of natural ecosystems. Scientists have predicted that plastics will outweigh fish in the ocean by 2050.

Plastics and other litter entering the marine environment does not biodegrade but rather breaks up into smaller pieces over time, making it is easy for wildlife to ingest allowing toxins to bioaccumulate in the food chain. This is as much a universal issue as it is a local one. Research undertaken by Murdoch University on Penguin Island has identified that plastic pollution has a significant impact on local seabird communities including pelicans, terns and penguins.
The Department of Biodiversity, Conservation and Attractions has also identified significant impact on local sea lion populations. Volunteer-led beach clean-ups carried out by Sea Shepherd in the local area found that of the 818kgs of marine debris collected over the last 12 months, 68% of the items were made of plastic.

In this regard, Council previously resolved to support a state wide ban on plastic bags in December 2016, prior to the ban coming into effect in July 2018. This position acknowledged the environmental impact of plastic bags, and the need to mitigate this risk particularly with a coastal and marine environment such as Rockingham’s.

Broadening the focus from just plastic bags, bans and minimisation strategies are fast becoming the status quo in many cities, prompting a new benchmark for tackling the universal issue of single use plastic. For example:

- **Town of Cottesloe** was the first Council in Western Australia to ban the release of helium balloons.
- Earlier this year, **City of Bayswater** announced it is to ban single use plastics including balloons, water bottles and straws at its premises and events.
- Similarly, **Town of Bassendean** announced a ban on single use plastics from events organised or sponsored by the Council.
- **City of Fremantle** has a Sustainable Events Guideline and Checklist which will form part of its proposed Sustainable Events Policy, to address single use plastics at events.
- **Cities of Kwinana, Cockburn, Joondalup, Mandurah, Nedlands and Town of Victoria Park** have all banned the use or release of balloons in some way.
- **Brisbane City Council** has committed to banning plastic straws, helium balloons and single use plastic bottles.
- **Darebin City Council** in Victoria has banned balloons, water bottles and other plastics including bags, straws and cups from being used or sold on Council land.
- **Seattle** became the first city in the United States to ban plastic straws and utensils at all food service businesses, including restaurants, grocery stores, delis, coffee shops, food trucks and institutional cafeterias.
- Other US cities such as **New York City, Miami Beach, Florida, Monmouth Beach, New Jersey, Oakland, Berkeley** have all banned the use of disposable plastic straws.
- Disposable coffee cups have been banned in **Scotland**’s Government buildings and an expert panel is looking into action on further disposable items such as cups and straws.
- **London** has announced a plan to introduce a levy on takeaway coffee cups, followed by a complete ban on plastic water bottles.
- The pacific island nation of **Vanuatu** became the first nation in the world to legally ban the use of plastic straws and other single use plastics, which came into effect on 1 July 2018.
- India’s capital city **Delhi**, banned all forms of disposable plastic including bags, cutlery, plates, cups and other single use items in 2017. Other parts of India have issued similar bans.

Further to the examples noted above, it is known that single use plastics are often associated with takeaway items, making them pervasive at food markets, stalls and events. It was estimated that through events hosted in the City alone, an average of 180,900 pieces of single use plastic are generated annually.

**Details**

While managing this issue requires collective effort, there is an opportunity to demonstrate leadership by taking action where possible within the City’s jurisdiction. In this regard, it is noted that:

(i) A considerable quantity of single use plastic waste is generated each year at food markets, stalls and events. The City is responsible for issuing permits to these traders under the *Activities in Thoroughfares and Public Places and Trading Local Law 2001* (the Local Law), hence the opportunity exists to ensure more appropriate serving materials are used.
(ii) Single use plastics are present in various City operations and facilities, which could be replaced with fit-for-purpose alternatives.

(iii) Recognising that the City cannot require all local businesses to follow suit, advocacy on this matter would be critical to increase awareness among local businesses and the community, recommend alternatives and encourage best practise. This would include advocacy through WALGA and the State Government.

As such, a Council Policy (Policy) on single use plastic is proposed to reduce the volume of single use plastic being used and distributed at facilities, events and operations within the City, specifically, the Policy would seek to disallow single use plastic serving materials for any vendor holding a permit to trade in public places, including events. To ensure the City is being consistent and demonstrating leadership, the Policy will also apply to all Council buildings and facilities, in addition to establishing a position for future advocacy on the issue.

The proposed Policy may include the following requirements:

- All serving materials (plates, bowls, cups, cutlery, straws, containers, bags etc.) used at events and in facilities must be; a) recyclable or compostable and b) manufactured from a renewable resource, such as starch or sustainable Birchwood. These alternatives should have the ability to be recycled, breakdown naturally or be composted in a home or commercial compost system and thus have a limited impact on the environment

- Non-disposable serving material options will be encouraged, where practical. This would significantly reduce the overall amount of waste generated and could be considered by event organisers and in City facilities (i.e. transition to using glasses in the Reception Room instead of plastic cups, to operate the same as the Boardroom).

- Adequate and suitably located waste stations must be provided for all events, as determined based on the number of expected patrons. Each waste station will be required to comply with certain labelling requirements to assist in correct disposal of recyclable and general waste and minimise contamination of recyclables.

- Balloons of any kind must not be intentionally released and no helium balloons are to be sold, distributed or displayed at events.

The Policy would define those single use plastic serving materials which cannot be used as well as outlining acceptable biodegradable alternatives. Compliance with this Policy would form a condition of the Traders Permit issued under the Local Law.

The table below provides a comparison of the potential financial implications for permit holders, based on the cost of generic single use plastic items and some comparable, suitable alternatives. For the purpose of this comparison, cost was calculated per serve assuming a serve includes a knife, fork, plate and straw.

<table>
<thead>
<tr>
<th>Single use plastic serving materials</th>
<th>Compostable serving materials</th>
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</thead>
<tbody>
<tr>
<td><strong>Distributor</strong></td>
<td><strong>Cost per serve</strong></td>
</tr>
<tr>
<td>Alpha Packaging Food Packaging</td>
<td>$0.11</td>
</tr>
<tr>
<td>Wholesale Direct</td>
<td>$0.15</td>
</tr>
<tr>
<td><strong>Average cost</strong></td>
<td><strong>$0.13</strong></td>
</tr>
</tbody>
</table>

While non-plastic serving materials are slightly more expensive, the increase is not considered significant and can be passed on to the customer (+ 0.07c per person).

Nevertheless, traders will have the opportunity to comment on the proposed Policy and provide feedback on the financial implications when the draft is made available for public comment.
Implications to Consider

a. Consultation with the Community
   Any such Policy would be subject to community consultation.

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:** A 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
   Nil

e. Financial
   The costs associated with implementing the proposed Policy in City facilities will be met through existing operational budgets.

f. Legal and Statutory
   Nil

g. Risk
   All Council decisions are subject to risk assessment according to the City’s Risk Framework.
   Implications and comment will only be provided for the following assessed risks.
   
   Customer Service / Project management / Environment: High and Extreme Risks
   Finance / Personal Health and Safety: Medium, High and Extreme Risks

   **Environment: High Risk**
   Uninhibited use and distribution of single use plastics at City events, facilities and operations is likely to result in significant damage to marine and coastal wildlife, particularly as community events are often located on the foreshore and will only increase in size with population growth. As single use plastics are already polluting the City’s nearshore environment, a lack of action may result in a level of damage requiring long term remediation. This has potential to affect the commercial and tourism value associated with the City’s natural attributes.

Comments

The City is committed to working towards environmental sustainability, with a range of best practice actions already undertaken across the organisation. It is important that the City be proactive in protecting its natural assets, including 37kms of pristine coastline.

Responding to the negative impact that single use plastics and balloons have on the environment will ensure the City continues to act responsibly and demonstrate leadership in sustainability. With the recent State-wide plastic bag ban garnering a level of momentum and community awareness, forming a Policy position on these items should be considered as a matter of priority. This action is recommended to Council.

Voting Requirements

Simple Majority
<table>
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<tr>
<th><strong>Officer Recommendation</strong></th>
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<tr>
<td>That Council <em>SUPPORTS</em> the preparation of a Policy on single use plastics and balloons.</td>
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<table>
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<tr>
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<tbody>
<tr>
<td>Moved Cr Summers, seconded Cr Sammels:</td>
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**Committee Voting – 4/0**

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## Planning and Development Services
### Statutory Planning Services

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<th><strong>Reference No &amp; Subject:</strong></th>
<th>PD-042/18 Proposed Modification to Building Envelope</th>
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<tr>
<td><strong>File No:</strong></td>
<td>DD024.2018.00000005.001</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Mr and Mrs Struthers</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Mr and Mrs Struthers</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>20 August 2018</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Tribunal</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Tribunal</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Lot 114 (No.8) Lipscombe Close, Golden Bay</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>2,030m²</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>Special Residential</td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td>Rural</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photograph</td>
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<tr>
<td></td>
<td>3. Site Photograph (Proposed Shed Location)</td>
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<td></td>
<td>4. Existing and Proposed Building Envelope Plan</td>
</tr>
<tr>
<td></td>
<td>5. Location of Future Domestic Shed</td>
</tr>
<tr>
<td></td>
<td>6. Elevations for Future Domestic Shed</td>
</tr>
<tr>
<td></td>
<td>7. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photograph

**Purpose of Report**

To consider an application to vary the approved Building Envelope at Lot 114 (No.8) Lipscombe Close, Golden Bay.
Background

The site is located west of Mandurah Road, north of Dampier Drive, and east of the Golden Bay Estate. The existing Building Envelope was created as part of the original subdivision of Secret Grove Estate, Golden Bay.

The existing Building Envelope has an area of 749m² and is setback 12.2m from Lipscombe Close, 5.5m from the west boundary, 3.4m from the east boundary and 10.4m from the rear boundary.

Details

The applicant proposes to modify the approved Building Envelope for the purposes of accommodating a future domestic shed to the rear of the existing single house. The future shed will have a dimension of 9m x 7.6m (68m²) and an overall wall height of 2.7m. The structure will only be used for domestic storage purposes. The size of the Building Envelope will increase from 749m² to 822m² (9.7%). It is noted that the existing retaining wall to the rear of the property shown in Figure 3 below is located outside of the original Building Envelope.

3. Site Photograph (Proposed Shed location)
4. Existing and Proposed Building Envelope Plan
5. Location of Future Domestic Shed

6. Elevations of Future Domestic Shed
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to the adjacent landowners for comment for a period of 14 days, as shown on the consultation plan below. At the conclusion of the advertising period, two comments were received from adjoining neighbours.

7. Consultation Plan

Impact on Residential and Rural Amenity

Submission:

Not opposed to the building envelope modification and future Shed location, but wish to voice concerns about 1metre setback from their boundary. They were aware of the City's Building Envelope restrictions and therefore, completed all works inside their envelope. States part of the joy of living in this locality is the natural bush boundary. Questions why this is being consistently changed by Council.

Requests the following:
- No windows or doors in the Shed face their property;
- Reserve the right to erect a solid fence with associated costs shared 50/50 between themselves and the proponent; and
- The Shed professionally built and inspected.
Impact on Residential and Rural Amenity

Applicant’s Response:
Submitted elevations of the future Shed. No door openings will be directly facing No.6 Lipscombe Close and the structure has no windows. The main door will face Lipscombe Close. A deciding factor in the Shed location was that previous owners cleared this area of vegetation and it is level. The majority of the Shed will be obscured from view of the dwelling on No.6 Lipscombe Close by the existing Shed on this property. The Shed will have the same or similar colours to the existing dwelling on the subject lot. The Shed will be used for domestic storage purposes.

Impact on Residential and Rural Amenity

Currently communicating with professional Shed builders to construct this Shed. At this stage not in favour of changing boundary fencing.

City’s Comment:
The applicant seeks approval to extend the Building Envelope to accommodate a future shed. The extension is located over an existing hard stand area and will be easily accessible for vehicles down the side of the existing single house.
The area included in the Building Envelope extension does not contain any mature vegetation and does not have any significant environmental implications.
The area for the extension is visually isolated to the rear north-east corner of the subject lot. The future shed will be screened from the neighbour by the existing shed on their property and mature vegetation on No.6 Lipscombe Close. It is considered that the proposal will have a minimal impact on the residential amenity of No.6 Lipscombe Close. TPS2 only permits post and wire fencing on boundaries and therefore, screen fencing is not permitted. A Building Permit with Structure Certification will be required as part of any future application.

b. Consultation with Government Agencies
Not Applicable

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

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

d. Policy
Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)
The following is an assessment against the relevant requirements of PP3.3.17:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Schedule No.5 of TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an adverse environmental impact.</td>
<td>No vegetation will be removed for the purposes of varying the Building Envelope.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Requirement

The varied Building Envelope must not result in an unacceptable level of bushfire risk.

<table>
<thead>
<tr>
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<td>The proposed modification will not result in an increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Requirement

No unacceptable amenity impacts to neighbours.

<table>
<thead>
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<tr>
<td>The proposal was referred to the adjoining neighbours. Two submissions were received, one submission in support and the other raising concerns about the proposal. The City's response to these concerns are noted in the above community consultation section of this report.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Requirement

The variation is a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>The size of the original Building Envelope will be increased from 749m² to 822m², which is an increase of 9.7% and less than the permitted 10% increase.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Requirement

Building Envelopes are to be of a regular shape and comprise one single contiguous area.

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<tr>
<td>The existing Building Envelope has a regular rectangular shape and the addition has a regular square shape. The envelope will remain a single contiguous area. The addition will change the shape of the overall Building Envelope to an irregular shape. It is noted that a portion of the existing retaining wall will be situated outside of the amended Building Envelope and this will need to be removed by the applicant.</td>
<td>No</td>
</tr>
</tbody>
</table>

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

A non-habitable shed must be setback at least 6m from a dwelling to be exempt from complying with the construction requirements of Australian Standard 3959. It is, however, noted that the domestic shed must be constructed from non-combustible material and must not be used to store any combustible materials in order to comply with the Asset Protection Zone requirements of the Guidelines for Planning in Bushfire Prone Areas 2017.

The location of the proposed Building Envelope addition will allow for a shed to achieve the minimum setback of 6m from the existing single house. It also allows for a 6m setback from habitable buildings on all abutting properties. Therefore, the construction requirements of Australian Standard 3959 will not apply to the future shed.

The proposed modification will extend 1m into the 3m wide firebreak that is required under the City's annual Fire Control Notice. The City's Emergency Services has confirmed that post Building Envelope modification there will be adequate access for an emergency vehicle to gain access to rear properties in this locality, including the subject lot. The side access along the eastern boundary of the subject lot will continue to facilitate adequate emergency vehicle access. Therefore, the Building Envelope projection of 1m into the firebreak on the subject lot is considered acceptable.

**e. Financial**

Nil

**f. Legal and Statutory**

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

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

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

Nil

Comments

The proposed Building Envelope Modification is compliant with TPS2 and PP3.3.17.
The modification will facilitate the construction of a future domestic shed. The impact of the proposed development on the rural attributes and residential amenity of the submissioner’s property is considered minimal. The location of the modification, to the rear of the property, will ensure it is suitably screened from neighbouring properties. It is considered that the proposal will not result in an adverse environmental impact or an increased bushfire risk to the locality.

It is recommended that the proposed Building Envelope be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application to vary the Building Envelope at Lot 114 (No.8) Lipscombe Close, Golden Bay, from 749m² to 822m², subject to the portion of the existing retaining wall positioned outside of the amended Building Envelope being removed.

Committee Recommendation

Moved Cr Liley, seconded Cr Summers:

That Council APPROVES the application to vary the Building Envelope at Lot 114 (No.8) Lipscombe Close, Golden Bay, from 749m² to 822m², subject to the portion of the existing retaining wall positioned outside of the amended Building Envelope being removed.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Purpose of Report

To consider for Final Approval, Amendment No.167 to Town Planning Scheme No.2 (TPS2) to rezone Lot 156 (No.1241) Mandurah Road, Baldivis from 'Rural' to the 'Special Residential' zone, following public advertising.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 SEPTEMBER 2018

PRESIDING MEMBER
Background

In February 2017, the City received an application to rezone Lot 156 (No.1241) from Rural to Special Residential. The proposal included the creation of four lots between approximately 5,000m² - 7,550m².

The application included a Subdivision Guide Plan (SGP) which seeks to create the four lots and a road reserve to access the lots from Pike Road, which will extend through Lots 800 and 801 Pike Road, as shown in the Rural Concept Plan (RCP) below. Any future subdivision application will be required to rely on access through Lots 800 and 801 Pike Road, to ensure that the subject land is provided with road frontage.

In September 2017, the City resolved to adopt (initiate) Amendment No.167 to TPS2 for the subject land being rezoned from ‘Rural’ to ‘Special Residential’, pursuant to Section 75 of the Planning and Development Act 2005, as follows:

1. Rezone Lot 156 (No.1241) Mandurah Road, Baldivis from ‘Rural’ to ‘Special Residential’.
2. Amend the Scheme Map to contain Lot 156 (No.1241) Mandurah Road, Baldivis within the Special Residential Zone and reference this on the Scheme Map as ‘Special Residential’.
3. Amend ‘Schedule No.5 - Special Residential Zones’ to modify Portions of Planning Unit No.4 of the Rural Land Strategy as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 (ii)</td>
<td>Land referred to as Sherwood Estate being Lots 45-49 Eighty Road, Baldivis; Lots 15-19 Postans Court, Baldivis; Lots 20-30, Lots 36, 43 and 44 Brodie Court, Baldivis; Lots 31-35, 37, 40 and 58 Foxton Green, Baldivis; Lots 50-56, Lots 38 and 39 Chandler Ramble, Baldivis; Eastern moiety of Lot 332 Mandurah Road, Baldivis including part Tincombe Grove, Levey Way, Whittingham Lane, Dove Road and Maddren Way; Portion of Lot 50 Pike Road, Baldivis; Portion of Lot 8 Mandurah Road, Baldivis; Lot 783 Pike Road, Baldivis; Lot 156 Mandurah Road, Baldivis.</td>
</tr>
</tbody>
</table>

4. That Council CONSIDERS the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.”
3. Rural Concept Plan for Amendment No.167 (Lot 156 Mandurah Road)

4. Existing TPS2 Zoning
5. Proposed TPS2 Zoning

**Implications to Consider**

a. **Consultation with the Community**

   Scheme Amendments are required to be dealt with in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, which includes a requirement to advertise proposals for public comment over a period of 42 days, prior to Council considering Final Adoption.

   The Amendment was advertised for a period of 44 days, commencing on 16 March 2018 and concluding on 30 April 2018. Public advertising was carried out in the following manner:

   - A notice appeared in the public notices section of the Weekend Courier newspaper on 16 March 2018;
   - A sign was erected on site;
   - Nearby and adjacent landowners and servicing agencies were advised of the proposal in writing and invited to comment, as shown in Figure 6 below; and
   - Copies of the Amendment and supporting documentation were made available for inspection at the City’s Administration Offices and on the City’s website.
6. Consultation Plan

At the conclusion of the advertising period, four submissions in support were received, including a submission from the landowner in support of the amendment.

b. Consultation with Government Agencies

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

The following Government Agencies were also consulted:
- Department of Aboriginal Affairs;
- Department of Fire and Emergency Services;
- Department of Health;
- Department of Biodiversity, Conservation and Attractions;
- Department of Water and Environmental Regulation;
- Main Roads WA;
- Department of Transport;
- Telstra;
- Water Corporation; and
- Western Power.

Six submissions were received from State Agencies. The submissions received during the advertising period are set out in the Schedule of Submissions (Attachment to this Report). The submissions are summarised and addressed as follows:
1. **Department of Fire and Emergency Services**

    **Submission (summarised):**
    DFES noted that the scheme amendment documentation included a RCP which indicates that the entire broader area south of Pike Road is intended to be developed, however the Scheme Amendment is only for Lot 156. DFES advised that broad strategic consideration of bushfire risk for the entire area would be more effective in preventing inappropriate development as it would provide for the inclusion of roads and managed public open space, and enable hazard separation to be provided between the proposed lots and any remaining extreme bushfire hazard. Further, this would also provide the ability to consider the staging of development to ensure unmanaged grassland (and other vegetation) on adjoining lots is addressed.

    DFES provided a critical assessment of the Bush Fire Attack Level (BAL) contour map with respect to vegetation exclusion, vegetation classification and siting and design requirements and requested that a revised Bushfire Management Plan (BMP) be submitted before the application was further considered.

    DFES provided a subsequent submission on 3 July 2018 on a revised Bushfire Management Plan (BMP) (Version 1.4), prepared by Bushfire Ready Consultants, dated 30 May 2018 for the proposed scheme amendment.

    In their advice, DFES advised the City to consider provisions that require the preparation of a Structure Plan for the entire cell, bounded by Pike Road, Mandurah Road, Outridge Road and Eighty Road prior to subdivision. DFES reiterated that broad strategic consideration of bushfire risk for the entire area would be more effective in preventing inappropriate development, as DFES considered the RCP submitted with the Scheme Amendment documentation does not respond to the bushfire risk for the locality.

    **Proponent’s Comment**
    The comments from DFES are noted.

    **City’s Comment:**
    The City considers that the issues in the BMP can be addressed through subsequent planning stages. The rezoning of Lot 156 Mandurah Road can proceed on the basis that the modified BMP sufficiently addresses bushfire safety concerns. The proposal includes a RCP which identifies an indicative subdivision layout for the surrounding land and includes vehicular access from Pike Road. The RCP demonstrates how development of the subject land can effectively integrate with the surrounding land.

2. **Department of Biodiversity, Conservation and Attractions**

    **Submission (summarised):**
    The Department of Biodiversity, Conservation and Attractions advised that they have no comments on the application.

    **City’s Comment:**
    The submission is noted.

3. **Department of Water and Environmental Regulation**

    **Submission (summarised):**
    The Department advised that they have no comments on the application.

    **City’s Comment:**
    The submission is noted.
<table>
<thead>
<tr>
<th>4. Department of Transport</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Submission (summarised):</strong></td>
<td>No comment was provided on the proposal.</td>
</tr>
<tr>
<td><strong>City's comment:</strong></td>
<td>The submission is noted.</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>5. Telstra</th>
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<tbody>
<tr>
<td><strong>Submission (summarised):</strong></td>
<td>Telstra Corporation Limited advised that they have no objection to the rezoning and noted that the Federal Government has deemed developers are now responsible for telecommunications infrastructure on all developments such as conduits, pits and the cost of the cable installation by Telstra or other carrier.</td>
</tr>
<tr>
<td><strong>City's comment:</strong></td>
<td>The submission is noted.</td>
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</tbody>
</table>

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<tr>
<th>6. Water Corporation</th>
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<tbody>
<tr>
<td><strong>Submission (summarised):</strong></td>
<td>The Water Corporation advised that reticulated water is currently available to the subject land via a service by agreement from a water main in Greet Road and on subdivision of the land a Water main extension will be required. Reticulated sewerage is not immediately available to service the subject land and onsite disposal will require approval from the City. The developer is to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage Drainage headworks may also be required, and the developer may be required to fund new works or the upgrading of existing works and protection of all works. Further, the Water Corporation may also require land being ceded free of cost for works.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
<td>The submission is noted and the applicant will be provided with a copy of the advice.</td>
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<tr>
<th>7. Main Roads WA</th>
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<tbody>
<tr>
<td><strong>Submission (summarised):</strong></td>
<td>Main Roads advised that they do not have any objections to the rezoning and advised Mandurah Road is designated as an “Other Regional Road” within the Metropolitan Region Scheme as a strategic regional road within the precinct. Any unnecessary accesses should be minimised wherever possible in accordance with Western Australian Planning Commission Development Control Policy 5.1 – Regional Roads (Vehicular Access). It was noted that the subdivision concept depicts that emergency fire access can also be achieved from Mandurah Road via the existing narrow battle axe leg, which should not be supported as there is, and will continue to be, adequate alternative access via Greet Road and Pike Road. Main Roads recommended that the applicant be advised that the subdivision concept plan should be amended to reflect this once the redundant access to Mandurah Road is closed.</td>
</tr>
<tr>
<td><strong>Proponent's Comment:</strong></td>
<td>We have noted MRWA raises no objection to the Amendment proceeding.</td>
</tr>
</tbody>
</table>
### 7. Main Roads WA (cont...)

MRWA’s comments about access to Mandurah Road however, are not within MRWA’s scope, as this section of Mandurah Road is not controlled by MRWA. It is a local road under the care and control of the City of Rockingham. As such, access to and from it will need to be determined by the City.

Based on the latest information we have obtained for other projects in this area, this section of Mandurah Road is not an existing or proposed strategic or major freight route. However, it is noted that the road is included in Restricted Access Vehicle (RAV) Network 2, which means that various heavy vehicle combinations up to 27.5m long (eg. B-doubles) are permitted to use that road. The RAV Networks are administered by MRWA (Heavy Vehicle Services). Perhaps this is the basis of MRWA’s comments.

For the subdivision (at least over Lot 156 as a first stage), thought must be given to what happens to the existing battleaxe leg, as it should not be left unmanaged. Keeping it as an emergency access way (for at least the time being) enables management to continue. In any event, this battleaxe leg may be amalgamated with land immediately on its southern side at a future time. I can advise that my firm is currently in the process of preparing another Scheme Amendment for this adjacent lot (Lot 151) for a Special Residential zone, and for the subdivision to follow through over Lot 151. This will enable the battleaxe leg and access to be removed, as this leg will be amalgamated into Special Residential lots.

Ultimately, we see the battleaxe leg and access to Mandurah Road removed.

<table>
<thead>
<tr>
<th><strong>City’s Comment:</strong></th>
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<tbody>
<tr>
<td>The submission is noted. The City considers that access from Mandurah Road needs to be retained until Greet Road is extended further south to allow for two-way vehicular access and ensure that the proposal can maintain emergency bushfire access and road frontage.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th><strong>Strategic</strong></th>
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<tbody>
<tr>
<td>Community Plan</td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:</td>
</tr>
<tr>
<td><strong>Aspiration D:</strong> Sustainable Environment</td>
</tr>
<tr>
<td><strong>Strategic Objective:</strong> Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.</td>
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</tbody>
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<thead>
<tr>
<th><strong>Policy</strong></th>
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</thead>
<tbody>
<tr>
<td>State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)</td>
</tr>
<tr>
<td>SPP3.7 notes in Table 1 that a Bushfire Hazard Level assessment and a Bushfire Management Plan (BMP) addressing the bushfire protection criteria is to be submitted in the consideration of amendments to local planning schemes. The Guidelines for Planning in Bushfire Prone Areas (the Guidelines) require the applicant to demonstrate, by way of a Bushfire Hazard Level Assessment, that the land proposed to be rezoned has, or can be made to have, a low to moderate bushfire hazard level (i.e. BAL-Low to BAL-29).</td>
</tr>
<tr>
<td>A BMP has been prepared for the proposal demonstrating that a maximum BAL-29 is applicable to the proposed building envelopes. The applicant provided a modified BMP on 31 May 2018 addressing the concerns raised by DFES. The modified BMP was referred to DFES for comment, when it was advised that the bushfire measures in the BMP can be achieved.</td>
</tr>
<tr>
<td>Minimal vegetation is required to be removed or modified to reduce the bushfire threat and the proposal is considered to be compliant with the objectives of SPP3.7, as it does not result in an increased bushfire threat.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Financial</strong></th>
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<tbody>
<tr>
<td>Nil</td>
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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 SEPTEMBER 2018**

**PRESIDING MEMBER**
f. Legal and Statutory

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

The procedures for dealing with proposals to amend a local planning scheme, as per the Planning and Development Act 2005, are set out in the Planning and Development (Local Planning Schemes) Regulations 2015.

Regulation 50(3) provides that the City shall:

“Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution —

(a) to support the amendment without modification; or

(b) to support the amendment with proposed modifications to address issues raised in the submissions; or

(c) not to support the amendment.”

g. Risk

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

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

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

Nil

Comments

Following advertising of the Scheme Amendment and consideration of submissions in support from adjacent landowners and agency comments, it is recommended that Council adopt Amendment No.167 for Final Approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** Amendment No.167 to Town Planning Scheme No.2 as follows:

   (i) Rezone Lot 156 (No.1241) Mandurah Road, Baldivis from 'Rural' to 'Special Residential'.

   (ii) Amend the Scheme Map to contain Lot 156 (No.1241) Mandurah Road, Baldivis within the Special Residential Zone and reference this on the Scheme Map as 'Special Residential'.

   (iii) Amend 'Schedule No.5 - Special Residential Zones' to modify Portions of Planning Unit No.4 of the Rural Land Strategy as follows:

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</tr>
</tbody>
</table>

2. **ADOPTS** the recommendations contained within the Schedule of Submissions.
Committee Recommendation

Moved Cr Sammels, seconded Cr Liley:

That Council:

1. **ADOPTS** Amendment No.167 to Town Planning Scheme No.2 as follows:

   (i) Rezone Lot 156 (No.1241) Mandurah Road, Baldivis from 'Rural' to 'Special Residential'.

   (ii) Amend the Scheme Map to contain Lot 156 (No.1241) Mandurah Road, Baldivis within the Special Residential Zone and reference this on the Scheme Map as 'Special Residential'.

   (iii) Amend 'Schedule No.5 - Special Residential Zones' to modify Portions of Planning Unit No.4 of the Rural Land Strategy as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 (ii)</td>
<td>Land referred to as Sherwood Estate being Lots 45-49 Eighty Road, Baldivis; Lots 15-19 Postans Court, Baldivis; Lots 20-30, Lots 36, 43 and 44 Brodie Court, Baldivis; Lots 31-35, 37, 40 and 58 Foxton Green, Baldivis; Lots 50-56, Lots 38 and 39 Chandler Ramble, Baldivis; Eastern moiety of Lot 332 Mandurah Road, Baldivis including part Tincombe Grove, Levey Way, Whittingham Lane, Dove Road and Maddren Way; Portion of Lot 50 Pike Road, Baldivis; Portion of Lot 8 Mandurah Road, Baldivis; Lot 783 Pike Road, Baldivis; <strong>Lot 156 Mandurah Road, Baldivis.</strong></td>
</tr>
</tbody>
</table>

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

   **CITY OF ROCKINGHAM**
   **AMENDMENT NO.167 TO TOWN PLANNING SCHEME NO.2**
   **SCHEDULE OF SUBMISSIONS**

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Department of Fire and Emergency Services <em>(Advice Provided on 6 June 2018)</em>: DFES provide the following comments with regard to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines): General Comment The scheme amendment document includes a rural concept plan which indicates that the entire broader area south of Pike Road is intended to be developed, however the scheme amendment is only for Lot 156. Broad strategic consideration of bushfire risk for the entire area would be more effective in preventing inappropriate development. It would provide for the inclusion of roads and managed public open space, to provide the required hazard separation between proposed lots and any remaining extreme bushfire hazard. It would also provide the ability to consider the staging of development to ensure unmanaged grassland (and other vegetation) on adjoining lots is addressed.</td>
<td>The applicant submitted an amended BMP in response to the concerns raised by DFES. Supplementary advice dated 3rd July 2018 from DFES raised no objection.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>
The scheme amendment and the BMP also include a concept subdivision guide plan which has not been designed to respond to SPP 3.7, as the findings of the bushfire risk assessment are inaccurate and remain invalidated (refer to assessment below).

**Assessment**

1. **Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vegetation Classification</strong></td>
<td>The BMP has classified Plots 4 and 6 as managed grassland as they 'have recently been mown'. This assumes these areas will be maintained as low threat vegetation as per AS3959 in perpetuity.</td>
<td>Modification required. Please provide evidence to substantiate this exclusion or modify the map accordingly.</td>
</tr>
<tr>
<td><strong>Vegetation Classification</strong></td>
<td>The vegetation to the north of Plot 6 has not been classified.</td>
<td>Modification required. Classify the vegetation and amend the map.</td>
</tr>
<tr>
<td><strong>Vegetation Classification Map</strong></td>
<td>Version 1.2 of the Guidelines (August 2017) included a revised methodology for BAL Contour maps which included the presentation of the vegetation classifications and photo points on a separate map to that of the BAL Contour. This provides for clarity and verification of information.</td>
<td>Modification required. Prepare a separate vegetation classification map in accordance with Appendix 3 of the Guidelines.</td>
</tr>
<tr>
<td><strong>BAL Contour Map</strong></td>
<td>The BAL ratings cannot be validated as the scale of the map is not legible.</td>
<td>Modification required. Use a scale that enables verification and certification by decision makers.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
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<td>------------</td>
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</tr>
<tr>
<td>2. Policy Measure 6.3 c) Non-compliance with the Bushfire Protection Criteria</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Element</strong></td>
<td><strong>Assessment</strong></td>
<td><strong>Compliance</strong></td>
</tr>
<tr>
<td>Location</td>
<td>A1.1 – not demonstrated The BAL contours cannot be verified for the reasons mentioned in the table above.</td>
<td>Modification required.</td>
</tr>
<tr>
<td>Siting and Design</td>
<td>A2.1- not demonstrated The BAL contours cannot be verified for the reasons mentioned in the table above. Figure 2 refers to building envelopes, not APZs as stated in the BMP section 4.1.2. In accordance with the Guidelines it should be demonstrated that the proposed lots can accommodate an APZ of appropriate size to ensure the potential radiant heat impact on a building does not exceed 29kW/m² (BAL-29).</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation - not supported, modification required.
DFES has assessed the BMP and has identified several issues that need to be addressed prior to support of the proposal (refer to the tables above).

**Submission 2 - 3 July 2018:**
I refer to your email dated 5 June 2018 regarding the submission of a revised Bushfire Management Plan (BMP) (Version 1.4), prepared by Bushfire Ready Consultants, dated 30 May 2018 for the above local scheme amendment.
DFES provide the following comments with regard to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines).
General Comment
DFES urge the City of Rockingham (City) to consider provisions that require the preparation of a structure plan for the entire cell (bounded by Pike Road, Mandurah Road, Outridge Road and Eighty Road) prior to subdivision. Broad strategic consideration of bushfire risk for the entire area would be more effective in preventing inappropriate development, as the rural concept plan submitted with the scheme amendment documentation does not respond to the bushfire risk for the locality. It would provide for the coordination of roads, avoiding the need for battle-axe lots or cul-de-sacs and consider adequate provision of hazard separation.

Assessment
1. Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map

<table>
<thead>
<tr>
<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vegetation Exclusion</td>
<td>Comment: DFES accepts the exclusion of windbreaks in the vegetation classification. However the maintenance of grassland in a low-fuel state (less than 100mm) for entire lots (subject site and adjacent) is not applying the worst-case scenario as per AS 3959. Should this be deemed acceptable by the decision maker, it is important that this requirement is annotated within planning documents to ensure decision makers and key stakeholders are aware of this requirement at the subsequent planning stages.</td>
<td>The City and decision maker to be satisfied with vegetation exclusions proposed within BMP. Substantiated evidence will be required at subsequent planning stages.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>Location &amp; Siting and Design</td>
<td>A1.1 &amp; A2.1 – Comment</td>
<td>Comment. No further action required until subsequent planning stages.</td>
</tr>
<tr>
<td></td>
<td>The Guidelines states that strategic planning proposals should be located in an area of BAL-29 or below. The vegetation exclusions within the BMP have not been substantiated (as indicated above). However, DFES acknowledge that subdivision design and lot layout will guide the placement of building envelopes to achieve areas of BAL-29 or below at subsequent planning stages.</td>
<td></td>
</tr>
<tr>
<td>Vehicular Access</td>
<td>A3.1 &amp; A3.4 – Comment</td>
<td>Comment. No further action required until subsequent planning stages.</td>
</tr>
<tr>
<td></td>
<td>DFES have previously raised concerns regarding the subdivision concept plan submitted in support of the scheme amendment. The ultimate subdivision design should be coordinated with the entire rural residential cell to avoid the creation of battle-axe lots, cul-de-sacs and ensure provision of two access routes to two different destinations.</td>
<td></td>
</tr>
<tr>
<td>2. Department of Biodiversity, Conservation and Attractions</td>
<td>Please be advised that the Department of Biodiversity, Conservation and Attractions has no comments to make on the above scheme amendment.</td>
<td>Government submission offering no objection.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>------------</td>
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<td>----------------</td>
</tr>
</tbody>
</table>
| **3. Department of Water and Environmental Regulation**  
Thank you for the referral dated 14 March 2018. The Department of Water and Environmental Regulation (DWER) has reviewed the referral and has no objections to the proposed Town Planning Scheme amendment.  
**Water Resource Advice Only**  
The Department of Water has recently merged with the Department of Environment Regulation and Office of the Environmental Protection Authority to create the new agency Department of Water and Environmental Regulation. The former agencies are in the process of amalgamating their functions. Until this fully occurs, please note that the advice in this correspondence pertains only to water resource matters previously dealt with by the Department of Water.  
If you wish to discuss the above further please contact Nicolene Gault at the DWER Mandurah Office on (08) 9550 4237.  
| Government submission offering no objection. | That the submission be noted. |
| **Environmental Regulatory Advice**  
I have liaised with the Environmental Regulatory team and they do not have any further advice they wish to give in relation to this amendment. | Government submission offering no objection and supplementary advice to applicant. |
| **4. Department of Transport**  
I refer to your letter dated 14 March 2018 regarding the proposed scheme amendment above.  
The Department of Transport (DoT) has no comment regarding this amendment.  
Thank you for the opportunity to comment on the proposal. | Government submission offering no objection and supplementary advice to applicant. | That the submission be noted. |
| **5. Telstra**  
Thank you for the above advice. At present, Telstra Corporation Limited has no objection. I have recorded this in our Development database and look forward to further correspondence in the future. Should you require any more information regarding Telstra’s new infrastructure policy, please read below or contact me. | Government submission offering no objection and supplementary advice to applicant. | That the submission be noted. |
| **6. Water Corporation**  
Thank you for your letter dated 14th March 2018. The Water Corporation offers the following comments in regard to this proposal.  
**Water**  
Reticulated water is currently available to the subject Lot via a service by agreement from a water main in Greet Road, on subdivision of this lot a Water main extension will be required. | Government submission offering no objection and supplementary advice to applicant. | That the submission be noted. |
**SUBMISSION** | **COMMENT** | **RECOMMENDATION**
--- | --- | ---
Wastewater |  |  
Reticulated sewerage is not immediately available to serve the subject Lot. Onsite disposal will require approval from the Local authority.  
**General Comments**  
The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land being ceded free of cost for works. Please provide the above comments to the land owner, developer and/or their representative. Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.

7. Main Roads WA  
I refer to your correspondence dated 14 March 2018 requesting Main Roads comments on the above proposal and apologise for the delay. Main Roads has now completed its assessment and advises that it raises no objections to the rezoning actions proceeding. However, it should be noted that Mandurah Road designated as an "Other Regional Road" within the MRS functions as a strategic regional road within this precinct. Any unnecessary accesses should be minimised wherever possible which aligns itself with the intentions behind WAPC's DC Policy 5.1 "Regional Roads (Vehicular Access)". Accordingly, the subdivision concept depicts that emergency fire access can also be achieved from Mandurah Road via the existing narrow battle axe leg.  
Government submission offering no objection and supplementary advice to applicant.  
That the submission be noted.
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>This should not be supported as there is and will continue to be adequate alternative access via the local road networks namely Greet Road and Pike Road which is better suited to cater for fire emergency vehicles in the event of a bushfire. The applicant should be advised that the subdivision concept plan should be amended to reflect this with the redundant access on Mandurah Road closed. If you require any further information please contact Ms Assunta Dinardo on (08) 9323 4163 or email <a href="mailto:assunta.dinardo@mainroads.wa.gov.au">assunta.dinardo@mainroads.wa.gov.au</a> quoting file reference 18/1699 (D18#377254).</td>
<td></td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>8. Ms Delma Cowson, 449 Eight Road, BALDIVIS WA 6171 I support the rezoning of Lot 156 (No.1241) Mandurah Road, Baldivis. With the development of shops, private/public schools, public transport incl. train, &quot;The Grove&quot; residential development next to or close by Lot 156 Mandurah Rd Baldivis and also my property Lot 641 (449) Eight Rd Baldivis which adjoins to 156 Mandurah Rd, Baldivis. I along with neighbours would like precinct including No.449 (No.641) Eighty to Pike Rd to be rezoned to residential /special residential.</td>
<td>Support of the proposal. No objection.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>9. Mr Graham Bosveld, 29 Pike Road, BALDIVIS WA 6171 I support the proposed Scheme Amendment which is adjacent to my property at 29 Pike Road, Baldivis. The proposed Scheme Amendment for a Special Residential zoning is a logical extension of the already existing Special Residential zone on the southern side of Pike Road, and is in accordance with State and Local Planning frameworks. The Amendment will provide for future subdivision of land, making better use of existing services, and providing opportunity for enhanced land management (including bushfire management). I look forward to the Amendment being finalised and adopted.</td>
<td>Support of the proposal. No objection.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>10. Mr Derek Plug, 1241 Mandurah Road, BALDIVIS WA 6171 The Amendment is proposed over my property at Lot 156 (#1241) Mandurah Road, Baldivis. I support the proposed Scheme Amendment for the Special Residential. It is a logical extension of the already existing Special Residential zone and will provide opportunity for subdivision of the area and future linkage to existing Greet Road. The location of the site is adjacent to urban areas and in close proximity to a major shopping centre, schools and other services/facilities. It is therefore appropriate to have a better transition between urban and rural land.</td>
<td>Landowner support of the proposal.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>
The Special Residential zoning allows that appropriate transition. I look forward to the Amendment being finalised and adopted.

11. Mr Edward Dorian, 174 Hampton Road, SOUTH FREMANTLE WA 6162
   Amendment 167 will have no impact on the local area and the amendment should be allowed. E.Dorian, Director Birbick Pty Ltd also of Westwide Assets Pty Ltd Lot 2 Pike Road
   Support of the proposal. No objection. That the submission be noted.

12. Mr Christopher (Dave) Buxton, 1243 Mandurah Road, BALDIVIS WA 6171
   I would like to state that I am in full support of the amendment and feel the re-zoning will bring the land more in keeping with other neighbouring blocks of land. I also feel the location lends itself to lifestyle blocks similar to estate to the north of the property.
   Support of the proposal. No objection. That the submission be noted.
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-044/18 Impact of ‘Perth and Peel@3.5 Million and Frameworks’ on ‘Special Rural’ and ‘Special Residential’ Scheme Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/815-02</td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Waller, Co-ordinator Statutory Planning</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Mike Ross, Manager Statutory Planning  
                          | Mr Brett Ashby, Manager Strategic and Environment                                                                                          |
| Date of Committee Meeting: | 20 August 2018                                                                                                                                  |
| Previously before Council: | April 2012 (SP-021/12)                                                                      |
| Disclosure of Interest: | Advocacy                                                                                                                                 |
| Nature of Council’s Role in this Matter: |                                                                                                                                 |
| Site:                   |                                                                                                                                              |
| Lot Area:               |                                                                                                                                              |
| LA Zoning:              |                                                                                                                                              |
| MRS Zoning:             |                                                                                                                                              |
| Attachments:            |                                                                                                                                              |
| Maps/Diagrams:          | South Metropolitan Peel Sub-regional Planning Framework (Plan 1)                                                                              |

**Purpose of Report**

To consider a position on applications to rezone land to ‘Special Rural’ and ‘Special Residential’ in light of release of the Perth and Peel@3.5 Million and Frameworks.

**Background**

In April 2012, Council resolved:

_"NOT SUPPORT any future proposals to rezone land to ‘Special Rural’ and ‘Special Residential’, where the land is identified as ‘future urban’ or ‘urban investigation’ in the Western Australian Planning Commission’s draft Southern Metropolitan Sub-Regional Structure Plan until the Rural Land Strategy has been reviewed."_

The draft Southern Metropolitan Sub-Regional Structure Plan ultimately did not proceed and was superseded by the Perth and Peel@3.5 Million and Frameworks.
Strategic Assessment of the Perth and Peel Regions (SAPPR)

Following the commencement of work on SAPPR, the City was notified that the Western Australian Planning Commission (WAPC) on 25 March 2014 as follows:

“Uphold the policy position outlined in State Planning Policy 2.5 (SPP2.5) that opportunities for rural living within the metropolitan region may retain static or even decrease, and that rural living proposals will be considered by exception subject to the requirements of the policy being met. Notwithstanding the exceptions in SPP 2.5, the WAPC will not support local planning strategies/rural strategies or planning scheme amendments involving proposals for addition rural residential development until such time as SAPPR and sub-regional structure plans have been finalised to provide strategic framework to the consider proposals within.”

The State Government has since made the decision to suspend work on SAPPR until a review is completed and considered by Government. This was despite SAPPR informing elements of the Perth and Peel@3.5 Million and Frameworks.

Draft Perth and Peel@3.5 Million and Frameworks

In July 2016, following the release of the Draft Perth and Peel@3.5million Frameworks, the Director General of the Department of Planning advised:

“A review of endorsed local planning and rural strategies has been undertaken showing the current supply of rural residential land is significant across Perth and Peel to 2050. Accordingly, the Draft Planning Frameworks includes limited new rural residential areas.

All submissions lodged on Perth and Peel @ 3.5 million suite of strategic land use and infrastructure planning documents, including those areas are currently being considered and the documents will be confirmed by the WAPC later this year.

In light of the above, the WAPC’s position as stated on 25 March 2014 remains unchanged. However, proposals consistent with the Draft Frameworks documents may be lodged for consideration. This should not be construed as having the support of the WAPC at this point in time.”

Perth and Peel@3.5 Million and Frameworks (PP@3.5)

In March 2018, the WAPC released the Perth and Peel@3.5 Million land use planning and infrastructure frameworks to accommodate 3.5 million people by 2050.

The plan was prepared in collaboration with SAPPR, which was to be a holistic response to environmental approval requirements under Commonwealth and State Government legislation.

The plans - for the Central, North-West, North-East and South Metropolitan Peel sub-regions - determine where new homes and jobs will be located; make best use of existing and proposed infrastructure; and protect important environmental assets.

PP@3.5 provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for each sub-region.

South Metropolitan Peel Sub-Regional Planning Framework (SMPSRPF)

The South Metropolitan Peel sub-region covers an area of almost 5,000 square kilometres and comprises the cities of Armadale, Cockburn, Gosnells, Kwinana, Mandurah and Rockingham, as well as the shires of Murray, Serpentine–Jarrahdale and Waroona.

The SMPSRPF identifies key land-use proposals for the City of Rockingham by identifying land for differing purposes such as Rural, Urban Deferred, City Centre, Industrial, Industrial expansion, Rural, Rural Residential, etc. The majority of land in east Baldivis is identified as Rural with some small portions of Rural Residential. Land north of Mundijong Road and small portion south is identified as Planning Investigation. The SMPSRPF also sets out a number of considerations in relation to lot size and identifies where rural residential development should occur.
Current Scheme Amendment Applications

The City currently has two rural Scheme Amendments applications being considered:

- Amendment No. 167 seeking to rezone Lot 156 (No.1241) Mandurah Road, Baldivis from ‘Rural’ to the ‘Special Residential’ zone. Refer to Report PD-043/18 in this agenda;

- Amendment No. 170 seeking to rezone portions of Lot 9500 Mandurah Road and Lot 9501 Pike and Eighty Road, Baldivis from ‘Rural’ to ‘Special Residential’ (Baldivis Grove Estate). This application is yet to be presented to Council for initiation.

Details

The identification of rural land in the SMPFRPF as ‘Rural Residential’ or ‘Rural’ land uses has broad implications for the City on how it considers Scheme Amendments.

The SMPFRPF characterizes land identified for ‘Rural’ or ‘Rural Residential’ purposes as follows:-

- Subdivision for land identified as Rural is generally not supported;
- Rural Residential land is characterised with lot sizes between 1-4ha in area;
- Lot sizes below 1ha are considered ‘Special Residential’ and are identified as being within the Urban zone;
- The Framework does not elaborate on the nature of ‘Rural Residential’ and it is therefore the role of local government, through a Rural Land Strategy, to determine the preferred land use patterns; and
- The creation of new Rural Residential lots/areas beyond those classified within the framework is unlikely to be supported by the WAPC.

The City has already commenced work on a comprehensive review and update of the RLS. Part of the review process will consider the implications of the SMPSRPF and well as rationalising bush fire requirements against environmental and visual landscape considerations. It is proposed that any new Scheme Amendments which do not comply with both the SMPFRPF and RLS be deferred pending the review of the RLS, which is anticipated to be completed later this year.
Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

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

d. Policy
   Planning Policy 3.1.1 – Rural Land Strategy (RLS)
   The RLS considers the City’s rural land in terms of Planning Units which are further divided
   into planning precincts. The RLS identifies the various precincts for rezoning under TPS2.
   It also identifies a range for lots size for the Special³ Residential zone, with lots sizes
   ranging between 5,000m² and 1ha, and Special Rural rezonings with lot sizes ranging
   between 1.0ha to 8.0ha, based on individual precinct considerations.
   The RLS identifies that “It is intended that Council will review the Strategy from time to time
   as the need arises.”

e. Financial
   Not Applicable

f. Legal and Statutory
   Nil

g. Risk
   All Council decisions are subject to risk assessment according to the City’s Risk Framework.
   Implications and comment will only be provided for the following assessed risks.
   
   - Customer Service / Project management / Environment: High and Extreme Risks
   - Finance / Personal Health and Safety: Medium, High and Extreme Risks
   
   Nil

Comments

There is significant inconsistency between the City’s RLS and the outcomes proposed in the
SMPSRPF with respect to Rural zoned land. Most significant, is the inconsistency with the lot sizes
currently provided for under the RLS and general presumption against subdivision of land identified
as Rural in the SMPSRPF.

As the City has commenced work on a review of the RLS, it is proposed to defer any new Scheme
Amendments to rezone rural land so as not to undermine the outcomes of the review. It is,
however, recommended that Scheme Amendment No.167 be considered by Council, as it has
substantially progressed. It is considered reasonable that any Scheme Amendments which comply
with both the SMPSRPF and current RLS also be considered.

It is therefore recommended that Council defer consideration of Scheme Amendments seeking to
rezone land to ‘Special Residential’ or ‘Special Rural’, pending review of the RLS, unless they
comply with both the current RLS and the SMPSRPF.

---
³ Correction of typographical error
**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **NOT SUPPORT** applications to rezone land to ‘Special Rural’ and ‘Special Residential’ which fail to comply with the South Metropolitan Peel Sub-Regional Planning Framework, until the review of Planning Policy 3.1.1 - *Rural Land Strategy* has been finalised.

2. **CONSIDERS** applications to rezone land to ‘Special Rural’ and ‘Special Residential’ which comply with the current Planning Policy 3.1.1 - *Rural Land Strategy* and the South Metropolitan Peel Sub-Regional Planning Framework.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Summers:

That Council:

1. **NOT SUPPORT** applications to rezone land to ‘Special Rural’ and ‘Special Residential’ which fail to comply with the South Metropolitan Peel Sub-Regional Planning Framework, until the review of Planning Policy 3.1.1 - *Rural Land Strategy* has been finalised.

2. **CONSIDERS** applications to rezone land to ‘Special Rural’ and ‘Special Residential’ which comply with the current Planning Policy 3.1.1 - *Rural Land Strategy* and the South Metropolitan Peel Sub-Regional Planning Framework.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
### Reference No & Subject:
| PD-045/18 | Proposed Child Care Premises |

### Applicant:
Planning Solutions

### Owner:
Galati Nominees Pty Ltd

### Author:
Ms Gayle O'Leary, Planning Officer

### Other Contributors:
- Mr Greg Delahunty, Senior Projects Officer
- Mr Dave Waller, Coordinator Statutory Planning
- Mr Mike Ross, Manager Statutory Planning

### Date of Committee Meeting:
20 August 2018

### Site:
Lot 197 (No.2) Chilvers Street, Baldivis (formerly Lot 9011 McDonald Road)

### Lot Area:
3,149m²

### LA Zoning:
Development

### MRS Zoning:
Urban

### Attachments:
- Responsible Authority Report
- Location Plan
- Aerial Photograph
- Approved Paradiso Structure Plan
- Integrated Development Guide Plan
- Site Plan
- Floor Plan
- Elevation Plans
- Consultation Plan

### Purpose of Report
To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a Child Care Premises at Lot 197 (No.2) Chilvers Street, Baldivis.
1. Location Plan

- Spud Shed Neighbourhood Centre
- Subject Site

2. Aerial Photograph
Background

The site falls within the Paradiso Estate (Lots 14, 15 and 299 Kerosene Lane, Baldivis) and is located within the Baldivis Spud Shed Neighbourhood Centre. The Paradiso Estate Structure Plan was adopted by Council in July 2011 and last modified in October 2014.

Details

The applicant seeks Development Approval for a Child Care Premises on the corner of Chilvers Street and McDonald Road opposite the Spud Shed shopping centre. Details of the proposal are as follows:

- 14 staff members will operate the business; and
- The business will accommodate 82 children.

The applicant provided the following documents in support of the application:

- Planning Report;
- Contour and Feature Survey;
- Development Plans;
- Environmental Noise Assessment; and
- Traffic Impact Assessment.

3. Approved Paradiso Structure Plan
4. Integrated Development Guide Plan
5. Site Plan
6. Floor Plan
7. Elevation Plans
Implications to Consider

a. Consultation with the Community

The application was advertised to nearby and adjoining landowners for a period of 18 days, concluding 6 July 2018, as per the requirements of Planning Policy 3.3.5 - Child Care Premises. At the close of the advertising period, three submissions were received, two indicating support and one objection on the basis of noise disturbance. One of the supporting submissioners has an address in Rockingham and hence, is not displayed on the consultation plan.

8. Consultation Plan

Noise

Submission:
(i) Concerned that noise from vehicles and children will cause disturbance.

City's Comment:
It is noted that the subject site is adjacent to future residential dwellings, including the objectors existing residence rear backyard area, which is located approximately 40m from the southern boundary of the subject site. To reduce noise impact on adjoining residences a 2.4m 'acoustic wall' to the southern side boundary is recommended to be erected as per the recommendation on the submitted Environmental Noise Assessment. Moreover, to sufficiently address noise related aspects of the proposal and ensure compliance with PP3.3.5, a condition of approval restricting the operating hours from 7.00am to 7pm is recommended.

b. Consultation with Government Agencies

Consultation with other agencies is not required pursuant to Town Planning Scheme No.2 (TPS2).

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 Government Policies

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

As acknowledged by the applicant in its submission, a small portion of the site falls within the State’s Bushfire Prone Area Map. It is, however, agreed that the mapping needs to be updated in this location as there is no classified bushfire prone vegetation within 100m of the site. A Bushfire Management Plan will not be required on this basis.

Local Policies

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

PP3.3.5 outlines siting, design and operative requirements for Child Care Premises.

The proposal is consistent with the provisions of PP3.3.5, with the exclusion of the operating hours which are proposed to be 6:30am to 6:30pm in lieu of 7.00am to 7.00pm when the Child Care Premises is proposed in a Residential area.

While it is noted that the site falls within the Spud Shed Neighbourhood Centre, the site is adjacent to residential dwellings and thus the variation in operating hours is not considered acceptable. A condition of approval restricting the hours from 7.00am to 7.00pm is recommended.

e. Financial

Nil

f. Legal and Statutory

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

Clause 3 of Schedule 2 of the Planning Regulations states that the Local Government must have regard to each relevant local planning policy in determining an application. The City’s assessment of this proposal has given due regard to relevant policies, in the Policy section of this Report.

Clause 67 of Schedule 2 of the Planning Regulations outlines the matters to which the Local Government is to have due regard when considering an application for development approval. Where relevant, these matters have been discussed throughout this Report.

Town Planning Scheme No.2 (TPS2)

Clause 3.2 – Zoning Table

‘Child Care Premises’ is a ‘D’ Discretionary land use under TPS2. Discretionary means that the land use is not permitted unless the local government has exercised its discretion by granting Development Approval.

Clause 4.2 – Development Zone

The subject site is zoned ‘Development’ under TPS2. All development within the zone must be in accordance with an approved Structure Plan. The land is zoned ‘Commercial’ under the Paradiso Estate (Lots 14, 15 & 299 Kerosene Lane, Baldivis) Structure Plan.

Clause 4.6.1 – Objective

The development complies with the objective of the Commercial zone, being:

"to provide for the development of District, Neighbourhood and Local shopping facilities to cater for the present and future residents of the Local Government consistent with the Local Government’s Local Commercial Strategy and supported by any other Plan or Policy that the Local Government from time to time may adopt as a guide for the future development within the zone."
Clause 4.6A - Part of Lots 14 and 299 Kerosene Lane, Baldivis – Special Provisions

The Kerosene Lane Integrated Development Guide Plan (IDGP) has been adopted for the Kerosene Lane ‘Spud Shed’ Neighbourhood Centre in accordance with the requirements of Clause 4.6A(i) of TPS2.

The subject site falls within the ‘Main Street Precinct’ of the IDGP. The proposal complies with the requirements of the IDGP. A planning assessment has outlined how the proposal responds to the requirements of the IDGP in the attached Responsible Authority Report.

Clause 4.6.2 – Form of Development

The development is considered to satisfy the requirements pertaining to ‘Main Street’ development, being:

“... that site planning, scale, built form, elevations and landscaping of the development positively contributes to the streetscape, appearance and amenity of the locality.”

The proposal is considered to be of an appropriate scale for the area and is consistent with the built form requirements for ‘Main Street’ development in the Paradiso Estate. Conditions of approval are recommended requiring glazing to be kept transparent to provide a commercial, interactive frontage to McDonald Road and Chilvers Street.

Clause 4.6.3 - Parking

Pursuant to Clause 4.6.3, car parking is to be provided in accordance with Clause 4.15 and Table 2 of TPS2.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TPS2 Requirement</th>
<th>Staff and Children</th>
<th>Bays Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Premises</td>
<td>1 bay per 8 child, 1 per staff</td>
<td>82 child, 14 staff</td>
<td>24</td>
</tr>
<tr>
<td>Total Required</td>
<td></td>
<td></td>
<td>24</td>
</tr>
<tr>
<td>Total Bays Provided</td>
<td>27 (including 6 on-street bays, excluding the turning bay)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Five visitor and fifteen staff car parking bays are proposed, including one ACROD bay. In addition, six on-street car parking bays are proposed on McDonald Road. It is noted that the IDGP allows for the inclusion of on-street car parking bays. In total, 27 bays will be available for use by the development, although on-street bays that are likely to be used by the development will be public).

The submitted plans propose 2.1m wide on-street car parking bays, however 2.6m is required under the Australian Standards AS2890.5. The car bays should be increased to be at least 2.6m wide to be compliant.

Further, a minimum length of between 6.0m and 6.7m is required for car bays not located at the ends of the on-street parallel bays. The site plan nominates a car bay length of 5.9m. The bays are required to be 6.3m long to cater for high parking turnover during child care’s peak hour. A condition of approval requiring compliance with AS2890.5 is recommended.

Clause 5.3 – Control of Advertisements

Under Clause 5.3 of TPS2, Development Approval is required prior to the erection of advertisements. In considering an application for an advertisement, the local government is required to consider the objectives of TPS2 in addition to any licence pursuant to the City’s Signs, Hoardings and Bill Posting Local-Law. No signage has been included as part of this current development application. Subsequent approval from the City will be required for any signage on the building.

g. Risk

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

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

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

Nil
Comments

The proposed development generally complies with City's Policy and adopted IDGP and is considered to be suitable for its site and the locality.

It is therefore recommended that Council endorses the attached RAR requesting that the SWJDAP conditionally approve the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for the proposed Child Care Premises at Lot 197 (No.2) Chilvers Street, Baldivis (formerly Lot 9011 McDonald Road, 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 of the Planning and Development (Development Assessment Panels) Regulation 2011.

Committee Recommendation

Moved Cr Summers, seconded Cr Sammels:

That Council ADOPTS the Responsible Authority Report for the application for the proposed Child Care Premises at Lot 197 (No.2) Chilvers Street, Baldivis (formerly Lot 9011 McDonald Road, 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 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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

Approve DAP Application reference DAP/18/01431 as detailed on the DAP Form 1 dated 7 June 2018 and accompanying plans:

- Site Context Plan, Drawing No.TP01, dated 7.06.18;
- Ground Floor Plan, Drawing No.TP02, dated 7.06.18;
- Elevations Plan, Drawing No.TP03, dated 7.06.18

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

Conditions

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

2. No more than 82 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.

3. The Child Care Centre must only operate between the hours of 7:00am to 7:00pm on Monday to Sunday.

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

5. Prior to applying for a Building Permit, plans must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.
Planning and Engineering Services Committee Minutes
Monday 20 August 2018
PD-045/18

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 SEPTEMBER 2018

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

6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
   (i) Calculations for the landscaping area;
   (ii) At least one shade tree per every six car parking bays, in accordance with Water Sensitive Urban Design (WSUD) as outlined in the City's Planning Policy 3.4.3 – Urban Water Management;
   (iii) Those areas to be reticulated or irrigated; and
   (iv) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

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

7. The car park(s) must:
   (i) provide a minimum of 21 parking spaces;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include one car parking space(s) dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) include one turning bay in accordance with the submitted plans;
   (v) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
   (vi) have lighting installed, prior to the occupation of the development.

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

8. Six (6) on-street car parking spaces must be provided for short-term parking along McDonald Road. The car parking spaces must:
   (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking;
   (ii) be approved by the City of Rockingham prior to applying for a Building Permit;
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and comply with the above requirements for the duration of the development.

9. Fourteen (14) staff parking bays and six (6) visitor car parking bays must be clearly marked on-site for the duration of the development.

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

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

The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.
12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

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

13. Public or customer access must be from the corner of McDonald Road and Chilvers Street, in accordance with the submitted plans.

14. All doors facing the McDonald Road and Chilvers Street frontages of the building must be kept unlocked during all hours when the subject premises is trading.

15. Street awnings must be provided to McDonald Road and Chilvers Street across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.

The portion of the awning on the corner adjacent to the bin store is to be reduced to account for the existing street light on the verge of Chilvers Street.

16. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting McDonald Road and Chilvers Street has a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from McDonald Road and Chilvers Street.

The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.

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

18. Any security treatment to windows fronting the street must be located on the inside of the windows, must be open style, must only be used outside normal trading hours and must ensure the windows remain transparent at all times.

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

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

The Final Acoustic Assessment must include the following information:
   (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest “noise sensitive premises” and surrounding residential area;
   (ii) tonality, modulation and impulsiveness of noise sources; and
   (iii) confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.
21. Prior to occupation of the development, a 2.4m high acoustic wall must be erected to the southern boundary of the site in accordance with the submitted Lloyd George Acoustics Environmental Noise Assessment (Reference: 18024306-01).

22. The recommendations of the Lloyd George Acoustics Environmental Noise Assessment (Reference: 18024306-01) must be implemented for the duration of the development.

23. Prior to the occupation of the development, the verge, footpath and kerbing must be reinstated to the satisfaction of the City of Rockingham.

Advice Notes

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

2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.

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

4. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.

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

6. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for landscaping plans.

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

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
**Planning and Development Services**  
**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-046/18</th>
<th>Proposed Marina</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD20.2018.0000042.001</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Element</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>State of WA</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
<td></td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Greg Delahunty, Senior Projects Officer  
|                        | Mr Mike Ross, Manager Statutory Planning |
| Date of Committee Meeting: | 20 August 2018 |
| Previously before Council: |                          |
| Disclosure of Interest: | Executive |
| Nature of Council’s Role in this Matter: |                          |

**Site:**  
Lot 150 on Plan 223083  
Lot 4556 on Plan 220689 (seabed)  
Wanliss Street and Rockingham Beach Road road reserves

**Lot Area:**  

**LA Zoning:**  
Waterways Reservation,  
Parks and Recreation Reservation,  
Local Roads Reservation

**MRS Zoning:**  
Waterways Reservation,  
Parks and Recreation Reservation,  
Urban Zone

**Attachments:**  
1. Responsible Authority Report  
2. Design Review Panel Notes - 27 March 2018

**Maps/Diagrams:**  
1. Location Plan  
2. Extract from Town Planning Scheme No.2  
3. Previously Approved Development Approval  
4. Site Plan (Part 1)  
5. Site Plan (Part 2)  
6. Ground Floor Plan  
7. First Floor Plan  
8. Landscape Concept Plan  
9. Advertising Area
10. Location of Submissions
11. Proposed Sand Bypassing
12. Indicative Turbidity Area
13. Precinct Boundaries
14. Waterfront Village Indicative Development Plan
15. Land Tenure Plan
16. “Area A” in the Primary Centre Waterfront Village Zone
Purpose of Report

To provide Council with advice and recommendations to the Western Australian Planning Commission (WAPC) and the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a Marina.

Background

The concept of a jetty development extending from Wanliss Street originated almost 30 years ago. In 1989, the Council granted development approval for the Wanliss Street jetty, which comprised a pier extending from the public carpark at Wanliss Street and a range of tourist related uses, but did not include a marina. The development approval was renewed in 1991 and subsequently lapsed.

In 1998, the Council revived the Wanliss Street jetty project by seeking expressions of interest from private developers to establish a facility.

In February 1999, the Council resolved to endorse the selection of the Rockingham Beach Unit Trust (Trust) as the developer for the Wanliss Street Jetty project. A Memorandum of Understanding (MOU) was executed by the Trust and the City, which committed the Trust to achieving approval and development timeframes, however, in the period since the MOU was executed, the Trust did not satisfy the terms of the MOU.

In 2003, the current proponent subsequently entered into a seabed lease for an area of 5,000m² with the Department for Planning and Infrastructure (now Department of Transport), to secure land tenure for a proposed marina. This seabed lease is for a term of 21 years with an option to extend for a further 21 years. The proposed marina has a much larger marine footprint (approximately 90,000m²) than the 5,000m² approved seabed lease.

In 2008, the proponent sought an extension of time for development milestones contained within the lease agreement. In addition, the proponent sought to extend the area of seabed lease from 5,000m² to an area commensurate with the proposed development. The Department of Transport is yet to formally include the additional area in the seabed lease.

Environmental Approval

On 18 February 2010, the Minister for Environment issued a statement that the marina proposal may be implemented (Ministerial Approval) pursuant to the provisions of the Environmental Protection Act 1986, subject to various conditions. This was valid for a period of five years, expiring in February 2016.

In 2016, at the request of the proponent, the Minister for Environment extended the Environmental Approval until February 2020. The Ministerial approvals are contained in an Attachment to the RAR report.

Planning Approval

On 13 December 2010, the City received an application seeking Development Approval for a proposed marina.

In September 2011, Council resolved to advise the Western Australian Planning Commission (WAPC) of its support the proposed marina that included:

- An open pile pier extending from the end of the Wanliss Street carpark into Mangles Bay and a 770m long breakwater extending north east, parallel to the shoreline;
- Approximately 500 boat pens;
- Commercial and temporary boat mooring facilities;
- 4,000m² of commercial floorspace; and
- 600 car parking bays, which includes an extension of the Wanliss Street carpark, on street car bays and car parking provided on the breakwater.

In February 2012, the WAPC granted development approval to the marina. The development approval lapsed in February 2015.
3. Previously Approved Development Approval

**Details**

On 26 February 2018, the City formally received a fresh development application for the proposed Port Rockingham Marina (“the Marina”). Given that the cost of development was over $10 million, the application constituted a Development Assessment Panel (DAP) application.

The application includes the following elements:

- An open pile pier extending from the end of the Wanliss Street carpark approximately 200m into Mangies Bay, connecting to the breakwater;
- A 770m long marina breakwater/ groyne encompassing 497 boat pens;
• Two public jetties;
• Refuelling, sullage and water supply facilities for boats;
• 13 ground floor commercial tenancies (inclusive of a hotel restaurant) with a total nett lettable area of 3,166m² plus al fresco;
• 91 short stay accommodation units on a second level;
• Extension of the existing 83 bays within the Wanliss Street car park to provide a total of 216 bays;
• 135 car bays on the marina breakwater to provide parking for the boat pens and for hotel staff;
• 217 additional on-street parking bays proposed within the Wanliss Street road reserve between Kent Street and Patterson Road;
• 231 on-street car parking bays proposed within the Rockingham Beach Road reserve between Wanliss Street and Victoria Street.

In addition to the development application report, the following supporting technical reports were received:

• Traffic Impact Assessment;
• Bushfire Management Plan and Emergency Evacuation Plan;
• Coastal Adaptation Plan;
• Foreshore Management Plan;
• Marina Waterways Monitoring and Management Plan;
• Draft Construction Management Plan; and
• Waste Management Plan.

The primary difference between the 2012 approved plans and 2018 application plans relates to the hotel/short stay accommodation component included in the current application, replacing the second floor commercial office floor space that formed part of the previous approval.

Subsequent to public advertising, and in response to a request for additional information, the applicant submitted an amended development application, which was received by the City and forwarded to the WAPC and DAP Secretariat on 18 June 2018.

The modifications to the original plans include:

• Two public fishing platforms were added;
• A reduction in the number of commercial tenancies to 12, with a total net lettable area of 2,689m² plus alfresco;
• Two additional short stay accommodation units included, increasing the total to 93 short stay accommodation units proposed on the second level;
• 6 drop off car parking bays added near the hotel entry on the pier;
• Amended plans to show the proposed extension of the existing 83 bays within the Wanliss Street car park to provide 115 additional bays (198 bays in total);
• Amended plans to show 195 additional on-street parking bays proposed within the Wanliss Street road reserve, between Kent Street and Patterson Road;
• Amended plans to show 179 additional on-street car parking bays proposed within the Rockingham Beach Road reserve between Wanliss Street and Victoria Street.
• Provision for Commercial charter boat mooring on the western side of the breakwater is no longer proposed.
4. Site Plan (Part 1)
5. Site Plan (Part 2)
6. Ground Floor Plan
7. First Floor Plan
8. Landscape Concept Plan
Implications to Consider

a. Consultation with the Community

In accordance with Clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was advertised for public comment over a period of 28 days, commencing on 16 March 2018 and concluding on 13 April 2018.

Advertising was carried out in the following manner:

- The application was advertised by letter sent to 2,280 individual owners and occupiers in the locality of the development, as shown in Figure 9 below;
- The proponent erected two advertising signs in prominent locations on site;
- The City placed a notice in the Weekend Courier on the 16 March and again on the 30 March 2018; and
- Copies of technical documents and plans of the proposal were made available for inspection at the City's Administration Offices and placed on the City's website.

281 submissions were received at the close of the advertising period. A further 8 late submissions were received following the close of the advertising period.

Of the total 289 submissions received, three submissions included no indication for support or objection to the proposal.

Of the 286 submissions received:

- 234 or 82% of submissions supported the proposal.
- 52 or 18% submissions objected to the proposal.
The location and distribution of submissions received from the immediate area both supporting and objecting to the proposal are shown in Figure 10 below. This represents 63% of all submissions received.

A further 32 submissions were received from submitters within the City of Rockingham, but outside of the area shown in Figure 8 below. Due to the wide spread distribution, the location of these submissions are not shown on the consultation plan.

Approximately 17% (49) of submissions were received from outside of the City of Rockingham.
The general view expressed by supporters was that the Marina will encourage further tourism, investment, improve property values, boost employment, enhance recreational opportunities and improve Rockingham’s community profile.

The main issues identified by submitters objecting to the proposal include:

- Impacts on Rockingham Beach;
- Environmental Impacts;
- Traffic Impacts;
- Construction impacts;
- Operational noise impact;
- Inappropriate design; and
- Future cost to community.

Concerns raised by Submissions in Objection

The main issues identified by submissions objecting to the proposal are summarised as follows. In preparing this report the proponent provided comments in response to issues raised, however, these comments have not been included due to their detailed nature. Instead a broader level summary is provided below:

### Rockingham Beach Impacts

<table>
<thead>
<tr>
<th>Submission:</th>
<th>The Marina (with 500 boats) will reduce public health and safety and ruin the use of the beach for people.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer Comment:</td>
<td>It is acknowledged that Rockingham Beach is a community asset which is highly valued. The EPA Report (Sept 2009) acknowledged that construction of the Marina is likely to have some direct localised and temporary impacts on marine water quality within the spatially defined 'zone of effect' during the construction period. These potential impacts will be managed by the Construction Environmental Monitoring and Management Plan. The 'zone of effect' is shown in Attachment No.5 - Minister for Environment Approval. The EPA, as part of the Ministerial Approval, considered that the project design reduces the potential for deterioration of the water quality within the confines of proposed Marina. The EPA noted large openings at both ends will generally allow the water body to flush completely within one to two days. It is an expectation of the EPA that post construction, water quality within the Marina will be the same as that outside the Marina. In this regard, it is anticipated the water quality post construction will be unaffected for beach users. Boating areas are restricted by the Metropolitan Waters section of the Department of Transport, where no boats will be permitted access between the Marina and the foreshore.</td>
</tr>
<tr>
<td>Submission:</td>
<td>Concern about the impact of the proposed jetty structure on the Rockingham Beach, and whether or not this would impact upon its use and the existing facilities within Bell Park and Churchill Park.</td>
</tr>
<tr>
<td>Officer Comment:</td>
<td>Access along the beach will still be possible as the public can still move under the jetty structure as shown below. The extent of clearance between the beach and Marina pier as shown on the plan below is 2.7m between AHD0.00 and the bottom of the pier structural zone, which will reduce at high tide. There is potential this clearance may be reduced further if services infrastructure is situated beneath the pier structural zone. The actual beach clearance cannot be determined until the detailed design stage.</td>
</tr>
</tbody>
</table>
Rockingham Beach Impacts (cont…)

Beach use in the vicinity of the proposed Marina will be restricted during the construction phase.

In the longer term, a 10 metre wide portion of the beach will be impacted as a result of the jetty structure.

The landscape concept plan submitted by the proponent indicates how the marina development will integrate with the adjoining Bell Park and the foreshore reserve.

The existing established Norfolk Pine trees situated at the end of the Wanliss Street car park will be relocated.

No existing facilities in Churchill Park or Bell Park will be impacted by the proposal.

Submission:
Concern was raised about the proposed sand bypassing, in terms of safety and the amenity impacts this may have for beach users.

Officer Comment:
Sand bypassing is a necessary requirement to manage sand movement due to the breakwater construction. The bypassing involves removing sand which is expected to accrete on the beach behind the breakwater, and placing it south of the jetty where erosion is expected to occur. The proponent predicts that there will be a need to conduct bypassing of approximately 5,000-6,000m³ of sand per year for the Marina, a process generally taking 1-2 weeks, depending on conditions.

The proponent indicates that sand bypassing can be completed in a number of ways, using different plant, equipment and methods, and seeks flexibility to determine the exact method at a later stage.

The proponent states that while some plant and equipment can gain access beneath the jetty for sand bypassing, other equipment cannot and will need to obtain access around the jetty via beach access tracks in the foreshore reserve. The landscape concept plan submitted does not clearly indicate how this is to be achieved.

It is proposed that the individual operations and selected plant will determine whether the Contractor passes under the jetty or around. In any event, the works will require completion in accordance with appropriate management plans to the satisfaction of the City.
<table>
<thead>
<tr>
<th><strong>Submission:</strong></th>
<th>Concerns were expressed that the development will benefit few to the detriment of many, and deprive people of a beach regarded as one of the community’s greatest assets.</th>
</tr>
</thead>
</table>
| **Officer Comment:** | In regards to public benefit, it is noted the development of the Marina will likely bring significant social and economic benefit to the community and will activate the foreshore in the Waterfront Village.  

The following public equity is included in the proposal:  
- The commercial component and breakwater will be open for public use at all times, which is effectively an extension of the existing public domain;  
- The commercial component will provide passive recreation through café, tavern, restaurant and shops, which could become a focal point of community interaction;  
- A hotel will cater for visitor accommodation to Rockingham;  
- The pier platform will be a promenade for visitors to appreciate Cockburn Sound;  
- 500 approx boat pens provide a safe harbourage which presently does not exist in Rockingham;  
- Refuelling, water and sullage facilities are included; and  
- Employment opportunities will arise.  

It is noted also that the marina proposal has been previously approved, and the current proposal has received the broad community support. |
| **Environmental Impacts** |  |
| **Submission:** | Dune bushland will be destroyed. |
Environmental Impacts (cont…)

Officer Comment:
Clearing of approximately 0.2ha of foreshore vegetation rated as being in degraded-good condition is proposed. The removal of this vegetation was included in the Ministerial Approval.

Submission:
Water Pollution from boats resulting in oil slicks, rubbish and offensive material being discharged into the water.

Officer Comment:
The EPA, in its report to the Minister, identified two potential impacts on water quality as a result of the Marina Construction:

- Increased turbidity resulting from rock dumping for the sand bund and Breakwater;
- Increased potential for fuel, sullage and other pollution events within the Marina.

The proponent has committed to developing a Marina Waterways Management and Monitoring Plan (MWMMMP) which will include an ongoing water quality monitoring program to demonstrate the ecological levels for the life of the project.

The Ministerial Approval includes conditions that manage construction impacts. The condition defines the zone of effect impacted by construction activities.

It is an expectation of the EPA that post construction, water quality within the Marina will be the same as that outside the Marina, thus, meeting the criteria for ecological protection.

Submission:
Negative impact on fish breeding and seagrass in Cockburn Sound

Officer Comment:
A Benthic Primary Producer Habitat (BPPH) is made up of seagrasses, seaweeds, turfing algae and hard corals with varying ecological value.

The EPA noted the open pier component will allow natural processes to continue once the structure has been completed. The pier across the near shore zone and large openings at either end will minimise hindrance of longshore currents and sand transport. The impacts to the shoreline are relatively minor in comparison with the possible impacts of a conventional Marina design, which only has one seaward opening and may require extensive sand bypassing.

The EPA recognised the proponent's commitment to an Adaptive Management Strategy to be developed with the Department of Planning and the City for the Rockingham Beach area, which is to ensure that the impact of all coastal structures is accounted for and coastal processes are managed efficiently. This involves: -
Environmental Impacts (cont...)

(a) Beach profiling to measure shoreline movements;
(b) Shoreline surveys twice annually;
(c) Identify accretion or erosion; and
(d) Excavation of sand from accretion required for relocation.

The shoreline change modelling for the completed Marina generally predicts increased accretion of sand on the protected shoreline behind the breakwater. The quantities involved are considered to be relatively small, however, the proponent predicts that there will be a need to conduct bypassing of approximately 5,000-6,000m³ per year of sand for the Marina.

To address seasonal changes, the Adaptive Management Strategy is proposed. Sand bypassing may interrupt recreational activities, either annually or biannually for a 1 to 2 week period. Such works would be timed to avoid peak use periods, such as the summer period and weekends.

Traffic Impacts

Submission:
Concerns that traffic from the Marina would adversely affect the road network.

Officer Comment:
The development application proposes the same marina access and egress arrangements as indicated on the 2012 Development Approval.

The updated Transport Impact Assessment (TIA) prepared by Riley Consulting (June 2018) submitted with the current application indicates:

- 2,579 vehicle movements per day are forecast to use the marina facilities, equating to a 30% reduction in traffic compared to the 2011 traffic report, due to changes in proposed land uses;
- The peak period of traffic demand is expected to occur on Sundays, between 12pm and 1pm, based on boating activity;
- Intersection analysis indicates the main marina entry intersection is expected to have an acceptable level of operation; and
- The proposal is indicated to have no material traffic impact on the surrounding road network.

The City’s engineers reviewed the TIA and identified concerns which were conveyed to the proponent, including:

- Disagreement with the adopted trip generation rates in the revised TIA. The City considers the revised proposal will generate only slightly less traffic than the previous approval (indicated in the 2011 TIA at 3,642 vehicle trips per day), rather than 30% less as indicated in the revised TIA.
- The lack of swept path analysis provided to demonstrate the functional design of the marina access and egress arrangements, in particular in relation to accessibility for service vehicles;
- The lack of intersection analysis provided for key intersections beyond the main marina entry location.

Notwithstanding the above, the City accepts that the current proposal is unlikely to generate any more traffic than the traffic volume expected from the 2012 approval. As such, the City’s position remains unchanged from the assessment of the 2010 application, which is that while the proposed development would increase traffic, the general capacity of the road hierarchy can operate with an acceptable level of service.
### Traffic Impacts (cont…)

**Submission:**
Concern was raised that the proposed parking for the marina is inconsistent with the Council's adopted Parking Strategy and that the developer should provide parking on their own land, not on public land.

**Officer Comment:**
While the current application proposes car parking in a manner identical to the plans in the 2012 approval, the City's position regarding the delivery of car parking for the Marina has since changed.

The City's current position is reflected in the Council's adopted Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking (CPS), which was adopted by Council in December 2017.

The City's CPS seeks ‘cash-in-lieu’ for parking to contribute to the development of a decked car parking facility on public land in the Waterfront Village. The CPS identifies the ‘Museum Carpark’ in Kent Street as one potential location for a decked carpark, though notes other options exist which require further investigation. Through the provisions of TPS2, the City has been receiving cash-in-lieu funds through conditions of development approval for commercial buildings at the Waterfront Village, to assist in the delivery of decked public car parking.

The proponent's plans rely on providing parking on public land that could otherwise be provided by the City to address public parking demand, with or without a marina.

The CPS notes that the Waterfront Village sector is a very dynamic area and the underlying influences of parking can change very quickly e.g. the development of the marina will significantly alter parking demand.

Given that the City will amend its TPS2 boundary to include the Marina within the ‘Primary Centre Waterfront Village’ (PCWV) Zone, it is considered both logical and equitable that the Marina development be subject to the same cash-in-lieu provisions as other developments within the PCWV Zone.

**Submission:**
Concerns about the adequacy of car parking to service the Marina, and that parking during peak periods on weekends and over summer months would be insufficient to cater for demand.

**Officer Comment:**
The Marina was assessed against the car parking requirements of TPS2, as demonstrated in the Legislation section of this report.

Overall, there is a requirement for 613 bays to service the development. The proposal includes 628 new car parking bays, which exceeds the statutory requirement.

On the basis of the number of car bays proposed, sufficient car parking is provided for the marina development.

Of the 628 car parking bays proposed, 135 new car parking bays are for the use of boat pen owners on the breakwater.

**Submission:**
Objections were received regarding the design of car parking on Rockingham Beach Road and the proposed parking along Wanliss Street, and implications this may have for existing access to properties.
Traffic Impacts (cont…)

**Officer Comment:**
In accordance with the CPS referred to above, it is the City’s position not to support the provision of car parking for the marina in the local road reserves.

The City has concerns about the parking proposed to be constructed in the Rockingham Beach Road and Wanliss Street road reserves, including:

- Safety concerns given the close proximity of some of the parking proposed in Wanliss Street to Patterson Road which has a 60kph speed limit;
- The need to remove several established street trees to accommodate road widening and car parking in Wanliss Street;
- Safety concerns regarding the provision of car parking bays in the central median. Central median car parking bays are only suitable in streets with little through traffic where vehicles move slowly; and
- Many bays are located some distance from the marina (>400m) and are unlikely to be used.

In regards to the car parking indicated on the application plans, the City considers that the number of bays that could be delivered in the road reserves would likely be somewhat less than the number of bays on the plans, in order for the parking design to comply with the relevant Australian Standards.

Nevertheless, should approval be granted, further consideration will be required at the detailed engineering stage to ensure any safety concerns are addressed, and that appropriate access is maintained to existing properties.

Construction Impacts

**Submission:**
Concern about the potential impacts of Marina construction activities upon nearby residents over the anticipated 24 month construction timeframe. Concerns include:

- Noise impacts from haulage trucks and pile driving activities;
- Construction impact to existing houses; and
- Dust impacts impacting the health of nearby residents.

**Officer Comment:**
The construction management framework submitted in the application indicates that truck movements for the marina ground works are anticipated to involve 238 truck movements per day over a 29 week timeframe, with a maximum of 22 truck movements an hour (potentially 1 truck per 3 minutes). Trucks propose to access the Marina via Wanliss Street and Patterson Road. The application notes that the carting operations will occur during the day when the majority of local residents will be at work.

As a part of the framework a Construction Noise Management Plan (CNMP) was submitted to the City, which examines construction methods, impacts and management arrangements. Construction will be limited to between 7am - 7pm Monday to Saturday, in accordance with the requirements under the *Environmental Protection (Noise) Regulations 1997* (Noise Regs).

The noise associated with pile driving is likely to have the most impact on nearby residents and will be restricted to 7am - 5pm Monday to Saturday. The CNMP notes the predicted noise levels could be expected to generate community reaction.

The CNMP outlines recommended procedures to mitigate the noise impact, including utilising the quietest reasonably available equipment, keeping the community notified of the construction program and providing a complaints procedure.
### Construction Impacts (cont…)

In order to adequately address construction related issues, a Construction Environmental Management Plan (CEMP) is recommended as a condition in the event that approval is granted. The CEMP will need to address the impacts of construction noise, dust mitigation and vehicle haulage routes to the satisfaction of the City.

A condition of Development Approval could require a dilapidation survey of existing houses that may be affected by construction activity, to determine the pre-existing condition of properties, prior to works. Beyond this measure, it will be the legal responsibility of the Marina contractors to ensure that appropriate measures are in place, including insurance, if required, to rectify any building damage caused. This is not a Council responsibility.

### Operational Noise Impacts

**Submission:**
Concern regarding the operational noise from the Marina following construction impacting nearby residential properties.

**Officer Comment:**
Possible noise sources include recreational and commercial boats, noise from boat rigging, and air conditioning and exhaust units on the commercial tenancies.

Marina noise generated by power boats is legally outside of the City's jurisdiction to control. Likewise, patron noise is also exempt under the Noise Regs.

It is recommended that in the event approval is granted, that a condition be imposed to require an Operational Noise Management Plan to ensure noise emanating from the Marina must comply with at all times with the Noise Regs.

### Inappropriate Design, Location

**Submission:**
The marina will dominate the foreshore and remove the focus away from the centre of town.

**Officer Comment:**
The City has assessed the impact of the building bulk and given the proposed development is two storey, the scale of the commercial buildings is not considered obtrusive to the landscape.

The City's Waterfront Village Policy promotes the creation of active commercial spaces appropriate within an urban waterfront setting, including outdoor cafes and restaurants, festive retailing, markets, and other uses that contribute to, and enlivened environment.

The proposed Marina is considered to be appropriate to its urban waterfront setting and will contribute to an enlivened environment for the Waterfront Village.

In light of the above, the provision of commercial floorspace is considered appropriate to its location and function for the public benefit.

**Submission:**
The design of the development is aesthetically bland.

**Officer Comment:**
The architectural design statement provided indicates the design is based on a “contemporary reinterpretation of the dock side sheds, using high quality materials such as matt aluminium colourbond wall cladding and roofing, coreten steel, marine grade stainless steel, double glazing, aluminium timber highlight features”.

The application was considered by the City’s Design Review Panel (DRP), which concluded that the built form was well considered; of appropriate scale and aesthetic, with an appropriate contemporary nautical feel.
### Inappropriate Design, Location

**Submission:**
The Marina will impact on the Rockingham Dive Trail.

**Officer Comment:**
The Rockingham Dive Trail is understood to be located in Mangles Bay off the end of Flinders Lane, approximately 200m south west of the proposed marina breakwater.

The location of the dive trail does not appear to conflict with the proposed Marina, however, as indicated by the proponent's consultants, a turbidity plume associated with some of the breakwater construction work may impact on the dive trail from time to time. The turbidity is expected to be short term, associated with rock tipping operations to form the breakwater.

It is noted that none of the sunken features that comprise the dive trail are registered in the City’s Municipal Heritage Inventory, and therefore have no statutory protection.

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### 12. Indicative Turbidity Area

**Submission:**
Concern about the Marina potentially impacting the use of the beach and nearby waters, including access to views over Mangles Bay and Cockburn Sound.

**Officer Comment:**
The proposed Marina includes additional car parking, streetscape works, building platform, breakwater and 497 boats, directly adjacent to 28 residential lots on Rockingham Beach Road between Wanliss Street and Victoria Street. The Spinnaker Apartments and Sails Apartments are the closest apartment developments, being at the intersection of Wanliss Street and Rockingham Beach Road.

Ocean views from properties overlooking to Mangles Bay and Cockburn Sound will be directly affected by the proposed development, which includes the Spinnaker and Sails Apartments.

The proposed Marina buildings are similar in scale and identical in location compared to the former Marina proposal. To this extent the proposal is considered acceptable.
**Cost to Community**

**Submission:**
Concern about future cost to the community if the developer fails to complete the project.

**Officer Comment:**
It is understood that the Department of Transport (DoT) intends to require security from the developer sufficient to ensure the completion of the project in the event that the proponent is unable to complete works due to insolvency. This is a matter being addressed between the proponent and DoT in relation to the seabed lease, and is not considered a relevant planning consideration.

The City has no expectation of taking over any management responsibility for the marina. The proposed marina management framework is a private matter for the developer.

**b. Consultation with Government Agencies**

The following government departments and service agencies were consulted:

- Western Australian Planning Commission (WAPC);
- Department of Planning Lands and Heritage (DPLH);
- Department of Transport (DoT);
- Department of Water and Environment Regulation (DWER);
- Environmental Protection Authority (EPA);
- Water Corporation (WC);
- Department of Biodiversity Conservation and Attractions (DBCA);
- Department of Jobs Tourism Science and Innovation (DJTSI);
- Department of Mines Industry Regulation and Safety; and
- Department of Fire and Emergency Services (DFES).

A summary of comments received are as follows:

**Department of Water and Environmental Regulation EPA Branch (DWER)**

**Submission:**
Thank you for your correspondence dated 2 March 2018 seeking comment from the Environmental Protection Authority (EPA) regarding the proposed development application for the Marina described as, Lot 150 Rockingham Beach Road, Wanliss Street Road reserve and portion of Lot 4556 (sea bed), Rockingham.

Please note that the EPA does not generally provide comment on development applications but may where the local government has specific concerns about potential significant impacts on the environment.

However, for this development the EPA Environmental Planning Branch of the Department of Water and Environmental Regulation advises the EPA assessed the Marina, detailed in EPA Report 1339, and Ministerial Statement 826 and Ministerial Statement 1041. Development will need to be consistent with the conditions related to Ministerial Statement 826 and 1041.

**City's Comment:**
Noted.
**Department of Water and Environmental Regulation (DWER) – Water Advice Only**

**Submission:**
Thank you for referring the proposed development application at Lot 150 on Deposited Plan 223083, Wanlass Street Road Reserve and Portion of Seabed being Lot 4556 on Deposited Plan 220689, Rockingham received 2 March 2018. The Department of Water and Environmental Regulation (DWER) has reviewed the application and wishes to advise it has the following advice.

**Groundwater Licence**
The project area is located within the Rockingham Groundwater Area, which is proclaimed under the Rights in Water and Irrigation Act 1914. Therefore any dewatering to be conducted as part of the onshore component of the proposal or the irrigation of public open space is required to obtain a 5C licence to take groundwater under the aforementioned legislation. The proponent is advised to contact the allocation section of the business support unit on 1800 508 885 for more detailed information on licencing.

**Stormwater Management**
It is recommended that the design and construction of the carpark and associated infrastructure incorporates water sensitive urban design principles in accordance with DWER’s Stormwater Management Manual for Western Australia (DWER, 2004-2016).

**City’s Comment:**
The submission is noted.

**Department of Fire and Emergency Services**

**Submission**
I refer to your email dated 19 June 2018 regarding the submission of a revised Bushfire Management Plan (BMP) (Version 3), prepared by Bushfire Smart and dated 11 June 2018, for the above development application.

DFES provide the following comments with regard to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines).

**Recommendation – supported compliant application**
DFES advises that the BMP has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved for the development.

**City’s Comment:**
The submission is noted.

**Department of Biodiversity Conservation and Attraction**

**Submission:**
As the Environmental Protection Authority (EPA) has assessed the proposal in 2010, and the subsequent amendment in 2016, with the project being approved in Ministerial Statement’s 826 and Ministerial Statement 1041 (1041 to change the implementation conditions), the Department of Biodiversity Conservation and Attractions has no comments on the proposed development.

**City’s Comment:**
The submission is noted.
Department of Planning, Lands and Heritage

Submission:
The Lands division of the Department of Planning, Lands and Heritage has no objections and provides its conditional consent to the proposed Marina over portion of Lot 150 on DP 223083, portion of Wanliss Street road reserve and a portion of seabed being Lot 4556 on DP 220689.

It is acknowledged that the proposal includes the following land tenure elements as set out below.

<table>
<thead>
<tr>
<th>Lot on Plan</th>
<th>Title</th>
<th>Area</th>
<th>Tenure</th>
<th>Landowner</th>
<th>Management Body</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wanliss Street and Rockingham Beach Road reserves</td>
<td>N/A</td>
<td>Road Reserve</td>
<td>State of WA</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Lot 150 on Plan 223083</td>
<td>LR3154-418</td>
<td>2.855ha</td>
<td>A Class Reserve 22568 for 'Park and Recreation'</td>
<td>State of WA</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Portion of Lot 4556 on Plan 220689</td>
<td>LR3186-808</td>
<td>16.07ha</td>
<td>C Class Reserve 50180 for Harbour Purposes</td>
<td>State of WA</td>
<td>Department of Transport</td>
</tr>
</tbody>
</table>

It is noted that the proposed use of the subject portion of Wanliss Street and Rockingham Beach road reserves for additional public car parking and access is permitted within dedicated road reserve.

The proposed use of A Class Reserve 22568 for additional public car parking is acceptable as this is considered ancillary to the reserve purpose of 'Park and Recreation', however, the car parking within Reserve 22568 must always be for the use of the general public and not only for tenants or visitors to the Marina. The clearing of remnant vegetation within Reserve 22568 must be minimised as much as possible to protect the integrity of the foreshore environment and preserve the amenity of the A Class Reserve.

It is noted that a 16.07ha portion of Reserve 50180 is anticipated to become the subject of a seabed lease between the Minister for Transport and the proponent. The Lands division of DPLH makes no comment in this regard given the proposed tenure arrangement falls within the ambit of the Department of Transport.

City’s Comment:
The submission is noted.
The applicant has confirmed that the proposed car parking in Reserve 22568 (Lot 150 Rockingham Road) is intended to be used by the public, and will not be restricted to users of the Marina.

The applicant’s response is noted, however, it does not address the fact that the private Marina development will generate a parking demand that is proposed to be absorbed by public car parking bays. As discussed later in this report, the Rockingham Beach Foreshore Master Plan identifies this land for public car parking.

Water Corporation

Submission:
Thank you for your letter dated 14 March 2018. Water Corporation offers the following comments in regard to this proposal.

Water
Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Due to the proposed development, upgrading of the current system may be required to prevent existing customers being affected by it. The proposed demands of the development need to be provided so that the Water Corporation can undertake a review of our water system.
Water Corporation (cont…)

Wastewater
Reticulated sewerage is currently available to the subject area. All sewer main extensions, if required for the development site, should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. Due to the proposed development, upgrading of the current system may be required to prevent existing customers being affected by it. The proposed demands of the development need to be provided so that the Water Corporation can undertake a review of our wastewater system.

General Comments
The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water and Sewerage headwork’s may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works.

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, the Water Corporation should be contacted to confirm if the information is still valid.

Please provide the above comments to the land owner, developer and/or their representative.

We look forward to receiving the proposed demands from the development so that our reviews can take place.

City’s Comment:
The submission is noted.

Department of Transport

Submission:
Following a review of the documentation supplied, the Department of Transport, Maritime Planning (DoT MP) has no in principle objection to the proposal proceeding subject to the following:

1. The wave climate within the proposed marina shall be determined by the proponent and shall meet the criteria for good wave climate in small craft harbours in accordance with AS 3962-2001, Guidelines for the Design of Marinas, and approved by DoT MP.

2. All marine structures to be designed by an experienced maritime engineer, with the design criteria and the subsequent drawings and specifications to be approved by DoT MP prior to construction.

3. The layout of the marine boating facilities to be in accordance with AS 3962- 2001, Guidelines for the Design of Marinas, and approved by DoT MP prior to construction.

4. Navigation aids or signage made necessary with the facility to be approved by DoT MP prior to installation.

5. Upon completion of the marine works the proponent is to supply a set of signed as constructed drawings reflecting the approved works.

6. Condition 8 Coastal Processes of the EPA Report and Recommendations specifies a small amount of sand bypassing could be required on an annual basis once the Marina has been constructed. An adequate coastal/beach monitoring program will be required to determine the volume and frequency of such action.

7. Suitable space and access must also be provided within the overall design to accommodate regular survey and sand bypassing.
Department of Transport (cont...)

8. The local coastal manager (City of Rockingham) and the Proponent must accept the ongoing responsibility for coastal management works including, but not limited to, sand bypassing if required.

Please note:
- The proponent is advised to liaise with DoT MP in relation to the above points 1, 2, 3 and 4; and
- The State Government cannot be relied upon to fund future coastal protection through grants or otherwise.

The proponent is advised that no permanent residential component will be permitted within the seabed lease.

City's Comment:
Three rounds of comments were received from the DoT which are contained in the Schedule of Submissions. Due to the detail involved, they are not repeated here. Many of the issues relate to marina design, which the DoT is responsible for administering. Other issues relate to coastal processes and can be addressed by way of condition in the event approval is granted.

In regards to condition 8 above, while the City has management authority over the coastal foreshore, it has no expectation to take any responsibility for coastal management works attributable to the Marina which is a private development.

Department of Mines Industry Regulation and Safety

Submission:
Thank you for your letter dated 9 March 2018 inviting comment on the above proposal.

The Department of Mines, Industry Regulation and Safety has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. We have no comment to make other than bring to your attention that the GSWA assisted the Department of Transport in producing the publication titled "Coastal Sediment Cells between Cape Naturaliste and the Moore River, Western Australia" in June 2012.

Sediment cells provide a framework for coastal management by defining 'natural' management units that link the marine and terrestrial environments. They provide a platform that supports interpretation of historic trends, understanding of contemporary processes and most importantly the projection of future coastal change.

This report is available online at:

City's Comment:
The submission is noted.

Department of Jobs Tourism Science and Innovation

Submission:
Thank you for providing Department of Jobs, Tourism, Science and Innovation the opportunity to review and comment on the proposed Marina.

Tourism Western Australia is supportive of the planned Rockingham Marina which proposes to include 497 boat pens, restaurant, retail and 91 accommodation rooms.

It is worth noting that there is a large new supply of accommodation rooms, both recently built and planned for Perth. Rockingham, although within the Greater Perth precinct has its own recognised tourism attractions and activities (Penguin Island and swimming with dolphins) and currently a different visitor profile to that of Perth City. The uniqueness of this proposed development along with the fact that there is limited accommodation available within Rockingham should assist the developments viability.
Tourism Western Australia supports the City's ambition to attract an internationally recognised brand operator to the accommodation, which has a similar location to 'Be Fremantle', an operation that has proven very popular especially with the Asian visitors to the City.

City's Comment:
The submission is noted.

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

**Aspiration C:** Quality Leadership

**Strategic Objective:** Infrastructure – Civic buildings, sporting facilities, public place 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.

Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking
In December 2017, the Council adopted the Community Plan Strategy- Rockingham Strategic Metropolitan Centre Public Parking (CPS), which contains outcomes applicable to the Marina development.

Community Plan Strategies are developed for each strategic objective as set out in the Council’s *Strategic Community Plan 2015 – 2025*, with the aim of turning the community’s aspirations into a reality. The City actively implements the aspirations through each of these strategies.

The purpose of the CPS is to ensure the provision of public parking in the City Centre and Waterfront Village is well planned, suitably located and sufficient to cater for current and future needs.

The CPS provides guidance for the manner in which public parking is managed and delivered, in response to a range of broader strategic objectives and to meet demand. The CPS notes that the Waterfront Village is a very dynamic area, and the underlying influences of parking can change quickly, with for example, development of the Marina.

The CPS notes that the Waterfront Village is one of two areas recognised within the City where parking management is most acute.

The CPS recognises that the approach applied to parking with the previous Marina approval caused inequity, compared to other commercial developments within the Waterfront Village. The CPS, therefore, requires that the proposed Marina should be subject to the same cash-in-lieu requirements as other Waterfront Village proposals with the funds being directed to the construction of a decked parking station within the walkable catchment (location to be determined).

The CPS effectively pre-empts the Marina footprint being brought into the Scheme Area, and being subject to the Waterfront Village statutory requirements, in the event that it is approved and built.

An outcome of the CPS requires, for consistency, that the proposed marina in proximity to Wanliss Street be subject to the same cash-in-lieu parking requirements that apply to other commercial developments within the Waterfront Village and that parking to satisfy the parking requirement not be supported in the public domain. The CPS recognises that the adopted *Rockingham Beach Foreshore Master Plan* does not envisage significant portions of the foreshore being dedicated to parking (this is discussed further in the subsequent section).
The marina proponent, in its submission on the draft CPS, noted that the proposal to expand the Wanliss Street carpark in conjunction with the marina development is consistent with the *Rockingham Beach Foreshore Master Plan*. The City responded that the *Master Plan* does not draw a connection between the marina and the expansion of the carpark, and there is no basis to link the two matters. In essence, the *Master Plan* shows a potential public parking resource that could be built by the City on land under its control when demand warrants.

d. **Policy**

**State Government Policies**

**State Planning Policy 2.6 - State Coastal Planning (SPP2.6)**

SPP2.6 was gazetted in June 2003 and updated in 2013 to guide coastal development. Coastal setbacks normally apply to new development along the coast, but the Coastal Policy does not apply coastal setbacks to marinas and commercial development, given the dependency on a foreshore location.

In accordance with SPP2.6, the following plans and strategies have been prepared which were submitted with the development application:

- Foreshore Management Plan (FMP);
- Coastal Adaptation Plan (CAP); and
- In conjunction with the FMP a Marina Waterways Monitoring and Management Plan was submitted (MWMMP). The MWMMP is also a requirement of the EPA approval conditions.

The City, upon reviewing the above documents and additional information provided from the proponent, has some concerns regarding the level of detail provided to inform decision making at this stage in the process. For example, issues regarding sand by-passing, maintenance dredging, and the adequacy of the coastal hazard planning measures proposed are unresolved.

The application does not identify suitable alternative locations for the Wanliss Street carpark under the managed retreat adaptation planning strategy proposed.

In order to ensure these concerns are addressed in the event that approval is granted, conditions of Development Approval are recommended requiring preparation of the following documents prior to detailed engineering design, to the satisfaction of the City:

- An Updated Coastal Adaptation Plan; and
- An Updated Foreshore Management Plan.

On this basis, and in consideration of the EPA approval for the Marina, the proposal could be considered to be consistent with SPP2.6.

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

While the proposed Marina is not located on bushfire prone land, it is in proximity to classified bushfire prone vegetation along the Rockingham Beach foreshore. In accordance with the SPP3.7, the proposed hotel is regarded as a “Vulnerable” land use. As such, the proponent was required to submit a Bushfire Management Plan and Emergency Evacuation Plan and demonstrate compliance with SPP3.7.

The purpose of SPP3.7 is to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. The accompanying “Guidelines for Planning in Bushfire Prone Areas” (Guidelines) provide supporting information to assist in the interpretation of the objectives and policy measures.

The proponent submitted a draft Bushfire Management Plan and Emergency Evacuation Plan, which requires updating once the final floor plans have been determined.

Both the City and the Department of Fire and Emergency Services have assessed the draft Bushfire Management Plan and Emergency Evacuation Plan and consider it compliant with SPP3.7 and the Guidelines.
Development Control Policy 1.8 - Canal Estates and Other Artificial Waterway Developments (Policy 1.8)

Policy 1.8 was developed by the WAPC to guide the process for canal residential estates, but it also provides guidance on the assessment of Marinas and Harbours, where a breakwater structure is proposed within a natural body of water.

The Marina was assessed against the criteria of Policy 1.8, as follows:

(i) Artificial Waterway Dimensions
The Marina satisfies the required dimensions to accommodate boats entering and exiting the Marina. The Department of Transport is responsible for the final approval of the marina layout, designed in accordance with the relevant Australian Standards.

(ii) Shore Stability
Coastal processes were assessed by the EPA in its Report and Recommendations to the Minister for Environment, as part of the Public Environmental Review (PER). The proposal is designed to resist damaging erosion by wind and wave action. The PER documents refer to an open pile jetty structure that allows natural sand drift processes to continue along the coast with limited impact to the current beach profile.

(iii) Navigational Safety
Consideration of navigation safety aspects will be determined by the Department of Transport.

(iv) Moorings, Jetties and Launching Ramps
The Marina does not include any boat launching facilities and instead relies upon the existing boat ramps at Rockingham – Point Peron and the Rockingham – Palm Beach and other regional boat ramps, including Port Kennedy Boat Ramp and Woodman Point Boat Ramp.

(v) Maintenance Dredging
It is expected there may be requirement for maintenance dredging every 10 years, and that volumes are expected to be reasonably low. The marina management entity will be responsible for any maintenance dredging.

(vi) Public Open Space
There is no requirement to provide 10% Public Open Space. The Marina proposes to provide public access along the breakwater and jetty. The proponent has demonstrated that access along the beach may be possible, however, the extent to which access can be gained beneath the pier will remain unknown until the detailed design stage of the project.

(vii) Water Quality Guidelines
Water Quality was one of the key environmental factors evaluated by the EPA. The Ministerial Approval includes the requirement for the proponent to prepare a Marina Waterways Monitoring and Management Plan and achieve environmental water quality objectives and levels of ecological protection.

Local Policies
Rockingham Strategic Regional Centre: Centre Plan

The proposed marina extends from the northern edge of the Waterfront Village Sector, which forms part of the Rockingham Strategic Metropolitan Centre.

In September 2009, the Council adopted the Activity Centre Plan for the Rockingham Strategic Metropolitan Centre (Centre Plan); it was endorsed by the Western Australian Planning Commission in November 2009 as an appropriate Centre Plan to guide future planning and development. The scope of the Centre Plan covers an area of almost 600 hectares between the Rockingham Train Station and Rockingham Beach. The Centre Plan is guided by the following vision:

"The vision is for a modern, distinctly coastal centre offering a wide range of mixed uses including retail, commercial, office, civic, residential, education and recreation within an accessible and highly inter-conned, urban-scaled townscape, comprising a major activity centre and related urban villages based on 'Main Street' principles."
The proposed marina development is considered to be consistent with the intent of the Centre Plan.

Planning Policy 3.2.5 – Development Policy Plan Waterfront Village Sector (PP3.2.5)

The Waterfront Village Sector is one of 11 Sectors within the Centre Plan. PP3.2.5 has been established to guide development within the Sector.

Within the Waterfront Village Sector there are seven precincts. For each of the precincts, PP3.2.5 identifies a desired future character, preferred land uses and required elements for development proposals. The proposed marina is located in close proximity to the ‘Foreshore Precinct’ as indicated below.
The Waterfront Village Indicative Development Plan (WVIDP) adopted as part of PP3.2.5, illustrates a more detailed interpretation of the framework described in the Centre Plan. The IDP anticipates development of a proposed marina at the end of Wanliss Street.
As demonstrated in the detailed assessment against the provision of PP3.2.5 in the attached Responsible Authority Report (RAR), the proposed development is consistent with the desired future character and requirements for the ‘Foreshore Precinct’, having a mix of uses that generate interest and pedestrian activity within the public domain.

Planning Policy 7.4 Design Review Panel (PP7.4)

The City operates a design review process involving a panel of independent experts in the fields of architecture, urban design, sustainability and landscape architecture to facilitate an improvement in urban design and built form outcomes on new projects.

PP7.4 outlines the terms of reference intended to guide the Design Review Panel (DRP) when reviewing planning proposals, which are based on a number of key principles.

The Marina application was presented to the DRP on 27 March 2018. The DRP conducted a “Design Quality Evaluation” of the proposal, the outcome of which is recorded in the DRP Meeting Note which is attached to the RAR report.

The DRP noted many positive aspects of the proposal, acknowledging the suitability of the scale of the development, aesthetic and overall built form. In addition, a number of design issues and concerns were highlighted, which the proponent was encouraged to address by way of providing further information and amended plans.

Issued noted by the DRP included:

- Concerns with the functionality of the public realm (poor pedestrian circulation, alfresco dominates the outer edges of the buildings);
- Concerns regarding building design and orientation, as well as location of services and infrastructure;
- Concerns that vehicle access and circulation through the marina and Wanliss Street car parking area was unresolved;
- Concern regarding beach node amenity, in that the interface with the foreshore and existing infrastructure was resolved;
- Unfettered pedestrian access under the pier was recommended;
- Concerns regarding the impact of sand by passing on beach amenity;
- Concerns regarding the functionality and configuration of the marina design;
- Waste removal from the commercial tenancies and boat pen users was highlighted as a concern.

The proponent responded to the DRP feedback by way of implementing the following plan amendments:

- Extended the covered pedestrian walkway to provide a grander entry statement and arrival to the Marina development.
- Added drop-off bays near the bus parking and added an access ramp from the drop-off bays to the boat jetty to increase accessibility to boat pens and separate boat owner foot traffic from alfresco dining areas.
- Removed utilities from the ends of the hotel; added a family suite layout and added a window to corridor ends.
- Changed the seating layouts on the ground floor walkways external to the commercial tenancies, allowing for both alfresco and a pedestrian pathway. The boardwalks are now a minimum 3m wide to allow for both alfresco seating and pedestrian through traffic.
- Relocated plant rooms to improve commercial frontage to the internal marina access street (Commercial 2).
- Added the two fishing platforms.
- Added bicycle parking for up to 40 bikes adjacent hotel lobby, kitchen and restaurant to improve accessibility and cater for cyclists.
- A landscape concept plan was provided showing indicative treatment of the foreshore ‘beach node’ in the vicinity of the Wanliss Street car park.

While the proponent responded to a number of issues raised by the DRP, other issues remain unresolved, including:

- Waste management measures: including provision for fish cleaning waste and convenient bin locations for the benefit of the commercial uses and boat pen users. To address this, a condition of Development Approval can be imposed to require approval of a Waste Management Plan.
- The functionality of the marina design. The applicant responded that the marina configuration will comply with the relevant Australian Standards.

**Rockingham Beach Foreshore Master Plan (2015)**

The Rockingham Beach Foreshore Master Plan (Master Plan) outlines the City’s vision for the Rockingham Beach foreshore, and provides a framework to guide future decision making for improvements within the foreshore area.

The Master Plan addresses parking in the light of its intent to rationalise much of the public parking within the foreshore reserve and street parking within Railway Terrace and Rockingham Beach Road.

The Master Plan provides for the future duplication of the existing carpark at the end of Wanliss Street along the foreshore, and proposes additional parking via decking over existing car parking at the “Village Green Carpark” and the “Museum carpark”. The Museum carpark is located approximately 400m from the proposed marina.

The Wanliss Street carpark duplication, intended as part of the implementation works of the Master Plan, was recommended to offset the loss of existing public car bays bays being removed throughout the Waterfront Village as part of the first stage of works (commencing in August 2018). It was, however, decided to not proceed with the construction of the carpark when it was revealed that the Marina application was being prepared.

e. Financial

Should the development be approved as proposed by the applicant, the City will be required to assume maintenance responsibility for all new car bays proposed to be located on land that is under the care and control of the City (i.e. all car bays except for those proposed to be located on the breakwater).

f. Legal and Statutory

**Land Tenure**

The proposed Marina involves the following land tenure elements:

<table>
<thead>
<tr>
<th>Lot on Plan</th>
<th>Title</th>
<th>Area</th>
<th>Tenure</th>
<th>Landowner</th>
<th>Management Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wanliss Street</td>
<td>N/A</td>
<td>N/A</td>
<td>Road Reserve</td>
<td>State of WA</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>and Rockingham</td>
<td>Beach Road Reserve</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street 223063</td>
<td>LR3154-418</td>
<td>2.855ha</td>
<td>A Class Reserve</td>
<td>State of WA</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Road 4556 on</td>
<td>LR3166-806</td>
<td>16.07ha</td>
<td>C Class Reserve</td>
<td>State of WA</td>
<td>Department of Transport</td>
</tr>
<tr>
<td>Lot 220669</td>
<td></td>
<td></td>
<td>50180 for ‘Harbour Purposes’</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The application proposes to upgrade the Wanliss Street carpark, which is currently located on Wanliss Street Road Reserve, and extend it onto Lot 150 Rockingham Beach Road.
Lot 150 Rockingham Beach Road is an A Class reserve, with management authority vested in the City.

Advice from the Lands division of the Department of Planning Lands and Heritage (DPLH) indicates the use of Lot 150 for public car parking is ancillary to the reserve purpose of “Parks and Recreation” and therefore acceptable, on the basis that the car parking must always be for the use of the general public. This is discussed further in the Consultation section of this report.

15. Land Tenure Plan

Metropolitan Region Scheme

Predominantly located outside of the municipal boundary of the City, the proposed Marina elements comprising of the breakwater, jetties/boat pens and main pier are located within the Waterways Reservation under the Metropolitan Region Scheme (MRS).

Land based elements, including part of the pier platform, the Marina access road and car parking (proposed on Wanliss Street road reserve west of Rockingham Beach Road and on Lot 150 Rockingham Beach Road), are situated on land reserved as Parks and Recreation under the MRS.

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

Notwithstanding the lapsed 2012 approval, the current application has been lodged and assessed as a fresh Development Application.

Clause 67 of Schedule 2 of the Planning Regulations outlines the matters to which the Local Government is to have due regard when considering an application for development approval. Where relevant, these matters have been discussed throughout this Report.

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

Town Planning Scheme No.2 (TPS2) does not apply to land Reserved under the MRS.
As such, the only aspect of the proposed marina development within the planning jurisdiction of TPS2 is the on-street parking proposed to be developed in Wanliss Street and Rockingham Beach Road.

Public roads are reserved as “Local Roads” within TPS2.

The use of road reserve for car parking is consistent with the purpose of dedicated road reserve.

Clause 3.2 Zoning Table

Given the commercial nature of the Marina and its close proximity to the Primary Centre Waterfront Village Zone (PCWVZ), if the development was to be approved, the City would propose an amendment to the TPS2 boundary to include the Marina within the PCWVZ. It is therefore considered appropriate to assess the proposal in accordance with the provisions of the PCWVZ.

To this extent, the Zoning Table provides useful guidance regarding the appropriateness of the land uses proposed within the Marina buildings.

The need for flexibility for the proponent to interchange land uses over time is acknowledged, and considered appropriate in this instance. In this regard, it is noted that the indicative land uses outlined in the development application are Discretionary (‘D’) uses within the PCWVZ, as follows:

- Hotel – D use
- Restaurant – D use
- Amusement parlour – D use
- Fast food outlet/ lunch bar – D use
- Reception centre – D use
- Shop – D use
- Tavern – D use
- Office – D use.

Clause 4.3B1 – Objectives of the Zone

The proposal is considered generally compatible with the objectives of the PCWVZ, which include “To promote contemporary waterfront residential and accommodation, commercial, tourism and recreational activities, which serves local residents and visitors alike, in accordance [with] the Development Policy Plan for the Waterfront Village Sector”.

Clause 4.15 Carparking

In terms of car parking provision, clause 4.15.2 of TPS2 requires the minimum number of car bays to be provided within the PCWVZ on the following basis:

- For development other than residential development or short stay accommodation, not less than 60% of the minimum number in the form of cash in lieu;
- For residential development and short stay accommodation, the visitor allocation as per the R-Codes must be provided in the form of cash in lieu; and
- The number of parking spaces provided onsite shall be reduced by the number of parking spaces provided through cash in lieu contribution.

The required parking for the Marina has been assessed as satisfying the minimum requirements for car parking as indicated in Table 1 below.
<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th><strong>Existing Bays (not included in calculation)</strong></th>
<th><strong>Proposed Bays</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakwater</td>
<td>N/A</td>
<td>135 bays</td>
</tr>
<tr>
<td>Wanliss Street Carpark</td>
<td>83 bays</td>
<td>115 bays</td>
</tr>
<tr>
<td>Wanliss Street</td>
<td>51 bays</td>
<td>195 bays</td>
</tr>
<tr>
<td>Rockingham Beach Road</td>
<td></td>
<td>179 bays</td>
</tr>
<tr>
<td>Port Cohere drop off area</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>134 bays</td>
<td>628 bays</td>
</tr>
</tbody>
</table>

Of the 489 additional car parking bays proposed on public land, it is evident that the number of bays shown on the proposed plans is somewhat 'aspirational' due to existing constraints and design requirements that would apply at the detailed engineering design stage.
Clause 4.15.6.2 applies to development within the PCWVZ, and requires that in the case of development of land identified within “Area A”, “the cash in lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking bays in the form of a decked structure (including full civil works, lighting, signage, line marking and landscaping), for that area of land which would have been occupied by the parking spaces and manoeuvring area as estimated by a qualified civil engineer approved by the local government”.

The clause specifies that payments of ‘cash-in-lieu’ made shall be paid into a parking fund to be used for the provision of public car parking facilities within Area A of the Primary Centre Waterfront Village Zone.

16. “Area A” in the Primary Centre Waterfront Village Zone

In considering the current development application, notwithstanding the similarity with the previous application, the City considers that car parking for the Marina should be delivered in accordance with the above scheme provisions, being predominantly in the form of ‘cash-in-lieu’. This is due to the outcomes contained in the Council adopted CPS, which was discussed earlier in this report.

Clause 6.1 - Design Review Panel (DRP)

Pursuant to Clause 6.1 of TPS2 the Council has appointed a DRP and developed a Local Planning Policy to outline matters on which the DRP will be consulted.

Pursuant to Clause 6.1.3, the planning decision maker is required to have due regard to any recommendations made by the Design Review Panel.

The matter was reported to the City’s DRP, the outcome of which is discussed in the Policy Section of this report.

g. Risk

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

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

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

Nil

Comments

While the current development application plans are largely similar to the plans supported by the City and approved by the WAPC in 2012, the following changes in the decision making framework have occurred since approval of the previous application:
The Joint Development Assessment Panel (JDAP) process was introduced in 2011. As the current proposal has an estimated value of $35 million, it is to be determined by the JDAP. As such, both the WAPC and the City are required to provide the JDAP with an RAR on the application.

In July 2015, Council adopted the “Rockingham Beach Foreshore Master Plan” (‘Master Plan’) to provide guidance and direction to how the foreshore will evolve over coming years. The Master Plan contains a number of recommendations, a major focus of which is to maintain the existing character of the area while creating a destination where pedestrians have priority, and public spaces enhanced.

In December 2017, Council adopted the “Community Plan – Rockingham Strategic Centre Public Parking” (CPS). As mentioned earlier, the intent of the CPS is to provide a strategic approach to the management and provision of public parking within the City Centre, and Waterfront Village Sectors of the Rockingham Strategic Metropolitan Centre.

With the exception of the proposed car parking, the Marina proposal is considered generally compliant with TPS2 and Policy requirements.

The adoption of the City’s CPS, however, represents a significant change in the decision making framework since the Marina was previously approved in 2012. The CPS seeks to achieve equity in terms of responding to the parking demand attributable to commercial developments in the Waterfront Village Sector by requiring the provision of cash-in-lieu of on-site parking to fund construction of a decked public car parking facility.

The current application is therefore in direct conflict with the City’s adopted CPS.

In terms of determining this application, Clause 67 of the Regulations outlines the matters which the local government is to have due regard to in the assessment of development applications, including:

“(m) the compatibility of the development within its setting including the relationship of the development to the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) the amenity of the locality including the following:
   (i) environmental impacts of the locality;
   (ii) the character of the locality;
   (iii) social impacts of the development.

(zb) any other planning considerations the local government considers appropriate.”

Having due regard to the above provisions, in particular clause (zb) “any other planning considerations the local government considers appropriate”, the following points are noted:

- Given the nature of the proposed Marina development and relationship to, and its ultimate inclusion within, the PCWV zone, it is appropriate to assess the Development Application in context with the provisions of the PCWV zone;
- The Marina is considered to significantly increase demand for public car parking within the Waterfront Village zone;
- The application conflicts with the City’s CPS as it relies on providing car parking on public land in locations that could otherwise be provided by the City to address public parking demand with or without a marina;
- The City will amend the TPS2 boundary to include the Marina site within the PCWV zone once constructed. It is therefore logical and equitable that the Marina development be subject to the same cash-in-lieu provisions as other developments within the PCWV zone.

For these reasons, notwithstanding the considerable merit of the proposal, the current Development Application plans are not supported.

It is noted that although the proponent is aware of the City’s position regarding the delivery of car parking for the Marina, it has declined to amend the proposal accordingly.

As such, having due regard to the adopted CPS, the Rockingham Beach Foreshore Master Plan and the relevant Clauses of the Regulations, the City’s recommendation is that the application should not be approved in its current form, with car parking predominately provided on public land.
Alternative Scenarios

The merit assessment of the current application concludes that, with the exception of the proposed car parking, the proposed Marina is consistent with TPS2 and relevant policy provisions.

Informing the Officer Recommendation, however, is the need to have ‘due regard’ to the Councils adopted CPS, with which the application is inconsistent.

Should a revised Development Application be submitted, the Council has the following options to potentially consider, in formulating a position on car parking for the Marina:

Option A: Maximum cash–in-lieu
- 613 bays required;
- 478 (78%) required in the form of cash-in-lieu;
- 135 car bays provided on site.

Option B: Minimum cash-in-lieu
- 613 bays required;
- 368 (60%) required in the form of cash-in-lieu;
- 135 car bays provided on site;
- 110 new car bays in the Wanliss Street car park.

Option C: Nil CIL. Accept car parking on public land in the manner proposed
- Option C is consistent with the City’s position on the previous development application, but inconsistent with the current adopted Council CPS.

Option A would result in a proposal which is consistent with the CPS, but with a higher level contribution of CIL.

Option B would result in a smaller contribution of CIL and be inconsistent with the CPS to the extent that limited parking would be provided on public land.

Either way, the cost to the developer of providing CIL for this development will be significant.

Options B and C require the Council to amend or vary the provisions of the CPS.

While Option B still conflicts with the CPS as it results in some of the Marina parking being delivered on public land (Foreshore Reserve), it is considered a more equitable outcome that is consistent with the manner in which cash-in-lieu is required from other developments in the Waterfront Village. The Master Plan does envisage additional bays in the upgraded Wanliss Street carpark, however, these additional bays had been identified to offset a loss of public bays elsewhere in the Waterfront Village, not to service a private development.

Conclusion:
The Development Application is considered generally consistent with the relevant policy framework, with the exception of the proposed car parking for the Marina which is largely off site on public land.

As such, having due regard to the adopted CPS, the Master Plan and the relevant Clauses of the Regulations, the recommendation of the City is that the application should not be approved in its current form, with car parking predominately provided on public land.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for the proposed Port Rockingham Marina at Lot 150 on Plan 223083, Lot 4556 on Plan 220689 (seabed) and the Wanliss Street and Rockingham Beach Road road reserves, Rockingham, 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 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
That the Metro South-West Joint Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/18/01382 as detailed on the DAP Form 1 dated 15 February 2018 and accompanying plans:
   - Site Plan SK01, dated June 2018;
   - Site Plan Part 2 SK02, dated June 2018;
   - Ground Floor Plan SK03, dated June 2018;
   - First Floor Plan SK04, dated June 2018;
   - Ground Floor Plan Part 1 SK05, dated June 2018;
   - Ground Floor Plan Part 2 SK06, dated June 2018;
   - First Floor Plan Part 1 SK07, dated June 2018;
   - First Floor Plan Part 2 SK08, dated June 2018;
   - Landscape and Carpark Plan SK09, dated June 2018;
   - Ground Levels Plan SK10, dated June 2018;
   - Elevations Plan SK11, dated June 2018;
   - Elevations Plan SK12, dated June 2018;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the following reasons:

**Reasons**

1. Having due regard to the City's adopted *Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking (CPS)* which is considered to be a relevant planning consideration pursuant to Clause 67 (zb) of the *Planning and Development (Local Planning Schemes) Regulations*, the development application proposes car parking in a manner that is contrary to the provisions of the CPS, in that the Marina relies on providing car parking on public land in locations that could otherwise be utilised by the City to address public parking demand with or without a Marina.

2. The development fails to adequately provide parking in a manner that is fair and equitable compared to commercial developments in the abutting ‘Primary Centre Waterfront Village’ zone, which are required under Town Planning Scheme No. 2 to provide cash-in-lieu to fund the construction of decked public parking facilities.

**Alternate Recommendation from Cr Chris Elliott**

Moved Cr Elliott, seconded Cr Sammels:

A. That in respect to the proposed Marina, the Council varies the “Community Plan Strategy – Rockingham Strategic Metropolitan Centre Public Parking” to the extent that parking for the proposed marina is required to be delivered in the following manner:

   - Providing the equivalent of 368 car parking bays for the development (60% of the required parking) in the form of ‘Cash-in-lieu’, pursuant to Clause 4.15.6.2 of Town Planning Scheme No.2;
   - Constructing 110 new car bays in the Wanliss Street Car Park;
   - Constructing 135 new car bays on the breakwater.

B. That Council **ADOPTS** a modified Responsible Authority Report, which varies the requirements of the *Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking*, which shall recommend:

   "That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01382 is appropriate for consideration as a “Marina” land use and compatible with the objectives of the zoning table in accordance with the Town Planning Scheme of the City of Rockingham."
2. **Approve** DAP Application reference DAP/18/01382 as detailed on the DAP Form 1 dated 15 February 2018 and accompanying plans:

- Site Plan SK01, dated June 2018;
- Site Plan Part 2 SK02, dated June 2018;
- Ground Floor Plan SK03, dated June 2018;
- First Floor Plan SK04, dated June 2018;
- Ground Floor Plan Part 1 SK05, dated June 2018;
- Ground Floor Plan Part 2 SK06, dated June 2018;
- First Floor Plan Part 1 SK07, dated June 2018;
- First Floor Plan Part 2 SK08, dated June 2018;
- Landscape and Carpark Plan SK09, dated June 2018;
- Ground Levels Plan SK10, dated June 2018;
- Elevations Plan SK11, dated June 2018;
- Elevations Plan SK12, dated June 2018;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the proposed Marina at Lot 150 on Plan 223083, Lot 4556 on Plan 220689 (seabed) and the Wanliss Street and Rockingham Beach Road road reserves, subject to the following conditions:

**Conditions**

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

2. The breakwater carpark must:
   (a) Provide a minimum of 135 car parking spaces;
   (b) Be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (c) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied; and
   (d) Include lighting, prior to the occupation of the development.

3. A cash contribution being provided for 368 car parking spaces in accordance with clause 4.15.2.1 of *Town Planning Scheme No.2*, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of *Town Planning Scheme No.2*, must be provided to the City, prior to applying for a Building Permit.

4. The Wanliss Street Carpark must:
   (a) Be upgraded to provide a minimum of 193 car parking spaces (an additional 110 to the existing 83 car parking spaces);
   (b) Be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (c) Include four car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (d) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied;
(e) Include lighting, prior to the occupation of the development;

(f) Any modifications proposed as part of the final design of the Wanliss Street carpark must be designed to have due regard to this infrastructure, and any damage caused as a result of the development shall be repaired by the Proponent at its expense; and

(g) The existing Atlantis drainage cells sited beneath the Wanliss Street carpark are to be retained. Any modifications that impact on the drainage must be designed in accordance with specifications submitted to and approved by the City of Rockingham.

5. Prior to applying for a Building Permit a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.

6. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared in accordance with the following requirements:
   (a) The location and screening of bin storage and bin collection areas;
   (b) The number, volume and type of bins, and the type of waste to be placed in the bins;
   (c) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (d) Frequency of bin collections.

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

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

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

8. A schedule of coastal pallet colours and coastal durable materials proposed for the breakwater and jetty structure and buildings being approved by the City of Rockingham. In this regard:
   (a) The Proponent must not construct the breakwater with soft limestone rock and must use durable materials that pose less risk of limestone shards washing onto Rockingham Beach.
   (b) The breakwater and Jetty must be constructed with a red oxidise road base or pavement consistent with the Waterfront Village.

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

10. Exhaust facilities associated with the proposed development must be provided in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with "state of the art" filtration and odour suppression devices to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.
11. Prior to applying for a Building Permit, an Operational Noise Management Plan (ONMP) must be submitted to and approved by the City of Rockingham. The ONMP shall include an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the Environmental Protection (Noise) Regulations 1997.

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

The Final Acoustic Assessment must include the following information:

(a) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest “noise sensitive premises” and surrounding residential area;

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

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

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

13. Prior to applying for a Building Permit a revised Coastal Adaptation Plan must be submitted to and approved by the City of Rockingham. The plan is to address the following:

(a) In the absence of an acceptable managed retreat strategy, the construction of a seawall south of the marina to connect with the existing buried sea wall to manage the risk of erosion between by-passing sessions;

(b) A Sand Bypassing Management Plan, including:
   - By-passing methodology, including proposed equipment and route;
   - Triggers for undertaking sand by passing;
   - Expected volume, frequency and locations of sand by-passing;
   - Beach monitoring (to inform sand by passing requirements, including beach profiles at a minimum of 6 monthly intervals);
   - Management measures to ensure impacts to beach users and beach amenity is minimised;
   - Safety management measures;
   - Traffic management measures;
   - Noise management measures;

(c) Run-up and overtopping;

(d) Wave climate within the marina;

(e) Dredging (proposed management to minimise amenity impacts).

14. The Marina Management Entity shall maintain responsibility, in perpetuity, for the sand by-passing associated with this development.

15. To facilitate unimpeded public access along the beach beneath the jetty, the design of the jetty shall ensure that a 2.5m (ie 2.0 AHD) minimum height clearance is maintained above the beach, as measured at the high water mark.

16. Prior to applying for a Building Permit a revised Foreshore Management Plan must be submitted to and approved by City of Rockingham. The plan is to address the following:

(a) Revegetation works proposed on the Rockingham Beach Foreshore as indicated on the approved landscape plan required in Condition 7.
b) All revegetation works are to be maintained by the Proponent for a period of at least two summers following the completed of the development.

c) Measures to manage any foreshore impacts associated with the sand bypassing methodology (including beach access paths for vehicles).

d) Measures to ensure that any rock material (shards) washed up on Rockingham Beach as a result of the development is removed at the applicant’s cost.

17. Prior to applying for a Building Permit a Construction Environmental Management Plan must be submitted to and approved by the City of Rockingham, which shall include the following information:

(a) Construction methodology and techniques with full engineering specifications;

(b) A schedule of the volume/quantity of materials proposed to be used as part of Civil Works;

(c) A civil works programme indicating events, tasks and associated timeframes;

(d) Construction drawings for the design of the sand bund needed during the construction phase and breakwater design. The sand used in the bund must be certified as suitable for use for beach renourishment;

(e) Construction monitoring triggers and contingency actions;

(f) An emergency spill response procedure;

(g) A Fauna Relocation and Management Plan;

(h) Management of construction waste;

(i) A Construction Traffic Management Plan (vehicle haulage routes)

(j) A revised Construction Noise Management Plan;

(k) A Dust Management Plan prepared in accordance with the Department of Environment and Conservation’s Draft - A Guideline for the Development and Implementation of a Dust Management Program, to the satisfaction of the City, prior to the commencement of any work.

(l) Water carts to be available, at all times during the earthworks operation and until the site has been stabilised. As an alternative to water carts, the use of fixed sprinklers may be considered by the City.

(m) The Proponent is to provide a 24 hour telephone enquiry service to deal with complaints associated with dust nuisance being generated during the development and that the telephone number of the enquiry line be displayed in a prominent location on the site and a notice advertising the line be distributed to all adjacent residents.

(n) Trucks are not to arrive any earlier than 15 minutes prior to operations commencing, for time construction timeframes prescribed by the Environmental Noise Protections Regulations (1997) and are not to park or stand along surrounding roads.

(o) The Proponent is to offer Dilapidation Surveys to all owners of existing buildings potentially affected by construction activity.

(p) Wind fencing being provided along the boundary of the site where existing buildings are within 500 metres of the site and no natural barrier exists.

18. If any rock material is found on Rockingham Beach as a result of the development the Proponent must make good (at its cost) Rockingham Beach to its condition prior to development.

19. Installation of CCTV, to provide coverage of all public areas, linked to the City’s security camera surveillance system, to provide surveillance of the proposed facility and public areas adjacent to the development.

20. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham.

22. All Boating Activities are prohibited between the shoreline and the marina.

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

2. The development must comply with the Health (Public Building) Regulations 1992.

3. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only).

4. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.

5. Moorings, buoys and makers must be provided to secure all floating equipment and provide safe navigation around the site.

6. In regards to condition 6, public rubbish bin facilities must be provided adjacent to the shop frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements, to the satisfaction of the City of Rockingham. Public rubbish bin facilities must be emptied daily, continuously maintained in good condition and the surrounding area kept free of litter thereafter for the duration of the development.

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

8. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham’s Land Development & Infrastructure Services to confirm requirements for landscaping plans.

9. With respect to condition 17, earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

Committee Recommendation

Moved Cr Sammels, seconded Cr Liley:
That Council:
1. In respect to the proposed Marina, Council varies the Community Plan Strategy – Rockingham Strategic Metropolitan Centre Public Parking to the extent that public parking for the Marina is to be delivered entirely in the public domain, being the foreshore reserve in proximity to Wanliss Street and the road reserves of Wanliss Street and Rockingham Beach Road, to compliment the 135 parking bays on the proposed breakwater.

2. ADOPTS a modified Responsible Authority Report, which varies the requirements of the Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking, which shall recommend:
   "That the Metro South-West JDAP resolves to:
   1. Accept that the DAP Application reference DAP/18/01382 is appropriate for consideration as a 'Marina' land use and compatible with the objectives of the zoning table in accordance with the Town Planning Scheme of the City of Rockingham."
2. **Approve** DAP Application reference DAP/18/01382 as detailed on the DAP Form 1 dated 15 February 2018 and accompanying plans:

- Site Plan SK01, dated June 2018;
- Site Plan Part 2 SK02, dated June 2018;
- Ground Floor Plan SK03, dated June 2018;
- First Floor Plan SK04, dated June 2018;
- Ground Floor Plan Part 1 SK05, dated June 2018;
- Ground Floor Plan Part 2 SK06, dated June 2018;
- First Floor Plan Part 1 SK07, dated June 2018;
- First Floor Plan Part 2 SK08, dated June 2018;
- Landscape and Carpark Plan SK09, dated June 2018;
- Ground Levels Plan SK10, dated June 2018;
- Elevations Plan SK11, dated June 2018; and
- Elevations Plan SK12, dated June 2018.

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the proposed Marina at Lot 150 on Plan 223083, Lot 4556 on Plan 220689 (seabed) and the Wanliss Street and Rockingham Beach Road road reserves, subject to the following conditions:

**Conditions**

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

2. The provision of a minimum of 613 parking bays, generally in accordance with the distribution shown on Site Plan SK01 and Site Plan Part 2 SK02 (June 2018), subject to the following:

   (a) The receipt of detailed drawings, to the satisfaction of the City of Rockingham, that confirms the parking is designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit;

   (b) A minimum of four (4) car parking spaces dedicated to people with disabilities being provided in the carpark within the foreshore reserve in proximity to Wanliss Street, designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

   (c) All parking being constructed, sealed, kerbed, drained and marked prior to the development being occupied;

   (d) The provision of lighting, to the satisfaction of the City of Rockingham;

   (e) Any modifications proposed to the Wanliss Street carpark being designed to have due regard to the existing infrastructure, and any damage caused as a result of the development shall be repaired by the Proponent at its expense; and

   (f) The existing Atlantis drainage cells sited beneath the Wanliss Street carpark are to be retained. Any modifications that impact on the drainage must be designed in accordance with specifications submitted to and approved by the City of Rockingham.

3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.
4. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared in accordance with the following requirements:
   (a) The location and screening of bin storage and bin collection areas;
   (b) The number, volume and type of bins, and the type of waste to be placed in the bins;
   (c) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (d) Frequency of bin collections.
   All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

5. Prior to applying for a Building Permit, a Landscaping Plan must be prepared to the satisfaction of the City of Rockingham, which includes the following detail:
   (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) any lawns to be established and areas to be mulched;
   (iii) any natural landscape areas to be retained;
   (iv) those areas to be reticulated or irrigated; and
   (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.
   The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

6. A schedule of coastal pallet colours and coastal durable materials proposed for the breakwater and jetty structure and buildings being approved by the City of Rockingham. In this regard:
   (a) The Proponent must not construct the breakwater with soft limestone rock and must use durable materials that pose less risk of limestone shards washing onto Rockingham Beach.
   (b) The breakwater and Jetty must be constructed with a red oxidise road base or pavement consistent with the Waterfront Village.

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

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

10. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997.
    The Final Acoustic Assessment must include the following information:
(a) noise sources compared with the assigned noise levels as stated in the "Environmental Protection (Noise) Regulations 1997", when the noise is received at the nearest “noise sensitive premises” and surrounding residential area;

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

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

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

11. Prior to applying for a Building Permit a revised Coastal Adaptation Plan must be submitted to and approved by the City of Rockingham. The plan is to address the following:

(a) In the absence of an acceptable managed retreat strategy, the construction of a seawall south of the marina to connect with the existing buried sea wall to manage the risk of erosion between by-passing sessions;

(b) A Sand Bypassing Management Plan, including:
   - By-passing methodology, including proposed equipment and route;
   - Triggers for undertaking sand by passing;
   - Expected volume, frequency and locations of sand by-passing;
   - Beach monitoring (to inform sand by passing requirements, including beach profiles at a minimum of 6 monthly intervals);
   - Management measures to ensure impacts to beach users and beach amenity is minimised;
   - Safety management measures;
   - Traffic management measures;
   - Noise management measures;

(c) Run-up and overtopping;

(d) Wave climate within the marina;

(e) Dredging (proposed management to minimise amenity impacts).

12. The Marina Management Entity shall maintain responsibility, in perpetuity, for the sand by-passing associated with this development.

13. To facilitate unimpeded public access along the beach beneath the jetty, the design of the jetty shall ensure that a 2.5m (ie 2.0 AHD) minimum height clearance is maintained above the beach, as measured at the high water mark.

14. Prior to applying for a Building Permit a revised Foreshore Management Plan must be submitted to and approved by City of Rockingham. The plan is to address the following:

(a) Revegetation works proposed on the Rockingham Beach Foreshore as indicated on the approved landscape plan required in Condition 7.

(b) All revegetation works are to be maintained by the Proponent for a period of at least two summers following the completed of the development.

(c) Measures to manage any foreshore impacts associated with the sand bypassing methodology (including beach access paths for vehicles).

(d) Measures to ensure that any rock material (shards) washed up on Rockingham Beach as a result of the development is removed at the applicant’s cost.

15. Prior to applying for a Building Permit a Construction Environmental Management Plan must be submitted to and approved by the City of Rockingham, which shall include the following information:

(a) Construction methodology and techniques with full engineering specifications;
(b) A schedule of the volume/quantity of materials proposed to be used as part of Civil Works;

(c) A civil works programme indicating events, tasks and associated timeframes;

(d) Construction drawings for the design of the sand bund needed during the construction phase and breakwater design. The sand used in the bund must be certified as suitable for use for beach renourishment;

(e) Construction monitoring triggers and contingency actions;

(f) An emergency spill response procedure;

(g) A Fauna Relocation and Management Plan;

(h) Management of construction waste;

(i) A Construction Traffic Management Plan (vehicle haulage routes)

(j) A revised Construction Noise Management Plan;

(k) A Dust Management Plan prepared in accordance with the Department of Environment and Conservation's Draft - A Guideline for the Development and Implementation of a Dust Management Program, to the satisfaction of the City, prior to the commencement of any work.

(l) Water carts to be available, at all times during the earthworks operation and until the site has been stabilised. As an alternative to water carts, the use of fixed sprinklers may be considered by the City.

(m) The Proponent is to provide a 24 hour telephone enquiry service to deal with complaints associated with dust nuisance being generated during the development and that the telephone number of the enquiry line be displayed in a prominent location on the site and a notice advertising the line be distributed to all adjacent residents.

(n) Trucks are not to arrive any earlier than 15 minutes prior to operations commencing, for time construction timeframes prescribed by the Environmental Noise Protections Regulations (1997) and are not to park or stand along surrounding roads.

(o) The Proponent is to offer Dilapidation Surveys to all owners of existing buildings potentially affected by construction activity.

(p) Wind fencing being provided along the boundary of the site where existing buildings are within 500 metres of the site and no natural barrier exists.

16. If any rock material is found on Rockingham Beach as a result of the development the Proponent must make good (at its cost) Rockingham Beach to its condition prior to development.

17. Installation of CCTV, to provide coverage of all public areas, linked to the City's security camera surveillance system, to provide surveillance of the proposed facility and public areas adjacent to the development.

18. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham.

19. The proposed marina structures shall be certified by a maritime engineer as conforming to Australian Standard AS 3962- 2001 'Guidelines for the Design of Marinas' and AS 4997- 2005 'Guidelines for the Design of Maritime Structures' the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.

20. All Boating Activities are prohibited between the shoreline and the marina.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
2. The development must comply with the Health (Public Building) Regulations 1992.
3. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only).
4. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.
5. Moorings, buoys and makers must be provided to secure all floating equipment and provide safe navigation around the site.
6. In regards to condition 4, public rubbish bin facilities must be provided adjacent to the shop frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements, to the satisfaction of the City of Rockingham. Public rubbish bin facilities must be emptied daily, continuously maintained in good condition and the surrounding area kept free of litter thereafter for the duration of the development.
7. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
8. With respect to the landscaping plan, the applicant should liaise with the City of Rockingham's Land Development & Infrastructure Services to confirm requirements for landscaping plans.
9. With respect to condition 15, earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

Committee Voting – 3/1
(Cr Elliott voted against)

The Committee’s Reason for Varying the Officer’s Recommendation
To enable approval of the proposed Marina, acknowledging the tourism importance and uniqueness of the development.

Implications of the Changes to the Officer’s Recommendation
Not Applicable
### Reports of Councillors
Nil

### Addendum Agenda
Nil
### Motions of which Previous Notice has been given

**Planning and Development Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-047/18</th>
<th>Alternate Motion - Cape Peron Reserve</th>
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<tbody>
<tr>
<td>File No:</td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Joy Stewart</td>
<td></td>
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<tr>
<td>Author:</td>
<td>Mr Peter Ricci, Manager Major Planning Projects</td>
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<td>Other Contributors:</td>
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<td>Date of Committee Meeting:</td>
<td>20 August 2018</td>
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<tr>
<td>Previously before Council:</td>
<td>May 2018 (PD-022/18), June 2018 (PD-030/18)</td>
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<td>Disclosure of Interest:</td>
<td>Advocacy</td>
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<tr>
<td>Nature of Council's Role in this Matter:</td>
<td>Cape Peron Reserve – Lots 301 and 500 (Reserve 48968), Point Peron Road, Peron</td>
<td>Parks and Recreation (Bush Forever Site 355)</td>
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<td></td>
<td>Approximately 143.31ha (Reserve 48968 only)</td>
<td>Parks and Recreation (Bush Forever Site 355)</td>
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<td>Maps/Diagrams:</td>
<td>1. Reserve 48968</td>
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**Purpose of Report**

To provide advice to Cr Stewart’s Notice of Motion, as follows:

“That Council SUPPORTS the classification of Cape Peron Reserve 48968 being transferred to Class A.”

The two lots which comprise Reserve 48968 are shown in Figure 1 below.
In May 2018, Council resolved to defer consideration of Cr Stewart's Alternate Motion to the June 2018 meeting of the Planning and Engineering Services Committee to enable the implications of a ‘Class A’ Reserve and the ‘Conservation Park’ Purpose over Cape Peron on existing and future landuse to be investigated.

In June 2018, Council considered an amended Alternate Motion from Cr Stewart and resolved to endorse part (i), and follows:

“That Council SUPPORTS the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that aligns with the City’s Community Strategic Aspirations for Environment and Tourism.”

Council also resolved to defer part (ii), as follows:

“That Council SUPPORTS in principle the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that: aligns with the Minister of Environment’s intent to convert Cape Peron Reserve (48968) into Class A, and vested for the purpose of "Conservation Park", as stated in the Rockingham Lakes Regional Park Management Plan (Department of Environment and Conservation 2010).”

The deferral was to allow advice from the Department of Planning, Lands and Heritage on the implications of a ‘Class A’ Reserve and the ‘Conservation Park’ Purpose over Cape Peron on existing and future land use.

The advice from DPLH was received on 23 July 2018 and the extract below contains information relevant to the deferred part (ii) of the Alternate Motion:

“In response to your query, a change of the current reserve purpose from ‘Recreation’ to ‘Conservation Park’ would restrict the Management Body to use and/or grant rights and interests for the purpose of ‘Conservation Park’ only. This would constitute the maintenance and restoration of the natural environment, the protection and the preservation of flora and fauna, archaeological, historic and scientific interests and would not provide for the level of activity and activation over the reserve as has been used in the past.”
A change of reserve purpose to ‘Conservation Park’ would potentially impact the RSL Club House, Camp School and leasehold accommodation into the future especially in the re-granting of interests and use over the sites. The Department of Biodiversity Conservation Authority and this Department would be required to assess each of these uses in more detail to determine if they would be consistent within the purpose of ‘Conservation Park’.

For an ‘A’ class reserve, any amendments made to the land such as excisions or inclusion of land will require Parliamentary approval, including the registration of encumbrances such as easements and covenants. The registration of leases/licences will not require Parliamentary approval but will be required to be consistent with the reserve purpose.

It should be noted that a change of reserve purpose will need to be initiated in a formal request from the current management body and approved by this Department after a review process under the Land Administration Act 1997.”

Details

The current Notice of Motion causes the deferred part (ii) of Cr Stewart’s Alternate Motion in June 2018 to lapse and a response will not be provided.

The reasons for Cr Stewart’s current Notice of Motion are provided below:

Class A has the greatest degree of protection, requiring approval of Parliament to amend the reserve’s purpose or area. The A classification is used solely to protect areas of high conservation or high community value.

In 1968 the Commonwealth confirmed that the land must NOT be used “For Private Industrial, Commercial or Residential Development”.

“The Community’s Vision for Cape Peron” (also known as Point Peron) was launched on 14 March 2012. It is based upon the vision expressed by the community over several decades, including the 1964 Commonwealth / State Agreement and the Rockingham Lakes Regional Park Management Plan.

In 1964 the land at Point (Cape) Peron was transferred from the Commonwealth to the State, subject to agreement that its future use would be “RESTRICTED TO A RESERVE FOR RECREATION AND/OR PARK LANDS”

In 1968 the Commonwealth confirmed that the land must NOT be used “For Private Industrial, Commercial or Residential Development”.

Note that in November 2011 the Commonwealth confirmed it expects the WA Government to “Honour the undertakings previously given” in relation to the land at Cape Peron.

From 1964 until now, the people of Western Australia have been waiting for the 1964 vision to be realised, including making Cape Peron an “A” Class Reserve.

An A Class Reserve at Cape Peron would meet the City’s Strategic Community Plan 2015 – 2025 goal of a sustainable environment in which “coastal and bushland reserves are well used and sustainably managed preserving them for future generations to enjoy.” Cape Peron being made into a Class A Reserve will draw more visitors to the area and be linked by walk and cycle trails as well as by vehicle, thus being in close accord with the City’s future plans. The ultimate would be for Cape Peron to be retained for future generations to be used and developed the same as Kings Park.

RLRMP 2010 (Rockingham Lakes Regional Parks Management Plan page 8) “At Cape Peron

(Reserve C48968) has already been transferred to the Conservation Commission and vested as a 5(1)(h) reserve for the purpose of Recreation. These tenure arrangements are an interim step until the status of the Mangles Bay Marina Tourist Precinct has been resolved. At that time the reserve will be converted to Class A and vested for the purpose of a Conservation Park.” Clearly justifies/reinforces/underscores/underlines/supports/aligns with the DBCA Minister’s intentions as in correspondence of 26th March 2018 of converting reserve 48968 to Class A vested for the purpose of ‘Conservation Park’.
Comments from Tim Fisher (DBCA) recorded in minutes of Point Peron Rehabilitation Committee meeting held 7 June 2018 in Appendix 3, of Planning Services Agenda 16 July 2018. “7.0 that Point Peron is a class ‘C’ reserve and it is proposed to change to a class ‘A’ reserve which seems likely to occur. DBCA will be undertaking a review of the recreation masterplan for Point Peron in the light of the state government decision not to approve the Mangles Bay Marina project. The recreation masterplan forms part of the Rockingham Lakes Regional Park Management Plan 2010 (p73).

There were no other changes proposed to the management plan for the park at this stage. There will be consultation occurring with the City and other stakeholders. Timeframes are still being reviewed but the intention is to involve the City of Rockingham in the recreation planning process.”

In my personal opinion the facilities that Cape Peron needs are ~

Environmental, educational awareness opportunities e.g. interpretative nature trails, indigenous interpretative sites, walk and cycle paths, picnic shelters, lookouts, lighting, public toilets, fishing platforms and short term accommodation and/or a caravan park, for instance. The land utilised for the people of Rockingham and visitors to enjoy the space with new facilities for recreation and access to enhance visitor experiences as well as having protection for the environment. All of this could be realised if the State Government recognises it as a Class A Reserve. One would think it would be easy as it was gifted by the Commonwealth to the State for that reason, but it is not, hence my Notice of Motion!

### Implications to Consider

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

**Aspiration A:** Tourism Lifestyle

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

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

**Aspiration C:** Quality Leadership

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

**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
**Strategic Objective:** Coastal and Bushland Reserves that are well used and sustainably managed preserving them for future generations to enjoy.

d. **Policy**
Nil

e. **Financial**
Nil

f. **Legal and Statutory**
The *Land Administration Act 1997* provides for the creation and administration of reserves over Crown land.

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

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

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

Nil

**Comments**

The response to the current Notice of Motion must be considered in the light of the Council’s June 2018 resolution on Cr Stewart’s Alternate Motion, that being, to urgently lobby the State Government Departments “to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that aligns with the City’s Community Strategic Aspirations for Environment and Tourism.”

Given that Cape Peron is a collection of Crown land parcels, the above resolution seeks that the State Government lead a process to determine the use and management of Cape Peron, and that the use and management be consistent with aspirations for ‘Environment’ and ‘Tourism’ in the City’s Community Plan.

The City has been waiting for an outcome on the deferred part (ii) of Cr Stewart’s June 2018 Alternate Motion prior to actioning the above resolution to ensure that the approach to the State Government is coordinated. Now that part (ii) has lapsed through submission of the new Notice of Motion, the City has commenced actioning the June 2018 resolution.

**Reserve Classification**

At present, Reserve 48968 is a Class C Reserve with a ‘Recreation’ Purpose. Although the *Land Administration Act 1997* (‘the Act’) no longer provides for Class C Reserves, its classification remains until there is a proposal to alter the status of a Class C Reserve.

The classification of a Reserve directly relates to the protection it is afforded under the Act. Class A Reserves have the greatest degree of protection requiring the approval of State Parliament to amend the Reserve Purpose or area or to cancel the Reserve. Class A classifications are generally used to protect areas of high conservation and high community value.

With respect to Class C Reserves, the Minister for Lands has authority to undertake the actions bestowed upon State Parliament for Class A Reserves.

**Reserve Purpose**

The Reserve Purpose limits what the Reserve can accommodate in terms of land use and activities. In a Planning sense, the Purpose is akin to zoning which limits the permissibility of use. It is the responsibility of the Management Body (or the body within with the Reserve is vested) and/or the approval authority to ensure that the Reserve is used in accordance with its Purpose.

The Act does not define the different Reserve Purposes and advice from the Department of Planning, Land and Heritage has confirmed that the Purpose is normally defined to reflect the approved use of the Reserve. Where possible, a prevailing planning policy that dictates use will be used to define Purpose.

The Purpose of the Reserve is described in the Management Order issued to the Management Body (or vesting authority).
There are circumstances where a Reserve is broken-up into sections or nodes, which have specific Purposes, to reflect the different uses.

A Class A classification does not define or influence the Purpose of a Reserve as it is essentially a mechanism to ensure that any proposal to change its use and function is subject to the most rigorous consideration via State Parliament.

**Conclusion**

It is agreed that ultimately, once the future uses of Cape Peron are determined and the Reserve Purposes are established, that the Cape Peron Reserve should be classified as Class A to reflect its high conservation and community value.

The Council could recommend that it be classified as Class A now to reflect its value. This would, however, seem to be at odds with the June 2018 resolution to ask that the State Government commence a process to determine the long-term use of Cape Peron.

In effect, the Council would be asking that the future use of Cape Peron be established (within specific parameters under the Community Plan) but the Reserve be Class A which could place limitations on the ability to change the use (or Purpose).

Should the Reserve be changed from Class C to Class A now, the existing ‘Recreation’ Purpose would be elevated in status and it would require the approval of State Parliament to change its Purpose to reflect its approved use.

DPLH has verbally advised that a more logical approach would involve establishing future use (as sought through Council's June 2018 resolution), then request that the classification, Purpose and management responsibility be put in place to reflect such.

It is therefore recommended that the Council support a Class A classification for Reserve 48968, subject to the designated Purposes of the Reserve being clearly defined through the transparent and collaborative consultation process, which will determine the most sustainable long-term future land uses for Cape Peron, as advocated in Council's June 2018 resolution.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **SUPPORTS** the classification of Cape Peron Reserve 48968 being transferred to Class A, subject to the designated Purposes of the Reserve being clearly defined through the transparent and collaborative consultation process, which will determine the most sustainable long-term future land uses for Cape Peron, as advocated in Council's June 2018 resolution.

### Notice of Motion from Cr Stewart

That Council **SUPPORTS** the classification of Cape Peron Reserve 48968 being transferred to Class A.

**Note:** As a Committee member had not been authorised by Cr Stewart to move her Notice of Motion, this Item will be referred to Council on Tuesday, 28 August 2018 without a Committee Recommendation.
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**

Nil

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 **Monday 17 September 2018** 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 **4:48pm**.