MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 15 October 2018 at 4:00pm
City of Rockingham Boardroom
1. Declaration of Opening 4
2. Record of Attendance/Apologies/Approved Leave of Absence 4
3. Responses to Previous Public Questions Taken on Notice 5
4. Public Question Time 6
5. Confirmation of Minutes of the Previous Meeting 6
6. Matters Arising from the Previous Minutes 6
7. Announcement by the Presiding Person without Discussion 6
8. Declaration of Member’s and Officer’s Interest 6
9. Petitions/Deputations/Presentations/Submissions 6
10. Matters for which the Meeting may be Closed 7
11. Bulletin Items 7
   Planning and Development Services Information Bulletin - October 2018 7
   Engineering and Parks Services Information Bulletin - October 2018 7
12. Agenda Items - Planning and Engineering Services Committee 12
    Planning and Development Services
    PD-052/18 Proposed Road Closure - Portions of Folly Road, Baldivis 12
    PD-053/18 Proposed Amendment to Planning Policy 3.3.9 - Fast Food Outlets 18
    PD-054/18 Proposed Modification to Building Envelope 25
    PD-055/18 Joint Development Assessment Panel Application - Proposed Health
               Studio, Restaurant, Showrooms and Convenience Store 35
    PD-056/18 Joint Development Assessment Panel Application - Proposed
               Convenience Store 68
    Engineering and Parks Services
    EP-014/18 Tender T17/18-78 - Framework Arrangement for the Supply of Turf
               Renovation Services for Sports Fields and Public Open Spaces 97
    EP-015/18 Tender T18/19-09 - Periodic Maintenance of Various Reserves and
               Streetscape Areas in Rockingham West 101
    EP-016/18 Tender T17/18-81 - Framework Agreement for the Supply and Delivery
               of Greenstock 105
13. Reports of Councillors 109
14. Addendum Agenda 109
15. Motions of which Previous Notice has been given 109
16. Notices of Motion for Consideration at the Following Meeting 109
<table>
<thead>
<tr>
<th>17.</th>
<th><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td><strong>Matters Behind Closed Doors</strong></td>
</tr>
<tr>
<td>19.</td>
<td><strong>Date and Time of Next Meeting</strong></td>
</tr>
<tr>
<td>20.</td>
<td><strong>Closure</strong></td>
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</tbody>
</table>
## Planning and Engineering Services Committee Minutes

**Monday 15 October 2018 - Council Boardroom**

### 1. Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4:05pm**, welcomed all present, and delivered the Acknowledgement of Country.

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

#### 2.1 Councillors
- Cr Chris Elliott
- Cr Barry Sammels (Mayor)
- Cr Deb Hamblin (Deputy Mayor)
- Cr Katherine Summers
- Cr Mark Jones
- Cr Joy Stewart (Observer)

#### 2.2 Executive
- Mr Michael Parker - Chief Executive Officer
- Mr Bob Jeans - Director Planning and Development Services
- Mr Peter Doherty - Director Legal Services and General Counsel
- Mr Sam Assaad - Director Engineering and Parks Services
- Mr Peter Ricci - Manager Major Planning Projects
- Mr Brett Ashby - Manager Strategic Planning and Environment
- Mr Mike Ross - Manager Statutory Planning
- Ms Erica Scott - Coordinator Health and Building Services
- Mr David Caporn - Manager Compliance and Emergency Liaison
- Mr Ian Daniels - Manager Infrastructure Project Delivery
- Mr Manoj Barua - Manager Engineering Services
- Mr Kelton Hincks - Manager Asset Services
- Mr Adam Johnston - Manager Parks Services
- Mr Peter Varris - Manager Governance and Councillor Support
- Ms Melinda Wellburn - PA to Director Planning and Development Services
- Mr Stephan Timbrell - Coordinator Projects and Contracts
- Mr Peter Le - Senior Legal and Councillor Liaison Officer
- Mr Tom Kettle - Administration Officer - Governance and Councillor Support
- Ms Andrea Holman - EA to Director Engineering and Parks Services

#### 2.3 Members of the Gallery: 8

#### 2.4 Apologies: Nil

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

#### 3.1 Mr Peter Green - Cape Peron

At the Planning and Engineering Services Committee meeting held on 17 September 2018, Mr Green asked the following questions that were taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 19 September 2018 as follows:

(Preamble to questions) I thank Natalie, Acting Manager Land and Development Infrastructure for her assistance in clarifying an item in the Planning Bulletin earlier today.

My questions relate to Cape Peron, what's new I hear you say.

The Perth-Peel 3.5 million document identifies 15 Planning Investigation Areas (PIA's) that require further investigation.

Point Peron (Mangles Bay) is identified as a Planning Investigation Area in the final South Metropolitan Peel Sub-Regional Planning Framework.

With recent decisions there is a need to consider future planning and land use options for whole of Cape Peron.

The WAPC at its August meeting recognised further consultation was required with Local Government, I ask:

**Question**

1. Has discussions taken place between DPLH and the City regarding a proposed approach to address the Investigation Area, if so,

**Response**

No.

The Planning Investigation Area in the adopted South Metropolitan Peel Sub-Regional Planning Framework ('the Framework') relates specifically to the area that was subject to the Metropolitan Region Scheme rezoning amendment (Amendment 1280/41) for the proposed Mangles Bay Marina.

The Framework lists the 'key consideration' for the Mangles Bay Planning Investigation Area as 'currently under consideration' through MRS Amendment 1280/41.

Now that MRS Amendment 1280/41 has been determined, it is the City’s understanding that further investigation under the Framework will not be progressed.

The City is also not aware of any WAPC decision to consult further with Local Government.

If you are referring to Council’s May and August 2018 resolutions to seek that the State Government conduct a transparent and collaborative planning process to determine future use at Cape Peron, the City has recently commenced the process to achieve the outcome sought by Council.

The City has approached relevant Ministers, State Government agencies and stakeholders at Cape Peron requesting that the planning process be facilitated and/or the outcome sought by the Council be supported.

When the consulted parties respond to the City’s request, the approach to any planning process for Cape Peron will be determined.

**Question**

2. What is the proposed approach?

**Response**

Refer to the Response to Question 1.

**Question**

3. Will the scoping documents include community consultation?
Response
Refer to the Response to Question 1.

Question
4. What will be the composition of the City's investigation team?

Response
Refer to the Response to Question 1.

4. **Public Question Time**

4:07pm The Chairperson invited members of the Public Gallery to ask questions. There were none.

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 17 September 2018, as a true and accurate record.

Committee Voting – 5/0

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

Nil

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

4:07pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

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

4:07pm Cr Sammels declared the following Declaration of Interest:

<table>
<thead>
<tr>
<th>8.1</th>
<th>Item EP-015/18</th>
<th>Tender T18/19-09 - Periodic Maintenance of Various Reserves and Streetscape Areas in Rockingham West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor/Officer:</td>
<td>Cr Sammels</td>
<td></td>
</tr>
<tr>
<td>Type of Interest:</td>
<td>Impartiality</td>
<td></td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>His nephew is an employee of Cobey, one of the tenderers.</td>
<td></td>
</tr>
<tr>
<td>Extent of Interest:</td>
<td>Not Applicable</td>
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9. **Petitions/Deputations/Presentations/Submissions**

9.1 Deputation - PD-055/18 Joint Development Assessment Panel Application - Proposed Health Studio, Restaurant, Showrooms and Convenience Store

4:08pm The Chairperson invited Mr Derek Hays, Hames Sharley and Mr Peter Simpson, PTS Town Planning on behalf of Mr Alex Drake-Brockman, Development Manager Arise Developments to make their deputation.

Mr Hays gave a visual presentation of the site context, main street design, street activation, gateway frontage and proposed land uses. Mr Simpson explained the application is based on a design that is economically viable and responds to the site context.
He explained the design accords with the Council Avenue Sub-Precinct and that the use and development of the site can adapt over time and traffic impacts were based on integrated access arrangements.

Mr Simpson asked the Committee to support the application.

4:23pm The Chairperson thanked Mr Hays and Mr Simpson for their deputation.

10. Matters for which the Meeting may be Closed
 Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – October 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

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

Compliance and Emergency Liaison
1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
3.1 Refurbishment of the New Compliance Headquarters

4. Information Items
4.1 Ranger Services Action Reports
4.2 Private Swimming Pool and Spa Inspection Program
4.3 Emergency Management and Fire Prevention
4.4 Training
4.5 Accredited Emergency Service Training
4.6 Fire Management Plans
4.7 Fire Control Notice
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 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

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

**Statutory Planning**
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Heritage Strategy
   3.2 Pedestrian Access Way Strategy Review
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
### Planning and Development Directorate

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

### Advisory Committee Minutes

#### Committee Recommendation

**Moved Cr Sammels, seconded Cr Hamblin:**

That Councillors acknowledge having read the Planning Services Information Bulletin – October 2018 and the content be accepted.

Committee Voting – 5/0

### Engineering and Parks Services Information Bulletin – October 2018

#### Engineering and Parks Services Directorate

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

#### Asset Services

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - Alignment of Asset Classes to A-Spec
   - Drainage Condition Audit
   - Asset System Data Audit
   - Facility Security Plan
   - Reserve Electrical Asset Mapping
4. Information Items
   - Asset Maintenance Team
   - Asset Maintenance - Buildings
   - 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 Alexandra Street Footpath (Smythe Street to Regan Street), Rockingham
   4.2 Anniversary Park (New Access Road / Drainage Upgrade), Rockingham
   4.3 Aqua Jetty Monolith Sign, Warnbro
   4.4 Centenary Park shelter replacement, Safety Bay
   4.5 Chelmsford Reserve replacement of aged park furniture, Port Kennedy
   4.6 Council Administration Building Disability Inclusion Works, Rockingham
   4.7 Council Depot and Operation Centre security electric fence, Rockingham
   4.8 Eva Lynch and Hourglass Reserve lighting replacement, Warnbro
   4.9 Golden Bay Coastal Community Centre (Louvres replacement and roofing repairs)
   4.10 Golden Bay Coastal Community Centre (Wall Repairs and Painting)
   4.11 Golden Bay Foreshore shade sails
   4.12 Governor Road LED (light emitting diode) park lighting, East Rockingham
   4.13 Harrington Waters exercise equipment, Waikiki
   4.14 Hillman Street Footpath (Rockingham Beach Road to Lewington Street), Rockingham
   4.15 Hourglass Reserve athletic infrastructure, Cooloongup
   4.16 Kingaroy Reserve play equipment and surrounds, Baldivis
   4.17 Lagoon Reserve landscape upgrade, Secret Harbour
   4.18 Lamorak Way Footpath (Chapel Street to Borough Road), Baldivis
   4.19 Lewington Street Footpath (Victoria Street to Weld Street), Rockingham
   4.20 Lot 206 Longbeach Rise Park Open Space, Port Kennedy
   4.21 Mundijong Road and St Albans Road, Baldivis
   4.22 Nairn Drive (Stage 3) Blaxland Terrace to Cottonwood Drive, Baldivis
   4.23 Old Abattoir, Hillman
   4.24 Palermo Cove Carpark (opposite Palisades Boulevard) lighting upgrade, Secret Harbour
   4.25 Rhonda Scarrott Reserve floodlighting, Golden Bay
   4.26 Rockingham Aquatic Centre asbestos removal
   4.27 Rockingham Lakes Oval carpark (La Guardia Loop), Port Kennedy
   4.28 Safety Bay Road Footpath (Opposite No.310 to Foreshore Path), Safety Bay
   4.29 Singleton Volunteer Bush Fire Brigade shed extension
   4.30 Secret Harbour Community Centre – Refurbishment Internal and External Items
   4.31 Secret Harbour Foreshore fitness equipment
   4.32 Surf Drive Reserve play equipment and seating, Secret Harbour
   4.33 Townsend Reserve gazebo, Rockingham
   4.34 Warnbro Recreation Centre seating and shelter
   4.35 Watts Road Girl Guides asbestos removal and reroof

## 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 Practice cricket net refurbishment - Breaden Drive Reserve, Waikiki
4.3 Horticultural Maintenance Works
4.4 Aquatic plants - Lake Richmond, Rockingham
4.5 Greening Plan
4.6 Timber Picket fence - Arpenteur Park, Baldivis
4.7 Ornamental ponds - Barri Barri Reserve, Baldivis

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 8 Year Review
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure
   4.2 Delegated Authority for approval of Directional Signage
   4.3 Delegated Authority for approval of Heavy Haulage
   4.4 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.5 Civil Works Program 2018/2019
   4.6 Civil Maintenance Program 2018/2019
   4.7 Road Rehabilitation Program Main Roads Grant 2018/2019
   4.8 Road Renewal Program Municipal Works 2018/2019
   4.9 Drainage Renewal Program Municipal Works 2018/2019
   4.10 Footpath Renewal Program Municipal Works 2018/2019
   4.11 Litter and Street Sweeping Program 2018/2019
   4.12 Graffiti Program 2018/2019
   4.13 Delegated Authority for the payment of crossover subsidies
   4.14 Third Party Works within the City
   4.15 Asset Inspections
   4.16 Verge Treatment Applications
   4.17 Verge Issues
   4.18 Coastal Infrastructure
   4.19 Coastal Management

Advisory Committee Minutes

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – October 2018 and the content be accepted.

Committee Voting – 5/0

1 Correction of numerical error
12. Agenda Items

Planning and Development Services

Planning and Development Services

Statutory Planning Services

Reference No & Subject: PD-052/18 Proposed Road Closure - Portions of Folly Road, Baldivis

File No: LUP/1937

Applicant: McMullen Nolan Group Pty Ltd

Owner: Crown

Author: Ms Gayle O'Leary, Planning Officer

Other Contributors: Mr Chris Parlane, A/Coordinator Statutory Planning  
Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 15 October 2018

Previously before Council: July 2018 (PD-035/18)

Disclosure of Interest:

Nature of Council’s Role in this Matter: Executive

Site: Folly Road, Baldivis

Lot Area: 1,517m²

LA Zoning: Development

MRS Zoning: Urban

Attachments: Maps/Diagrams:
1. Aerial Plan
2. Location Plan

Purpose of Report

To consider proceeding with a minor road closure for two sections of Folly Road, Baldivis, to enable its amalgamation with Public Open Space and create a Pedestrian Access Way (PAW), following public advertising.
1. Aerial Plan

Reserve 52804

Section of road subject to closure

2. Location Plan

Section of road subject to closure
Background

In July 2018, Council resolved to advertise the proposed closure of portions of Folly Road, within ‘The Edge’ estate.

Details

The applicant seeks Council’s support to close two portions of Folly Road, Baldivis, to facilitate the development of the land in accordance with the adopted Structure Plan and approved plan of subdivision.

The section of Folly Road dividing the local park (Reserve 52804) needs to be ceded back to the Crown as a Reserve for Recreation, and the section adjacent to the Kwinana Freeway will be reclassified to a Pedestrian Access Way (PAW).

Implications to Consider

a. Consultation with the Community

The proposal was advertised for 40 days in accordance with the Land Administration Act 1997, by a notice circulated in the Sound Telegraph newspaper and online advertisement via the City’s website, the City’s Rockport platform, and social media (Facebook). Advertising closed on 17 September 2018. No public submissions were received.

b. Consultation with Government Agencies

The following authorities were consulted during the advertising period:

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

Submissions were received from the Department of Planning, Lands and Heritage, Main Roads WA, Water Corporation, Department of Water and Environmental Regulation, Telstra and ATCO Gas.

1. Department of Planning, Lands and Heritage

Submission:
No objections were made to the proposed closure of two sections of Folly Road.

City's Comment:
Noted.

2. Main Roads WA

Submission:
Main Roads advised that it has no assets within these two portions of road reserve and therefore has no objections to the closure and amalgamation into the contiguous lands.

City's Comment:
Noted.
3. Water Corporation

Submission:
The Water Corporation advised that its Water and Wastewater infrastructure is not present in the sections of Folly Road proposed to be closed and thus the proposal will not impact on the Water Corporation’s infrastructure or operations.

City’s Comment:
Noted.

4. Department of Water and Environmental Regulation

Submission:
No objections to the proposal were provided.

City’s Comment:
Noted.

5. Telstra

Submission:
Telstra advised that it has a network running through the east side of the proposed closure. As long as Telstra has continued access to it, Telstra has no objection to the road closure.

City’s Comment:
Telstra’s comments are noted, this section of Folly Road will be converted to a Pedestrian Access Way and Telstra will continue to have access to it.

6. ATCO Gas

ATCO advised that it does not operate any gas mains or infrastructure in the area identified. ATCO has no objection to and supports the proposal to facilitate the proposed change in land tenure.

City’s Comment:
Noted.

c. Strategic Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

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

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

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

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

Nil

**Comments**

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

It is recommended that Council support the proposed road closure.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **SUPPORTS** the proposed closure of two portions of Folly Road, Baldivis pursuant to section 58 of the *Land Administration Act 1997*.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Sammels:

That Council **SUPPORTS** the proposed closure of two portions of Folly Road, Baldivis pursuant to section 58 of the *Land Administration Act 1997*. 
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-053/18 Proposed Amendment to Planning Policy 3.3.9 - Fast Food Outlets
File No: LUP/1265-05
Applicant: Owner: Author: Mr David Banovic, Senior Planning Officer
Other Contributors: Mr Chris Parlane, A/Coordinator Statutory Planning
Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting: 15 October 2018
Previously before Council: May 2008 (PD81/5/08)
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter: Site:
Lot Area: LA Zoning: MRS Zoning: Attachments: Maps/Diagrams:

Purpose of Report
To consider amending Planning Policy 3.3.9 - Fast Food Outlets (PP3.3.9) to simplify the Policy as well as reflect changes in terminology and City's Town Planning Scheme No.2 (TPS2) Table No.1 zoning requirements.

Background
In May 2008, PP3.3.9 was adopted by Council and has not been reviewed since.
PP3.3.9 sets out the development requirements for Fast Food Outlets to provide clarification as to where Council will support the establishment of Fast Food Outlets, and to set out guidelines for the development of such premises.

Details
The following amendments to PP3.3.9 are proposed:

Legislation
The following changes are proposed to the names of relevant legislation and strategies, with the associated terminology used in these documents also amended:
The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

The Regulations were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the Town Planning Regulations 1967. PP3.3.9 terminology is amended to be consistent with the Regulations (e.g. ‘Development Approval’ in lieu of ‘Planning Approval’).

Terminology

Minor wording changes are proposed to simplify the Policy for ease of use, correct typographical errors and prevent duplication.

Table No.1 - Zoning Table

Clause 4.1 of PP3.3.9 has been updated to reflect changes as per the Zoning Table of TPS2.

Policy Application and Policy Statement (Location)

Fast Food Outlets are an ‘X’ use within a Service Commercial zone under TPS2 which means a use that is not permitted by the Scheme. Commentary under Clause 4.1 relating to Fast Food Outlets along the Challenger Business Park on Patterson Road and Dixon Road relates to the location of the land use in the Service Commercial zones. As Fast Food Outlets are an ‘X’ use within a Service Commercial zone it is considered inappropriate to retain this information in that specific clause.

Nevertheless, this commentary is considered appropriate under Clause 2 as it relates to the permissibility of the Fast Food Outlet use in TPS2 and reinforces the City’s position that Fast Food Outlets will not be supported along Challenger Business Park on Patterson Road and Dixon Road.

Parking and Access

Majority of the car parking requirements specified under Clause 4.3 of PP3.3.9 do not reflect the correct car parking requirements of Clause 4.15, and Table 2, 3 and 4 of TPS2.

Car parking requirements are specified under the Scheme text, thus Clause 4.3 has been simplified to avoid unnecessary duplication.

Building Approval and Health Approval

Building Approval and Health Approval are covered by other forms of legislation and therefore do not require to be in PP3.3.9.

Bicycle Parking and End-of Trip Facilities

Reference to Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities (PP3.3.14) has been included to support the use of sustainable transport.

Implications to Consider

a. Consultation with the Community

The recommended changes do not impact on any existing Fast Food Outlet in the City of Rockingham.

Under Clause 4(1) of the deemed provisions in TPS2, if the local government resolves to amend a Planning Policy, the local government must advertise the proposed amendments to the Policy, as follows:

"(i) publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:

(a) the subject and nature of the proposed amended Policy; and
(b) the objectives of the proposed amended Policy; and
(c) where the proposed amended Policy may be inspected; and
(d) to whom, in what form and during what period submissions in relation to the proposed amended Policy may be made;

(ii) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;

(iii) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate."
Under Clause 4(2), the period for making submissions in relation to a Planning Policy amendment must not be less than a period of 21 days commencing on the day on which the notice of the Policy is published under subclause (1)(a).

b. Consultation with Government Agencies
Nil

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

**Aspiration D:** Sustainable Environment

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

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
Under Clause 2 of the deemed provisions (Local Planning Policies) in TPS2, the Council may prepare, modify or revoke a Planning Policy. If the Council resolves to amend the PP3.3.9, the City is required to publicly advertise the proposed changes for a period of 21 days.

PP3.3.9 is not part of TPS2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

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 are no major changes proposed to the Policy. The amendments to PP3.3.9 are generally administrative in nature, to ensure consistency with legislative terminology and deemed provision requirements of TPS2.

It is recommended that Council adopts revised PP3.3.9 Fast Food Outlets for the purpose of seeking public comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council APPROVES the advertising of the revised Planning Policy 3.3.9 - Fast Food Outlets for public comment (amendments marked in red).
Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:
That Council APPROVES the advertising of the revised Planning Policy 3.3.9 - Fast Food Outlets for public comment (amendments marked in red), as follows:

**PLANNING POLICY 3.3.9**

**FAST FOOD OUTLETS**

1. **Introduction**

   The City of Rockingham Town Planning Scheme No.2 *(TPS2)* defines ‘Fast Food Outlet’ as premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a ‘Lunch Bar’.

   The purpose of this Planning Policy is to set out the objectives and policy provisions which the ‘Council/ Local Government’ shall have due regard to in the assessment and determination of applications for planning Development Approval for the establishment of Fast Food Outlets.

   In this regard, no person shall commence or carry out any development of a Fast Food Outlet without first having applied for and obtained the planning Development Approval of the Council/ Local Government, pursuant to the provisions of Part 6 of Town Planning Scheme No.2 deemed provisions of TPS2.

2. **Policy Application**

   In *Town Planning Scheme No.2 TPS2*, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

   The permissibility of the Fast Food Outlet use in *Town Planning Scheme No.2 TPS2* can be summarised as follows:

   (a) The use is not permitted in the Primary Centre City Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Baldivis District Town Centre, Commercial, Service Commercial, and Development zones, unless the Council/ Local Government has exercised its discretion by granting planning Development Approval;

   (b) The use is not permitted in all other zones.

   *This Planning Policy should be read in conjunction with the Health Act 1911 (as amended) and the Health (Food Hygiene) Regulations 1993.*

   1. The Local Government will not support the development of Fast Food Outlets within the Challenger Business Park on Patterson Road, Rockingham and Dixon Road, Rockingham and East Rockingham, as it is considered that Fast Food Outlets would undermine the regional planning objectives of the City.

3. **Policy Objectives**

   The objectives of this Planning Policy are as follows:

   (a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Fast Food Outlets.

   (b) To secure the amenity, health and convenience of the locality through appropriate development requirements.

   1. In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, land-uses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to Clause 4.2.3.1(b) of *Town Planning Scheme No.2 TPS2.*

4. **Policy Statement**

4.1 **Location**

   The preferred locations for Fast Food Outlets are within approved Neighbourhood and District Town Centre zones and within the City Centre Zones specified under Clause 2 (a) of this Policy.

   The Council will not support the development of stand-alone Fast Food Outlets within the Challenger Business Park (Service Commercial Precinct located on Patterson Road, Rockingham) and the Service Commercial zoned land on Dixon Road, as it is considered that support in these locations would undermine the regional planning objectives of the City.
4.2 Development Requirements

In its consideration of proposals to establish Fast Food Outlets, the Council Local Government will seek to reduce the impact of the use on the amenity of the locality (particularly adjacent to residential areas), through the following measures:

(a) The location of signage, parking, drive-through facility, bin storage areas and service vehicle access;

(b) The control of trading hours, noise, lighting (light spill), cooking odours and wind blown litter; and

(c) The provision of suitable setbacks and landscaping buffers.

In the interests of traffic safety, the Council Local Government will seek to minimise disruption to traffic flows (especially at peak hours), minimise spontaneous impulse driving behaviour and limit pedestrian/vehicle conflict.

The Council Local Government has not specified a minimum lot area for Fast Food Outlets as it considers that such a requirement may vary dependent upon location and access or whether the facility is free standing or shares a common site. Accordingly, each proposal will be considered on its merits.

4.3 Parking and Access

An application for planning Development Approval shall make provision for car parking bays in accordance with the standards and requirements of Clause 4.15 and Table Nos. 2, 3 and 4 of Town Planning Scheme No.2 or the Planning Policy No.3.2.2 - Rockingham Beach Waterfront Village (Appendix 1 - Carparking Requirements) TPS2.

In Table No.3 (recommended carparking standards/allowances within the City Centre Zone and Baldivis Town Centre Zone District Town Centre zone), a minimum of one carparking bay per 15m² Net Lettable Area (NLA) is required.

In Table No.2 (dealing with all other zones), one carparking bay per 11m² NLA (including outdoor eating areas) is required.

In the Waterfront Village Zone, carparking is to be provided in accordance with the following table:

<table>
<thead>
<tr>
<th></th>
<th>On-site</th>
<th>Cash-in-lieu</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>Zero</td>
<td>1 bay/22m²</td>
<td>1 bay/14m²</td>
</tr>
<tr>
<td>Maximum</td>
<td>1 bay/22m²</td>
<td>1 bay/14m²</td>
<td>1 bay/11m²</td>
</tr>
</tbody>
</table>

Where a drive-through facility is to be provided, the on-site queue accessway should be sufficient to accommodate a minimum of 10 cars (measured from the pick-up point). This accessway must not obstruct access to car parking spaces and not extend onto the external roadway.

The carparking bays accommodated within the drive-through facility (on-site queue accessway) can be included in the carparking allocation required for a Fast Food Outlet, up to a maximum of 50% of the Scheme carparking requirement.

Consistent with Main Street design principles, drive-through facilities will generally not be supported in the Primary Centre City Centre, and Primary Centre Waterfront Village and Primary Centre Urban Village zones and within the Main Street locations of the Baldivis District Town Centre Zones and the Secret Harbour Town Centre Neighbourhood Centres.

4.4 Other Planning Considerations

Applications for Fast Food Outlets that are integrated into the design of buildings such as Service Stations will be considered on their merits after considering issues of location, vehicular access, layout and amenity.

4.5 Advertising Signs

Any proposed advertising sign must accord with the deemed provisions of Clause 5.3 of TPS2 Town Planning Scheme No.2 and Planning Policy 3.3.1 - Control of Advertisements. Furthermore, a Sign Licence application is required to be submitted to the Building Department, pursuant to the Council’s Signs, Hoardings and Bill Posting Local Law.
4.6 Bicycle Parking and End-of Trip Facilities

Applications for Development Approval including the upgrading of existing Fast Food Outlets will be required to provide for bicycle parking and end-of-trip facilities in accordance with Planning Policy 3.3.14 - Bicycle Parking and End-Of-Trip Facilities.

4.6 Building Approval

Where a Fast Food Outlet requires the construction of a new building or modifications to an existing building, a Building Licence will be required from the Council (in addition to a Planning Approval).

4.7 Health Approval

Where a Fast Food Outlet requires the construction of a new building or modifications to an existing building, a Health Approval will be required from the Council (in addition to a Planning Approval).

4.87 Other Considerations

Under the City of Rockingham Planning Policy No.6.3 3.1.2- Local Commercial Strategy, a Fast Food Outlet is categorised as an Ancillary Use and the floorspace (NLA) will be included in the retail floorspace allocation for Centres.

4.98 Consultation

Where the Manager, Statutory Planning considers that an application for planning approval Development Approval for the establishment of a Fast Food Outlet is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 8.3.3 Clause 64 of the deemed provisions of Town Planning Scheme No.2 TPS2 and Planning Procedure No.1.3 - Community Consultation.

5. Application Procedure

Applications for planning approval Development Approval for the establishment of Fast Food Outlets shall be made on the form prescribed by the Council Local Government, and shall be signed by the owner(s), and accompanied by the following information:

(a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;

(b) Such plans and other information that the Council Local Government may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2; Refer to Clause 63 of the deemed provisions of TPS2;

(c) Any specialist studies that the Council Local Government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(d) Details of any proposed signage to be erected, together with a separate application for a sign licence permit to Council's Building Department; the City's Health and Building Services; and

(e) The payment of an Administration Fee as detailed in the Council's Planning Information Bulletin No.2.2 - City's Scale of Fees for Planning Services.

6. Authority

This Planning Policy has been adopted by the Council Local Government under clause 8.9 of Town Planning Scheme No.2 the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Council Local Government in respect of any application for planning Development Approval, the Council Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2 TPS2:

Carpark means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or premises in which cars are displayed for sale.
Local Government Council means the Council Local Government of the City of Rockingham.

Lunch Bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

Net Lettable Area (NLA) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:

(a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
(b) lobbies between lifts facing other lifts serving the same floor;
(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

8. Delegation

Where an application for planning Development Approval has been the subject of a process of community consultation and substantiated objections are received, the application for planning Development Approval will be referred to the Council for determination.

All other applications for planning Development Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to cClause 8.10 of Town Planning Scheme No.2 68 of the deemed provisions of TPS2 and Planning Procedure 1.1 – Delegated Authority.

9. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 27th May 2008.

10. Amendment

This Planning Policy was amended by the Council at its ordinary Meeting held on xx xx xxxx.

101. Revocation

This Planning Policy supersedes the Council’s City’s Statement of Planning Policy No.6.6 - Fast Food Outlets.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Video ID</th>
<th>Proposed Envelope</th>
<th>Modification to Building Envelope</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD024.2018.00000011.001</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Steven Hext</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Steven Hext</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Banovic, Senior Planning Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Chris Parlane, A/Coordinator Statutory Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 October 2018</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 825 (No. 30) Trenant Park Gardens, Golden Bay.

#### Background

The subject site is located west of Mandurah Road and north of Dampier Drive. The approved Building Envelope was created as part of the original subdivision of the subject site in 2012.

The approved Building Envelope is 824m² and setback 17.4m from the northern boundary; 5m from the western boundary, and varies between 9.5m to 12.7m from the southern boundary. The approved Building Envelope is also substantially setback from the Mandurah Road reservation to the east.
A minor portion of the subject site forms part of Planning Control Area (PCA) 126 (see Figure 3). The land highlighted in yellow has been identified for the potential future extension of Dampier Drive. The proposed modified Building Envelope does not impact on the PCA.
3. Planning Control Area 126

There is an existing carport like structure adjacent to Mandurah Road reservation which is located outside the approved Building Envelope (see Figure 4). Development approval has not been obtained by the owner for this structure. This matter will be dealt with by the City separately to the application seeking to modify the approved Building Envelope.

**Details**

The application proposes to modify the approved Building Envelope for the purpose of accommodating a future outbuilding as indicated in Figure 5. The size of the Building Envelope will increase from 824m² to 906m². The edge of the modified Building Envelope is proposed to be setback a minimum of 5.6m from the southern boundary and 2.6m from the western boundary.
4. Existing and Proposed Building Envelope Plan
5. Future Outbuilding

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, the Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties.

The application was referred to the adjacent landowners by the City, as shown on the Consultation Plan below.
6. Consultation Plan

At the conclusion of the advertising period there were no submissions received.

b. Consultation with Government Agencies
Not Applicable

c. Strategic Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. Policy

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

The objective of this Planning Policy is to promote the orderly and proper development of land by identifying in what circumstances a Building Envelope may be varied and the process by which such an application would be considered.

The following is an assessment against the relevant requirements of PP3.3.17:

<table>
<thead>
<tr>
<th>Variations to Building Envelopes Requirement</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application complies with TPS2.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<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></td>
<td>Yes</td>
</tr>
<tr>
<td>Variations to Building Envelopes Requirement</td>
<td>Provided</td>
<td>Compliant</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>----------</td>
<td>-----------</td>
</tr>
<tr>
<td>Applications are consistent with the objectives and requirements of this Policy. In this regard, applicant must demonstrate that there are no adverse environmental impacts and how the Council’s objectives for the locality are realised;</td>
<td>The application proposes the modification of an approved Building Envelope in order to accommodate a future outbuilding. The location and size of the modified Building Envelope is considered to be reasonable as it does not jeopardise the orderly and proper planning of the lot and is therefore supported by the City.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an adverse environmental impact.</td>
<td>A site visit conducted on 3rd September 2018 revealed two dead Banksia trees within the location of the proposed outbuilding. City's Sustainability and Environmental staff support the removal of the subject trees. No other vegetation will be removed for the purposes of the Building Envelope modification. The proposal sufficiently addresses environmental aspects of the proposal and ensures compliance with PP3.3.17.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an unacceptable level of bushfire risk.</td>
<td>A Bushfire Attack Level (BAL) Report has been submitted, and the proposed modification will not result in an increased level of bushfire risk to habitable buildings. The Building Envelope modification is intended to be used for the purpose of accommodating a future outbuilding which will be located more than 6 metres from habitable buildings.</td>
<td>Yes</td>
</tr>
<tr>
<td>There are no unacceptable amenity impacts to neighbours.</td>
<td>The modified Building Envelope does not alter along the northern and eastern boundary. The edge of the modified Building Envelope is proposed to be setback a minimum of 5.6m from the southern boundary and 2.6m from the western boundary. The modified Building Envelope is adjacent to dense screening vegetation along the southern and western boundary. The nearest neighbouring dwelling is located to the west (Lot 824) which is setback approximately 35m from the edge of modified Building Envelope. It is considered the modification will not result in any adverse amenity impact upon the adjoining landowners. The proposal was also referred to the adjoining neighbours and no objections were received.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation results only in a minor increase in the size of the approved Building Envelope.</td>
<td>The size of the approved Building Envelope will be increased from 824m² to 906m², which is an increase of 9.95% and complies with the maximum allowable increase of 10%.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Variations to Building Envelopes Requirement

<table>
<thead>
<tr>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td></td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>No</td>
</tr>
</tbody>
</table>

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

The proposed Building Envelope modification is proposed for the purpose of accommodating a future outbuilding that will be located more than 6 metres away from the existing Single House. The proposal is exempt from the provisions of SPP 3.7 as the outbuilding will be located more than 6 metres away from the existing Single House. The proposal is considered to be compliant with the requirements of SPP 3.7.

e. **Financial**

   Nil

f. **Legal and Statutory**

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

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 modified Building Envelope generally satisfies TPS2 and PP3.3.17, with the exception of the requirement for the Building Envelope to be of a regular shape. The variation is considered acceptable as the proposed location of the future outbuilding will not result in an adverse environmental impact and no objections were raised by adjoining landowners. The shape of the modified Building Envelope is also consistent with other approved Building Envelope modifications within 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 825 (No.30) Trenant Park Gardens, Golden Bay.
Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council **APPROVES** the application to vary the Building Envelope at Lot 825 (No.30) Trenant Park Gardens, Golden Bay.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 NOVEMBER 2018

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-055/18 Joint Development Assessment Panel Application - Proposed Health Studio, Restaurant, Showrooms and Convenience Store</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2018.00000201.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>PTS Town Planning Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Arise Rockingham Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Banovic, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, Senior Projects Officer, Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 October 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
</tbody>
</table>

| Site:               | Lot 301 (No.2-6) Council Avenue, Rockingham                                                                                 |
| Lot Area:           | 12,373m²                                                                                                                     |
| LA Zoning:          | Primary Centre City Centre                                                                                                  |
| MRS Zoning:         | Central City Area                                                                                                           |
| Attachments:        | 1. Responsible Authority Report                                                                                             |
|                     | 2. Design Review Panel Meeting Note                                                                                         |
|                     | 3. Location Plan                                                                                                            |
|                     | 4. Aerial Photograph                                                                                                       |
|                     | 5. Site Plan                                                                                                                |
|                     | 6. Ground Floor Plan                                                                                                       |
|                     | 7. Elevations - Part 1                                                                                                     |
|                     | 8. Elevations - Part 2                                                                                                     |
|                     | 9. Council Avenue and Read Street intersection perspective                                                                  |
|                     | 10. Council Avenue perspective                                                                                            |
|                     | 11. Council Avenue and Sepia Court intersection perspective                                                                |
|                     | 12. Consultation Map                                                                                                       |
|                     | 13. Development Concept Sketch - Prominent Corner Site and Gateway Location - Read Street and Council Avenue                |
| Maps/Diagrams:     | 1. Location Plan                                                                                                            |
|                     | 2. Aerial Photograph                                                                                                       |
|                     | 3. Site Plan                                                                                                                |
|                     | 4. Ground Floor Plan                                                                                                       |
|                     | 5. Elevations - Part 1                                                                                                     |
|                     | 6. Elevations - Part 2                                                                                                     |
|                     | 7. Council Avenue and Read Street intersection perspective                                                                  |
|                     | 8. Council Avenue perspective                                                                                            |
|                     | 9. Council Avenue and Sepia Court intersection perspective                                                                |
|                     | 10. Consultation Map                                                                                                       |
|                     | 11. Read Street and Council Avenue Crossovers                                                                               |
|                     | 12. Location of Existing and Proposed Bus Stop                                                                             |
|                     | 13. Development Concept Sketch - Prominent Corner Site and Gateway Location - Read Street and Council Avenue                |
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for proposed Health Studio, Restaurant, Showrooms and Convenience Store at Lot 301 (No.2-6) Council Avenue, Rockingham.

Background

The subject lot is bounded by Read Street, Council Avenue and Sepia Court. To the north of the subject lot across Council Avenue is the Rockingham Shopping Centre and associated car parking area. To the south of the subject lot is a Public Access Way (PAW) with residential dwellings further south. To the east across the Sepia Court road reserve is the car parking area for Wanslea Early Learning and Development Centre. Located to the west of the subject site is Read Street with residential dwellings further to the west.

The subject site is vacant.
A development application to construct a Health Studio (Gym), a Restaurant, Showrooms and a Convenience Store (selling fuel) was lodged with the City on 23 July 2018. The proposed development application comprises the following:

The development of buildings located on the corner of Read Street and Council Avenue comprising of four (4) Showrooms, a 24 hour Health Studio, a Restaurant as well as a 24 hour Convenience Store located near the corner of Council Avenue and Sepia Court. The proposed development application also includes the following elements:

- 108 car parking bays;
- Vehicle access/egress from Read Street (via the existing slip lane), a central crossover on Council Avenue and two crossovers from Sepia Court;
- 22 bicycle parking bays and end-of-trip (EOT) facilities;
- A playground located near the restaurant alfresco area;
- A landscaping theme from a palette of Australian bushland colours and textures; and
- Provision of signage including 1 pylon sign on Read Street as well as various wall panel signage, roof signage and directional signage.

The proposed development also included the following works within the road reserve:

- Planting along Read Street, Council Avenue and Sepia Court verges;
- Removal of an existing tree along the frontage of Sepia Court to provide vehicle access to the site;
- The existing bus stop along Council Avenue is to be incorporated as part of the overall development; and
- A new footpath is to be constructed on Sepia Court and in the easement, adjacent to the site.

On 14 August 2018 the application was considered by the City's Design Review Panel (DRP). Additional supporting information was received from the applicant on 2 September 2018.
The information provided comprises of the following:

- An independent peer review conducted by a qualified traffic consultant;
- A Drainage Management Strategy cover letter;
- A Geotechnical Report, Acoustics Report as well as revised Waste Management Plan and Landscape Plan; and
- A response to public submissions.

3. Site Plan
4. Ground Floor Plan

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 NOVEMBER 2018

PRESIDING MEMBER
5. Elevations - Part 1
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 NOVEMBER 2018

PRESIDING MEMBER
9. Council Avenue and Sepia Court Intersection Perspective
Implications to Consider

a. Consultation with the Community

The proposed land uses are not permitted unless the local government has exercised its discretion by granting Development Approval and following advertising.

The application was advertised for public comment over a period of 21 days, commencing on 2 August 2018 and concluding on 23 August 2018. The nature of the 24-hour Convenience Store and 24hr Health Studio warranted comment from nearby owners and occupiers prior to Council providing its recommendation to the Metro South-West JDAP (SWJDAP).

Advertising was carried out in the following manner:

- The City sent 161 letters of notification to individual owners and occupiers in the close vicinity of the development, as shown in Consultation Map below; and

- Copies of technical documents and plans of the proposal were made available for public inspection at the City's Administration Offices and placed on the City's website.
10. Consultation Map

At the close of the public consultation period a total of 11 submissions were received, which included six (6) objections and five (5) letters of support. A further three (3) late submissions were received.
The location and distribution of all submissions received, both supporting and objecting to the proposal are shown in Consultation Map above.

The objections received have been summarised in the table below, including the applicant's and officer's response to the issue. The applicant's response to issues raised have also been summarised.

### 1. Traffic Impacts

<table>
<thead>
<tr>
<th>Concerns including safety, congestion, access points and existing traffic issues in the area.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant's Response:</strong></td>
<td></td>
</tr>
<tr>
<td>The access strategy has been designed to provide access to Sepia Court, Council Avenue and Read Street to distribute the traffic from the proposed site. Based on the proposed access strategy the traffic consultant has assessed that the intersections will maintain good levels of service. We do not agree that the increase in traffic results is an unacceptable increase in risk from Sepia Court to the shopping centre.</td>
<td></td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
<td></td>
</tr>
<tr>
<td>The two vehicular access points from Sepia Court are supported, however the left in / left out access point from Council Avenue is not supported by the City for the following reasons:</td>
<td></td>
</tr>
<tr>
<td>• Austroads’ Guide to Road Design Part 4 – Intersections and Crossings (General) recommends that an access driveway should not be located within the functional area of an intersection. The proposed access driveway off Council Avenue is located within the upstream functional area of Read Street/Council Avenue intersection;</td>
<td></td>
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<tr>
<td>• The westbound left lane on Council Avenue is a dedicated left turn movement at the intersection of Read Street/Council Avenue which suggests that vehicles either going straight through or making a right turn movement at the signalised intersection from this proposed access driveway are required to cross/merge to the right hand lane over short distance; and</td>
<td></td>
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<tr>
<td>• The queue from the traffic signal at Read Street/Council Avenue is likely to extend beyond the proposed access driveway location and completely blocking this access. The proposed left in / left out access point to Read Street is also not supported. Read Street is classified as a Category 1 Other Regional Road (ORR) under the Metropolitan Region Scheme. As such, no access is supported from the site to Read Street by DPLH.</td>
<td></td>
</tr>
</tbody>
</table>
11. Read Street and Council Avenue crossovers

Suggestion to relocate Convenience Store onto Read Street which is considered to be more accessible.

Applicant's Response:
The applicant is unable to locate the Convenience Store on Read Street as vehicle access to a Convenience Store would not be supported.

City's Comment:
Department of Planning, Lands and Heritage (DPLH) does not support vehicular access from Read Street as it is reserved as a Category 1 Other Regional Reserve under the Metropolitan Region Scheme. This matter is discussed in further detail later in the Consultation with Public Agencies section of this report.

Submitter would like demonstration as to how a central crossover from Council Avenue would not be a traffic hazard during peak periods (morning/afternoon).

Applicant's Response:
The access strategy has been designed to provide access to Sepia Court, Council Avenue and Read Street to distribute the traffic from the proposed site. Based on the proposed access strategy the traffic consultant has assessed that the intersections will maintain good levels of service.
1. Traffic Impacts (cont…)

City's Comment:
This matter has been addressed above and in the Legislation section of this report when it was concluded that the proposed vehicular access from Council Avenue will have substantial impact on the site and surrounding road network.

2. Impacts on Safety

Concerns relating to pedestrian and gopher access, anti-social behaviour, crime and safety of children and elderly.

Applicant's Response:
We do not agree that the increase in traffic results is an unacceptable increase in risk from Sepia Court to the shopping centre.
The location is within the Activity Centre and therefore the expectation of the level of amenity needs to reflect the activity centre development.

City's Comment:
There is no evidence the development proposed will have negative impacts on safety. It is considered development on this site is likely to improve community safety through increased surveillance.

What arrangements will be made to ensure continued safe and easy access to the child care centre for children and families both during construction and on completion of the development given that road accidents are the leading cause of death for children 1-14 in Australia.

Applicant's Response:
Sepia Court will remain open to provide access and management of construction and deliveries will be undertaken as part of a construction management plan and delivery management plan.

City's Comment:
In the event approval is granted, a condition of approval for requirement of a Construction Management Plan is recommended to mitigate construction impacts.

Concern that business viability will not be successful due to anti-social behaviour, gangs and those taking shelter around the Rockingham Shopping Centre.

Applicant's Response:
In addition to the security that will be provided to the site, more development and a 24hr convenience store will increase the potential for passive surveillance and, hence, inhibit anti-social activity.

City's Comment:
There is no evidence to support this submission. As mentioned above, It is considered development on this site is likely to improve community safety through increased surveillance.

3. Parking

Concerns relating to overflow into the local area and conflict with surrounding land uses.

Applicant's Response:
Car parking is compliant.
3. Parking (cont…)

City's Comment:
The development satisfies the car parking requirements of Clause 4.15 Carparking of Town Planning Scheme No.2 (TPS2).

4. Land Uses

Several concerns have been raised in relation to the proposed 24hour Convenience Store, 24hour Health Studio and Showroom land uses.

Applicant's Response:
The uses are discretionary under TPS2 and Preferred uses (retail, commercial, leisure) under the Council Avenue Sub-Precinct.

City's Comment:
The land use considerations are discussed in detail in the Policy section of this report, when it was concluded that Convenience Store and Showroom land-uses are not suitable in this location as these uses are heavily car oriented and do not support a pedestrian oriented environment.

Concern regarding the duplication of land uses.

Applicant's Response:
The number (demand/supply) of Convenience Stores and Health Studios in the locality is not a relevant planning consideration.

City's Comment:
There is no evidence to support this submission.

Suggestion that the proposed playground is increased in size to service as a park, garden or reserve housing the native green grass trees and birdlife rather than internal car parking.

Applicant's Response:
The playground is provided as an amenity to the users of the subject site and the public. The provision of a park is outside the scope of the consideration of the application. The existing grass trees on site are proposed to be used in the new landscaping.

City's Comment:
The City notes that the location of the playground is poor as the gap between the buildings fragments the built form and the streetscape.

5. Lighting

A concern was raised regarding existing lighting along Council Avenue and Sepia Court.

Applicant's Response:
Street lighting is a City of Rockingham responsibility.

City's Comment:
An appropriate balance of on-street and development lighting will be achieved. There is no intention to upgrade existing lighting infrastructure.

6. Noise

Concerns regarding operation of the development impacting nearby residential properties.
### 6. Noise (cont…)

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The location is within the Activity Centre and therefore the expectation of the level of amenity needs to reflect the Activity Centre development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
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<tbody>
<tr>
<td>The applicant has submitted an Acoustics Report which has been reviewed by the City and is considered to sufficiently address noise related aspects of the proposal. In the event approval is granted, a condition of approval should require compliance with the submitted Acoustics Report.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Restaurant will be noisy late at night when hotel patrons leave Leisure Inn.</th>
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</table>

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development cannot control the patrons of the hotel. Additionally, the site is located within an Activity Centre.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Restaurant is a preferred use under PP3.2.12. The proposed Restaurant is located on the northern boundary adjacent to the Council Avenue and Read Street intersection and is setback approximately 85 metres from the nearest residential dwelling.</td>
</tr>
</tbody>
</table>

### 7. Pollution

<table>
<thead>
<tr>
<th>Concern that exhaust fumes will cause health problems and discolour the exteriors of the buildings.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Convenience Store and fuel forecourt will meet all of the relevant Health standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City has reviewed the proposal and considers that exhaust fumes can be controlled to mitigate odour impacts.</td>
</tr>
</tbody>
</table>

### 8. Landscaping

<table>
<thead>
<tr>
<th>Objection to the removal of verge tree along Sepia Court.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>While a tree is required to be removed for a vehicle access, there will be a significant net gain in the number of trees in the verge areas and on the site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted. Whilst retention of trees is preferable, the City recognises that there will be a significant net gain in the number of trees on the verge and on-site as part of this development.</td>
</tr>
</tbody>
</table>

### 9. Property Value

<table>
<thead>
<tr>
<th>Development will affect resale of dwellings.</th>
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</thead>
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<table>
<thead>
<tr>
<th>Applicant's Response:</th>
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</thead>
<tbody>
<tr>
<td>The impact on property values cannot be substantiated and is therefore not a valid planning consideration.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
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<tbody>
<tr>
<td>Impact on property values is not a valid planning consideration.</td>
</tr>
</tbody>
</table>
10. Feasibility

A concern has been raised questioning whether the development is feasible, due to various shops closing across Rockingham.

**Applicant's Response:**
The feasibility of the proposed development is not a relevant planning consideration.

**City's Comment:**
Impact on feasibility is not a valid planning consideration.

b. Consultation with Government Agencies

The following government departments were consulted:

- Department of Planning, Lands and Heritage (DPLH);
- Department of Water and Environmental Regulations (DWER); and
- Public Transport Authority (PTA).

The comments received are as follows:

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

**i. Access**
The proposal seeks left in/ left out access points to Council Avenue and Read Street. This is not in accordance with the Commission's Regional Roads (Vehicular Access) Development Control Policy - 5.1, which seeks to minimise the number of new crossovers onto regional roads and rationalise existing access arrangements. The Policy states: 'Where alternative access is or could be made available from side streets, no access shall be permitted to the regional road'.

Read Street is classified as a Category 1 control of access road per Plan Number SP 694/4. As such, no access is supported from the site to Read Street.

**Applicant's Response:**
While it is noted that s3.3.2 of Development Control Policy 5.1 - Regional Roads (Vehicular Access) (DC5.1) does allow for the provision of regional road access for large traffic generating developments such as shopping centres and recreation centres. Given that the proposed development has a primary focus of both commercial retail and recreation (gymnasium and café), it would be reasonable to suggest that the proposal meets the criteria for approval on these grounds.

The access off Read Street is critical to allow the entry of vehicles originating from the north of the site. The only full access intersection that could cater for these vehicles is that of Council Avenue and Sepia Court. Sepia Court is a local access street ending in a cul-de-sac and that currently services mainly residential developments and a child care centre. Forcing the majority of the development traffic, including the heavy servicing vehicles, would lead to a deterioration of safety within Sepia Court and impact the streets current users. By allowing the proposed access off Read Street into the development, there will be a negligible effect on traffic flow due to the provision of the proposed left turn pocket, the planned access is consistent with other nearby developments fronting Read Street which have been provided direct access, results in no change in the character or operation of Read Street and no significant alterations to the configuration of Read Street will be required.

**City's Comment:**
The provided Transport Report states that the development will generate up to 2,139 vehicle trips per day (1,661 additional trips when pass-by trade component is applied). It is considered that the traffic volume as indicated does not constitute a large traffic generating development. The City supports DPLH's comments and access from the Other Regional Road (Read Street), is not supported.
1. Department of Planning, Lands and Heritage (DPLH) (cont…)

ii. Traffic and Parking Assessment

The above report, prepared by Riley Consulting dated July 2018 states that the development will generate up to 2,139 vehicle trips per day (1,661 additional trips when pass-by trade component is applied). Read Street accommodates 25,825 vehicles per day and Council Avenue accommodates 15,148 vehicles per day in the subject location. Signalised and unsignalised Intersection Design and Research Aid (SIDRA) analysis shows generally satisfactory performance for the proposed crossovers level of service with minimal delays. A number of right turning movements provided show moderate delays e.g. Sepia Court southern approach level of service and Council Avenue eastern approach level of service.

Applicant's Response:
No comment provided.

City's Comment:
Noted.

iii. DPLH Recommendation

The Western Australian planning Commission’s (WAPC) Transport Impact Assessment Guidelines states that assessment years should be undertaken 10 years after full opening of the development (not the year of full opening or post development as shown).

Applicant's Response:
Cardno is of the view that the traffic impact for the development can be assessed for the required 10 year horizon, using appropriately factored traffic growth figures and that this can be conditioned within the approval process to the satisfaction of the DOPLH.

City's Comment:
The scenario for the 10 years after full opening of the development should be assessed and included in the Transport Impact Assessment report. The City supports DPLH’s comments and requires this information prior to making a determination on the proposal.

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

i. Stormwater Management

It is difficult to determine if the proposed drainage pipes indicated on the drainage strategy plan is runoff from ground level surfaces or from roofs and other infrastructure. The drainage plans for the entire development area should demonstrate how and where the small, minor and major rainfall events will be managed and consider the following:

- The fuel dispenser area and forecourt should be covered, paved and graded to contain polluted runoff.

- Measures should be taken to prevent uncontaminated roof runoff and external surface water from entering the forecourt. These include:
  - kerbing or grade changes for paved areas
  - installing and maintaining stormwater collection systems, such as bio-retention gardens and soak wells to intercept clean roof and general runoff that would otherwise enter the forecourt.

- Runoff that may be contaminated should pass through a well-maintained litter and sediment trap, then an appropriately designed and regularly maintained fuel and oil trap.

- Only clean wastewater, that has been effectively treated should be discharged to:
  - on-site soak wells
  - on-site leach drains
  - on-site bio-retention gardens
  - a reticulated sewer where accepted by a service provider.
2. Department of Water and Environmental Regulations (DWER) - summarised (cont…)

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
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<tbody>
<tr>
<td>The Drainage Strategy Plan has been updated to show the location and intended size of the proposed SPEL Puraceptor unit. Areas within fuel zones will drain through this SPEL prior to reaching the soak well network. The exact arrangement of the internal drainage pipework and SPEL parameters will be resolved during detailed design.</td>
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<table>
<thead>
<tr>
<th>City's Comment:</th>
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<tbody>
<tr>
<td>Proposed SPEL Puraceptor unit and fuel zone drainage pipework locations are noted on amended plan. The Convenience Store is shown as Catchment 1 with the entrance and western portion of catchment connected to the SPEL unit. As vehicles will be moving through the fuel area and into the surrounding car parks next to the Convenience Store and air &amp; water station, it is highly likely that hydrocarbons will be mobilised outside of the bunded area. The piped drainage network outside of this area must therefore be modified to connect to the SPEL unit. Should the development be approved a condition requiring an updated drainage management strategy is recommended.</td>
</tr>
</tbody>
</table>

### ii. Hazardous Materials

The site layout plans provided have not included the location of the underground fuel storage and any associated pipelines and venting. Water Quality Protection Note 62 – Tanks for underground chemical storage (DWER, 2013) and Water Quality Protection Note 65 – Toxic and Hazardous Substances (DWER, 2006) provide best practice advice for the management and storage of hazardous materials for this development.

Furthermore, a contingency plan for spills and emergencies has not been described within the proposal to the DWER. The Water Quality Protection Note 10 – Contaminant spills emergency response (DWER, 2006) provides guidance into developing and implementing an effective emergency response plan.

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
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<tbody>
<tr>
<td>The location of the underground fuel storage and associated venting will be resolved during detailed design.</td>
</tr>
<tr>
<td>The Drainage Strategy Plan shows the buildings being connected to the drainage network. The exact arrangement of proposed downpipes and soak well connections will be resolved during detailed design.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
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<tbody>
<tr>
<td>Noted, should the development be approved a condition requiring an updated drainage management strategy is recommended.</td>
</tr>
</tbody>
</table>

### iii. Best Practice Management

The following Water Quality Protection Notes (WQPN’s) have been referenced in the advice above to provide best practice management guidelines relevant to this development proposal with the intent to protect the state’s water resources.

- WQPN 10 – Contaminant Spills- emergency response
- WQPN 49 – Service Stations
- WQPN 62 – Tanks for underground chemical storage
- WQPN 65 – Toxic and hazardous substances

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
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<tbody>
<tr>
<td>No comment provided.</td>
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<table>
<thead>
<tr>
<th>City's Comment:</th>
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</thead>
<tbody>
<tr>
<td>Noted.</td>
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</tbody>
</table>
3. Public Transport Authority (PTA)

i. Subject Bus Stop

The affected bus stop (21234 Council Av before Sepia Ct) experiences approximately 190 passenger boarding's and 40 alighting's on an average weekday. Demand reflects the location of Rockingham City Shopping Centre and its pedestrian exit/egress points onto Council Avenue. It could be expected that demand would increase with the adjacent development resulting in increased patronage at this location.

The PTA would not support the proposed relocation of bus stop 21234. There are 6 Transperth bus routes that are assigned to this bus stop and given that services are designed to connect with trains at Rockingham Station this can result in multiple services arriving at bus stop 21234 simultaneously. The proposed bus stop position does not accommodate this and would result in bus services causing conflict and blocking the Council Avenue - Sepia Court intersection.

It should also be noted that although the majority of services that are assigned to bus stop 21234 turn left from Council Avenue into Read Street, Route 553 bus services travel straight ahead to Cygnus Street. The bus stop cannot therefore be relocated any further east towards Read Street as this will generate operational issues for Route 553 services that would need to safely manoeuvre from what would appear to be a dedicated left turn only lane to re-join the straight ahead traffic lane.

PTA recommends retaining the bus stop as close to the proposed Council Avenue vehicular entry/egress as permitted under the Road Traffic Code 2000. This would maximise the ability to safely accommodate multiple services with minimal conflict. It is noted that this could have some impact on vehicles exiting left from the proposed Council Avenue entry/egress. This should be assessed in terms of driver visibility beyond multiple stationary buses. It may be necessary to restrict the left turn out.

It should also be noted that the impact on the bus stop boarding area would require it to be upgraded as part of the project scope so that it meets the requirements of the Disability Standards for Accessible Public Transport 2002. Any development of the site would require a bus stop boarding area layout being submitted to the PTA for approval. The boarding area would then also need to be constructed at the developers cost in accordance with the approved design.

Whilst it would be the City of Rockingham’s responsibility to comment on the provision of discretionary infrastructure such as shelter, bins or bench seats, the PTA notes the high level of patronage at this location and suggests that any infrastructure provided should be commensurate with that use.
12. Location of Existing and Proposed Bus Stop

**Applicant's Response:**
Cardno has undertaken an assessment of the existing bus stop location and have found that it is currently creating safety and congestion issues due to its close proximity to the Council Avenue and Read Street intersection. It is Cardno’s view that there would be community benefit if the PTA was agreeable to a relocation of the bus stop to a point east of the Sepia Court intersection. This alternative location would result in moving the stop closer to the Council Avenue underpass that links directly to Rockingham City Shopping Centre and therefore would provide significant safety improvements for the public wishing to access the bus stop.

It is noted that the elevation of the Council Avenue carriageway, designed to accommodate the underpass, results in a noteworthy height difference between the carriageway and parts of the adjacent verge and existing Council Avenue shared path, however these issues can be overcome with suitable retaining of the bus stop pad area and accessible path links to the Council Avenue shared path being provided. As the proponent is willing to work with the Public Transport Authority on relocating the bus stop to this possible location, Cardno considers it appropriate that any concerns relating to the bus stop location be appropriately conditioned requiring the developer to liaise with the Public Transport Authority in order to relocate the bus stop, to the satisfaction of the Public Transport Authority.

**City's Response:**
This is a matter to be resolved upfront with the PTA before the application is considered for approval. Consequently, it is considered that the proposed relocation of the bus stop is not supported by the City.

The applicant engaged the services of a separate traffic consultant to prepare an independent peer review of the traffic concerns raised by the City, DPLH and PTA.
An alternative bus stop location was discussed by the traffic consultant and PTA. In summary, PTA reviewed this proposal and deemed that it is not acceptable. A copy of the PTA response forms part of RAR attachment 7. Whilst, based on discussions between the traffic consultant and DPLH, DPLH advised that “If a future development could demonstrate sufficient intensification as outlined within the City’s Rockingham Strategic Metropolitan Centre Plan (Sector 10 Southern Gateway - medium and high density residential and mixed commercial and community uses), the Department would reconsider its position regarding access from the site to Read Street”. A copy of the DPLH response also forms part of RAR Attachment 6.

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 4.2 - Activities Centres for Perth and Peel (SPP4.2)

SPP4.2 specifies broad planning requirements for the planning and development of new activity centres and the redevelopment and the renewal of existing centres. SPP4.2 is primary concerned with and provides provisions with respect to the distribution, function, broad land use and urban design criteria of activity centres, together with coordinating their land use and infrastructure planning.

SPP4.2 provides a hierarchy of centres to distribute activity centres to meet different levels of community needs and enable employment, goods and services to be accessed efficiently and equitably by the community. The hierarchy acts to support a wide range of retail and commercial premises and promoted a competitive retail and commercial market. A detailed assessment against the provisions of SPP4.2 is contained within the attached Responsible Authority Report (RAR) where it is demonstrated that the proposal fails to comply with SPP4.2.

Local Policies

Rockingham Strategic Metropolitan Centre: Centre Plan

The subject lot is located with the Southern Gateway Sector and forms part of the Rockingham Strategic Metropolitan Centre. In September 2009, the Council adopted the Centre Plan for the Rockingham Strategic Metropolitan Centre, it was endorsed by the WAPC 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 and includes the subject site. 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-connected, urban-scaled townscape, comprising a major activity centre and related urban villages based on ‘Main Street’ principles.”

The proposed development is inconsistent with the Centre Plan’s vision as it does not provide for a modern centre as the critical issues of vehicular access, design, form and activation proposed restricts the proposal from providing a development which is consistent with the planned activity centre. The proposed development is considered to be inconsistent with the intent of the Centre Plan.
Southern Gateway and Rockingham Station Sectors (PP3.2.12)

The subject lot is a landmark corner site located within the Southern Gateway Sector which is one of 11 Sectors within the Centre Plan. PP3.2.12 has been established to guide development within the Sector.

13. Development Concept Sketch - Prominent Corner Site and Gateway Location - Read Street and Council Avenue

The greatest opportunity for change exists in the band of properties along the southern side of Council Avenue (wherein the subject lot is located), where further mixed use development infill would be appropriate given its proximity to the City Centre and its location as an important gateway to the Centre.

A development concept sketch has been provided which illustrates the visioned built form for the subject site. Under PP3.2.12 the site is identified as a 'Gateway Location' and a 'Prominent Corner' site with a requirement for a minimum 3 storey building height and maximum 5 storey building height. The development provides a single storey building with a partial faux three storey height façade. A detailed assessment against PP3.2.12 is available in the Local Policies section of the accompanying RAR, when it was concluded that the proposed development does not provide for appropriate vehicular access, building height, design, form and activation as required by the PP3.2.12.

Planning Policy No.3.3.1 - Control of Advertisements (PP3.3.1)

The applicant has submitted a signage strategy which includes details, type number and size of signage. The signage strategy consists of various wall signs, directional signage, a roof sign and a Pylon Sign.

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

<table>
<thead>
<tr>
<th>Pylon Sign must:</th>
<th>Officer Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>be located within 1.8m of a boundary</td>
<td>The pylon sign is setback 0.8m from the Read Street road reserve.</td>
<td>No</td>
</tr>
<tr>
<td>be situated within 6.0m of any other sign of the same lot</td>
<td>Nearest sign is setback more than 6m from the proposed pylon sign.</td>
<td>Yes</td>
</tr>
<tr>
<td>project over a street, walkway or any other public area by more than 1.0m</td>
<td>The pylon sign not project over a street, walkway or any other public area.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Pylon Sign must:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Officer Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>have a height exceeding 6.0m, unless it can be demonstrated to the Council that a greater height is warranted and it complies with the objectives of this Planning Policy. In any event, a Pylon Sign shall not exceed 9.0m in height</td>
<td>A 9.0m height above natural ground level is proposed. The sign only relates to a Convenience Store which is not visible from this location.</td>
<td>No</td>
</tr>
<tr>
<td>have any part of the sign less than 2.7m from the ground level, unless the sign is designed such that the underside of the face area is located at ground level</td>
<td>The underside of the sign is only 0.5m from the natural ground level. The design of the sign in not in a manner in which the underside of the face area is located at ground level.</td>
<td>No</td>
</tr>
<tr>
<td>have a face area exceeding more than 3.5m width or height</td>
<td>The face area exceeds 3.5m in height.</td>
<td>No</td>
</tr>
<tr>
<td>have a face area of more than 4m² on each side (single tenancy) or 13m² on each side (multiple tenancy).</td>
<td>The face area has been acknowledged to be greater than 4m² as the pylon sign is entirely dedicated to the Convenience Store.</td>
<td>No</td>
</tr>
</tbody>
</table>

The City examines signage in light of the assessment criteria and objectives of the PP3.3.1 and with reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas that may be affected.

The proposed Pylon Sign with a height of 9.0m above the natural ground level, adjacent to the Read Street crossover only services the Convenience Store on the opposite side of the lot. The proposed landscape treatment adjacent to the sign will do little to soften the visual impact, given height exceed the maximum permissible height by 3m. It is considered unreasonable to support a sign of such height as it does not fit into the context of the Southern Gateway Sector.

The proposed Convenience Store roof sign (essentially looks like a pylon sign has been place on a roof) measures at a height of 11 metres above natural ground level. The sign measures at a height twice greater than the ceiling of the building sign is attached to. It is considered the overall height of the sign does not fit into the context of the Southern Gateway Sector.

In light of the above reasons, the two above identified signs are not supported as they do not satisfy the objectives of PP3.3.1.

Planning Policy No.3.3.14 - Bicycle Parking and End of Trip Facilities (PP3.3.14)

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

**Bicycle Parking Requirement**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
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<tbody>
<tr>
<td></td>
<td>Short Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Convenience Store (200m²)</td>
<td>1:250m²</td>
</tr>
<tr>
<td>Health Studio (370m²)</td>
<td>1:400m²</td>
</tr>
<tr>
<td>Restaurant (176m²)</td>
<td>1:250m²</td>
</tr>
</tbody>
</table>
Under the bike parking provision of PP3.3.14, the proposed development requires the provision of a minimum 22 bicycle parking spaces. The proposed development provides a total of 22 bicycle parking spaces and satisfies the bicycle parking requirements of PP3.3.14.

**End-of-Trip Facilities**

In terms of PP3.3.14, the provision of 12 long term parking spaces requires the provision of four showers (two male, two female). The showers are required to be provided in a change room in accordance with PP3.3.14. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities.

**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.

The proposed development application was presented to the Design Review Panel (DRP) on 14 August 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 this report.

The DRP considered the development to be well composed and aesthetically pleasing, however, it considered that there are two key concerns which centre on the missed opportunities for the site, these being the inclusion of the service station and the single storey built form. Key issues noted by the DRP include:

- Address the built form, activation and articulation to the Council Avenue frontage;
- Connect the two buildings on the site - Convenience Store building and Showroom component;
- Increase the visual connection and architectural design between buildings;
- Investigate opportunities to review the car park and pedestrian layout; and
- Include more trees and combine the two separate landscape features or relocate closer to the buildings.

The DPR advised that design as presented cannot be supported.

The applicant responded to the DRP feedback by way of implementing a revised Landscape Plan which includes:

- A simplified landscape palette with native ground cover, grass and street trees. This includes removal of the boulders and loose gravel outside the lot boundaries;
- The application no longer includes the upgrade of the City owned PAW, however applicant has advised they are willing to discuss the development of this area with the City;
- The landscape plan has been amended to provide one (1) shade tree for every 4-6 car parking bays on-site;
- The landscaping to the 1.3 metre wide paved pathway has been amended to include native hedge planting and trees to visually screen the development from the residential properties on adjoining Lot 300 Sepia Court.
- The position of the above ground ‘Petrol Station Oil/Water Separation Shed’ is now located below ground.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Short Term</td>
<td>Long Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Showroom (4,583m²)</td>
<td>1:750m²</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>12</td>
</tr>
</tbody>
</table>
Notwithstanding the above landscape revisions, it is noted majority of the key issues identified by the DRP have not been addressed by the applicant through the provision of amended plans.

e. **Financial**

Nil

f. **Legal and Statutory**

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

Clause 3.2 - Zoning Table

The subject site is zoned ‘Primary Centre City Centre’ under TPS2. The proposed uses of ‘Convenience Store’, ‘Health Studio’, ‘Restaurant’ and ‘Showroom’ are uses that are not permitted (D), unless the Council has exercised its discretion by granting Development Approval.

Clause 4.3.2 - Objectives of the Primary Centre

The proposed development is considered to be inconsistent with the following objectives of the Primary Centre:

"(f) to foster the development of a credible and legible Primary Centre which possesses a diversity of activities through its built form and public spaces, framed around a legible public street pattern, with generally contiguous and active building frontages positioned at the street front boundary; and

(g) to facilitate efficient access to the Primary Centre and between the various social and economic activities within it (the Primary Centre), through the accommodation of pedestrian, cycle, public transport and private vehicles in a manner which supports the development of a consolidated, pedestrian oriented urban environment."

The development includes Showroom and Convenience Store uses which are not traditional street oriented uses and not common in City Centre zones. Such uses are not akin to a City Centre type environment as these uses are heavily car oriented and do not support a pedestrian oriented environment.

Clause 4.3.3 - Special Considerations Applicable to Development Applications

Clause 4.3.3 Special Considerations Applicable to Development Applications of the City’s TPS2 establish the development requirements for the subject site. The following considerations apply to the proposed development application:

(a) the objectives of the Primary Centre;

(b) the provisions of the Centre Plan;

(c) the objectives of the Zone in which the development is proposed; and

(d) in the case of the Primary Centre City Centre Zone – the provisions of the Development Policy Plan (City Centre Sector and Southern Gateway and Rockingham Station Sectors) and any other Policy adopted under Clause 4(3) of the deemed provisions which applies to the Primary Centre City Centre Zone.

Clause 4.3A.1 – Objectives of the Primary Centre City Centre Zone

The subject site is zoned ‘Primary Centre City Centre’ under TPS2. The proposed development is considered to be inconsistent with the following objectives of the Primary Centre City Centre Zone which include:

(e) to locate car parking areas behind street front buildings;

(f) to provide contiguous, activated street front development; and

(h) to encourage vibrant and diverse uses which promote the Primary Centre City Centre Zone as a destination.

The development proposes eight car parking spaces which are not located behind the Sepia Court building frontage.
The buildings do not provide for a continuous built form to the street edge along Council Avenue and Sepia Court, due to the building setback from Sepia Court and location of proposed playground which fragments built form on Council Avenue.

The land uses of Showroom and a Convenience Store (that relies on the sale of fuel) are not considered to vibrant diverse uses which promote the Primary Centre City Centre Zone as a destination.

Clause 4.3A.2 – Residential Design Codes Not to Apply

The Residential Design Codes (R-Codes) do not apply to development within the Primary Centre City Centre Zone.

4.3A.3 - Minimum Residential Density

In the Primary Centre City Centre Zone, all development for the purpose of grouped or multiple dwellings must have a minimum of one dwelling per 125m² of land area.

Proposed development does not provide for a residential component as part of this application. This is further discussed in Local Policies section of this report.

Clause 4.15 - Carparking

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience Store (200m²)</td>
<td>1 bay per 22 (17) m² NLA</td>
<td>9 (12)</td>
</tr>
<tr>
<td>Health Studio (370m²)</td>
<td>1 bay per 20 (15) m² NLA</td>
<td>19 (25)</td>
</tr>
<tr>
<td>Restaurant (176m²)</td>
<td>1 bay per 8 (6) persons the building is designed to accommodate</td>
<td>22 (29)</td>
</tr>
<tr>
<td>Showroom (4,583m²)</td>
<td>1 bay per 80 (60) m² NLA</td>
<td>58 (77)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>108 (143)</td>
</tr>
</tbody>
</table>

Note: For the Primary Centre City Centre zone, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

Under the parking provision of TPS2, the proposed development requires the provision of a minimum 108 and a maximum of 143 parking spaces. The proposed development provides a total of 108 car parking spaces and satisfies the car parking requirements of Clause 4.15 of TPS2.

Clause 5.3 - Control of Advertisements

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

Further detail on signage is discussed in the Policy section under Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1) where it is concluded that the proposed Pylon Sign and Convenience Store Roof Sign are not appropriate for their location.

Clause 6.1 - Design Review Panel

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.

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

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

Site Context
The subject site is located on the most western fringe of the Southern Gateway Sector Boundary, which is planned to provide for urban scaled infill development to better frame and activate a major entrance to the City Centre.

PP3.2.12 is one of a number of defined development sectors within the planning envelope of the endorsed Centre Plan for the Rockingham Strategic Metropolitan Centre. The proposed development is imperative to the function of the City Centre, due to close proximity and its location as an important gateway to the Centre.

Design
A development concept sketch has been provided which illustrates the visioned built form for the subject site. This sketch shows appropriate built form and development that provides for a variety of land-uses, building heights, articulation, finishes and active street frontages to address the prominent corner site requirements.

Under PP3.2.12, the site is identified as a ‘Gateway Location’ with a requirement for a minimum 3 storey building and a maximum 5 storey building with a height of up to 19m. The development provides a single storey building with a partial faux three storey height facade. This is not considered to be worthy of the site which is identified as a 'Prominent Corner and a 'Gateway Location'.

The City has previously had numerous meetings with the applicant where the urban design concerns were raised. Apart from minor layout changes, the application has not significantly altered the design to address the concerns raised by the City and reflected in the DRP advice.

Traffic
The City has undertaken an analysis of the Transport Statement provided by the applicant. In light of the findings of the report, the potential traffic generated does not constitute to a large traffic generating development. Nevertheless, it is considered that the potential traffic generated from this development will have a substantial impact on the site and surrounding road network due to the proposed location of the Council Avenue vehicular access point. Traffic access is unresolved.

Conclusion
The proposal fails to provide for an appropriate design, form and activation as required by the prevailing Planning Framework. The buildings are of an architectural appearance that lacks the urban or civic character associated with a prominent corner site in a gateway location within City Centre. The height of the proposed Pylon sign and Roof sign above the Convenience Store are not considered to be appropriate for the subject site.

Furthermore, the development fails to address issues raised by the City, DPLH and PTA in relation to the vehicular access from Read Street and Council Avenue and relocation of the existing bus stop on Council Avenue. The applicant's additional information does not provide for sufficient justification to address these outstanding issues.

The proposed development does not comply with the intent and objectives of the applicable planning framework and is considered to be unsuitable for its site and locality. It is therefore recommended that the application be refused.

Voting Requirements

Simple Majority
Officer Recommendation

That Council ADopts the Responsible Authority Report for the application for the proposed Health Studio, Restaurant, Showrooms and Convenience Store at Lot 301 (No.2-6) Council Avenue, 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:

Refuse DAP Application reference DAP/18/01463 and accompanying plans

- Cover Page, Drawing No.A000, dated 30.08.18;
- Perspectives, Drawing No.A001, A002, A003, dated 30.08.18;
- Site Survey, Drawing No.A004, dated 30.08.18;
- Site Plan, Drawing No.A005, dated 30.08.18;
- Ground Floor Plan, Drawing No.A006, dated 30.08.18;
- Roof Plan, Drawing No.A007, dated 30.08.18;
- Site Access & Activation, Drawing No.A008, dated 30.08.18;
- Elevations, Drawing No.A009, A010, dated 30.08.18;
- Sections, Drawing No.A011, dated 30.08.18;
- Materials, Drawing No.A012, A013, dated 30.08.18;
- Signage Location Plan, Drawing No.A014, dated 30.08.18;
- Signage Elevation, Drawing No.A015, A016, dated 30.08.18

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 reasons as follows:

Reasons

1. The development fails to satisfy objectives (f) and (h) of the Primary Centre City Zone under the City's Town Planning Scheme No.2 as the development does not provide a contiguous, activated street front development along Council Avenue, Read Street and Sepia Court and does not provide for a variety of vibrant land-uses more consistent with proximity to transit and the City Centre area.

2. Pursuant to Clause 6.1.3 of the City's Town Planning Scheme No.2 the development application fails to sufficiently address the recommendations raised by the Design Review Panel relating to built-form, activation, articulation and vehicular access.

3. The development application does not satisfy Clause 67 (b), (h), (m) and (t) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) with the development being contrary to:

b&h. The development provisions, principles and vision for the Rockingham Strategic Regional Centre Activity Centre Plan;

m. The development provisions for Local Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors relating to height, scale and appearance of the development and is considered to result in an impoverished design outcome, non-compatible with the surrounding development context.

t. The proposed Council Avenue vehicular access which is located within the functional area of the Council Avenue and Read Street intersection.

4. The development does not provide for a minimum building height of three (3) storeys as required by clause 5.4 'Building Heights and Prominent Sites' of Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors.
5. The development does not provide for significant elements that acknowledge arrival upon a Gateway Location as required by Clause 8.1.3 Gateway Locations of Planning Policy - 3.2.12 Development Policy Plan: Southern Gateway and Rockingham Station Sectors.

6. The development does not comply with clause 8.1.5 'Planning and Design Principles' and does not satisfy objective 8.1.2 of Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors as the development does not provide for visually distinctive buildings to reinforce the townscape structure and add legibility to the access and movement network.

7. The development does not comply with Clause 6.1.5.3 'Required Elements' and does not satisfy objectives 1, 3 and 4 of Clause 6.1.5 'Council Avenue Sub Precinct - Supplementary Design Guidelines of Planning Policy 3.2.12 Development Policy Plan: Southern Gateway and Rockingham Station Sectors as the development fails to:
   a. To provide for a contiguous, activated street front built form to Council Avenue;
   b. To provide for identifiable landmark on the corner of Council Avenue and Read Street which consists of high quality buildings; and
   c. To provide for shop front activation along Read Street and shop front activation along Sepia Court.

8. The proposed Pylon Sign and Convenience Store Roof Sign will result in signage that is not considered to be appropriate for its location as required by Clause 3(a) of Planning Policy 3.3.1 - Control of Advertisements.

9. The development does not comply with section 3.3.2 of Development Control Policy 5.1 - Regional Roads (Vehicular Access), as no access is permitted from the site to Read Street.

10. The development does not comply with Clause 5.1 'Activity Centre Hierarchy', 5.2 'Activity', Clause 5.3 'Movement', Clause 5.4 'Urban Form', Clause 5.6 'Out of centre Development' and Clause 6.6 'Development Control' and does not satisfy Clause 4 'Policy Objectives' of State Planning Policy 4.2 - Activities Centres for Perth and Peel.

**Committee Recommendation**

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

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Health Studio, Restaurant, Showrooms and Convenience Store at Lot 301 (No.2-6) Council Avenue, 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:

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   b&h. The development provisions, principles and vision for the Rockingham Strategic Regional Centre Activity Centre Plan;

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   t. The proposed Council Avenue vehicular access which is located within the functional area of the Council Avenue and Read Street intersection.

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Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-056/18 Joint Development Assessment Panel Application - Proposed Convenience Store</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD20.2018.00000180.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planning Solutions</td>
</tr>
<tr>
<td>Owner:</td>
<td>Rosov Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Neels Pretorius, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunt, Senior Projects Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 October 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
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<tr>
<td>Site:</td>
<td>Lot 297 (No.67) Ridge Boulevard, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>3,656m² (Area of Convenience Store 1,981m²)</td>
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<tr>
<td>LA Zoning:</td>
<td>Commercial</td>
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<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td>Responsible Authority Report</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Previous Approval 2010 Development Approval</td>
</tr>
<tr>
<td></td>
<td>3. Artist impression of 2010 Development Approval</td>
</tr>
<tr>
<td></td>
<td>4. The Ridge West Structure Plan</td>
</tr>
<tr>
<td></td>
<td>5. Existing parking area to the west of the site</td>
</tr>
<tr>
<td></td>
<td>6. Indicative Development Plan for the Ridge Neighbourhood Centre</td>
</tr>
<tr>
<td></td>
<td>7. View of the site from the north</td>
</tr>
<tr>
<td></td>
<td>8. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>9. Proposed Site Plan</td>
</tr>
<tr>
<td></td>
<td>10. Convenience Store Floor Plan</td>
</tr>
<tr>
<td></td>
<td>11. Convenience Store Elevations</td>
</tr>
<tr>
<td></td>
<td>12. Canopy and Pylon Sign Elevations</td>
</tr>
<tr>
<td></td>
<td>13. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>14. Extract from Environmental Noise Assessment</td>
</tr>
</tbody>
</table>
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed Convenience Store at Lot 297 (No.67) Ridge Boulevard, Baldivis.

Details

The subject site is located on the north-eastern corner of Ridge Boulevard and Nairn Drive Baldivis. The site has an area of 3,656m² and is currently vacant.

The lot adjacent to the west contains an existing medical centre. The areas to the east, south and north of the site is developed with residential buildings.

1. Location Plan

This application seeks Development Approval to develop a Convenience Store and associated access, storage and parking facilities at the eastern and southern areas of the subject site.

This development incorporates the following:

• A retail building of 190m² gross floor area;
• A service yard and bin storage area;
• A delivery/loading bay associated with the service yard and bin storage area;
• A fuel canopy comprising a height of 5.7m, which provides cover for four bowsers (totalling eight refuelling spaces);
• Two underground storage tanks, and an associated filling point positioned to accommodate fuel tankers;
• Six shopfront car parking spaces;
• Various signage associated with the service station including a 6m high ID sign fronting Nairn Drive; and
• The service station will operate 24 hours per day, 7 days per week.
The applicant has provided the following information in support of the proposed Convenience Store:
- Development Plans;
- Traffic Impact Assessment;
- Exterior Lighting Plan and Assessment;
- SPEL Puraceptor (Stormwater Management); and
- Environmental Noise Assessment.

**Background**

**Previous Approval**

An application to develop an IGA supermarket and Speciality shops framing the ‘main street’ was granted development approval in 2010 on the site. This approval included a one way drive through cross-over loading dock for service vehicles to service the supermarket. This approved application has now lapsed.
3. Artist impression of 2010 Development Approval.

Site Context
The site is zoned Commercial in terms of the adopted Ridge West Structure Plan. The expected design requirements of the site in terms of the structure plan include development which

- has an interactive and detailed frontage provided to streets,
- has openings which address the street,
- takes advantage of the northerly aspect of the lot,
- has a continuous street verandah (awning) provided on all street frontages at a minimum width of 2.5m, and
- is generally conducive to ‘main street’ design principles.
- approximately 90 public car parking bays are adjacent to the subject site which can be utilised by the development
- the building corner of Nairn Drive and Ridge Boulevard is to be suitably treated as a landmark feature.
4. The Ridge West Structure Plan

5. Existing parking area to the west of the site.
6. Indicative Development Plan for the Ridge Neighbourhood Centre
7. View of the site from the north.

8. Aerial Photo
9. Proposed Site Plan
10. Proposed Convenience Store Floor Plan
11. Convenience Store Elevations
12. Canopy and Pylon Sign Elevations
Implications to Consider

a. Consultation with the Community

Given the 24 hour nature of the development, the application was advertised for a period of 14 days, accordance with clause 64 of the deemed provisions of *Town Planning Scheme No.2*, in the following manner:

- Landowners and occupiers adjacent to the site were notified in writing of the proposed development; and
- Details of the proposal were made available at the City's Administration Office and on the City's website.

At the conclusion of the advertising period, twenty three submissions were received consisting of seventeen objections, four submissioners supporting and two with no comments. Refer to consultation plan below.

Clause 67(y) of the Planning and Development (Local Planning Scheme) Regulations 2015 states that in considering an application for development approval the local government (decision maker) is to have due regard to any submissions received on the application.

The sixteen submissioners who provided detail of where they live are shown on the consultation plan below.

13. Consultation Plan

An assessment of the submissions is provided below:

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue 1 – Non compatible use</td>
</tr>
<tr>
<td>Wrong place for a filling station too close to medical centre and residential dwellings.</td>
</tr>
</tbody>
</table>

**Applicant's Comment:**

The proposed Convenience Store use is a (‘D’) discretionary land use on the subject site, by virtue, of the subject site’s ‘Commercial’ classification under the ‘The Ridge West Structure Plan, and capable of approval at the subject site at the discretion of the decision-maker.

The proposed development is commercial in nature, entirely consistent with the subject site’s ‘Commercial’ classification.
The nature of the proposed use is consistent with the Medical Centre and Pharmacy located on the adjacent land, which are also commercial in nature. A comprehensive assessment is provided against the EPA Separation Guidelines under section 4.7 of the development application report which supports this proposal. The assessment considers impacts associated with noise, risk, odour/fumes and lighting, and demonstrates the siting, location and separation of the proposed development from surrounding properties is suitable and satisfactory. The required level of technical reporting has been prepared in support of the EPA Separation Guidelines assessment.

City's Comment:
A ‘D’ use is not permitted on this ‘Commercial’ zoned site unless the Council has exercised its discretion by granting Development Approval. It is not an ‘as of right use’ and needs to be considered against the requirements of orderly and proper planning which inter alia requires the City to consider the compatibility of the development with its setting. As demonstrated below in the Policy section of this Report the noise impacts from the development will not comply with the Environmental Protection (Noise) Regulations 1997 and a lessor separation distance is not supported.

Submission:
Issue 2 – Concerns about noise pollution, light pollution (24 hour operation) and fuel fumes
With the 24 hour operation of the service station there will be a negative impact on the surrounding residential area.

Applicant's Comment: Noise
Noise generation associated with the proposed development has been subject to a comprehensive Environmental Noise Assessment prepared by a suitably qualified consultant.

The Environmental Noise Assessment confirms the proposed development will comply with the Environmental Protection (Noise) Regulations 1997 at all times.

Light pollution
Potential sources of light spill from the development are primarily the lighting of the retail building frontage and canopies, and external light poles.

The orientation of the facility is deliberately in a manner which minimises light spill on residential properties, through the positioning/orientation of the retail building facing south (away from the closest residences). The general orientation of the facility is in a southern direction. Development on the opposite side of Ridge Boulevard is elevated and largely screened by a retaining wall and fencing, therefore obtrusive lighting is not anticipated to result in undue impacts.

Lighting within canopies is baffled and orientated internally to ensure light spill is controlled/minimised.

The proposal is supported by an Exterior Lighting Plan, which demonstrates the luminance levels at all site boundaries meet the requirements of Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting.

Fumes
As confirmed in section 4.7 of the development application report, the underground fuel storage tanks will be equipped with a Stage 1 Vapour Recovery System. A Stage 1 Vapour Recovery System ensures all petrol vapours from the underground tanks are drawn back into the fuel tanker being emptied and returned to the supply terminal where the vapours are recondensed into liquid.

The dangerous goods licensing process also assesses the likely impact from vapours/odours, mandated by the Dangerous Goods Safety Act 2004. A Dangerous Goods Licence must be obtained before fuel products can be stored and sold onsite. The assessment of petrol vapours and odours is addressed comprehensively through this separate legislative process, with a requisite standard of technical reporting required to support such an application.
24-hour operation

It is considered 24 hour operation would provide a level of surveillance for the surrounding area during all hours, which can have positive social impacts.

In addition, 24 hour operation ensures the facility can provide uninterrupted fuel retailing services to the locality. It is noted the general locality does not comprise any other fuel retailing facilities, with residents having to travel over 3km to the nearest facility at the corner of Safety Bay Road and Baldivis Road.

Importantly, an assessment has been provided against the EPA Separation Guidelines, which is supported by a comprehensive level of expert reporting, demonstrating the likely impacts associated with 24 hour operation of a fuel retailing facility are manageable and that a lesser separation distance is warranted.

City's Comment:

With regard to noise, refer to the City’s comment under Issue 1 above.

The mitigation methods regarding risk, odour/gaseous and lighting are noted and are considered to be acceptable based on the applicant’s response as a variation to the recommended separation distances.

Submission

Issue 3 – Safety Concerns with direct access to a regional road

Applicant’s Comment:

The Traffic Impact Assessment and additional information prepared by Transcore confirms any traffic generation associated with the proposed development will have an insignificant impact on the surrounding road network. The assessment included vehicle swept path plans which demonstrate the proposed access and servicing arrangements are sound and acceptable.

An assessment against the Western Australian Planning Commission’s (WAPC) Development Control Policy 5.1 – Regional Roads (Vehicle Access) requirements is provided at section 4.2 of the development application report. The assessment and accompanied Traffic reporting demonstrate the proposed crossover to Nairn Drive (Category 2 Other Regional Road) will operate satisfactory to service the proposed development.

The Department of Planning, Lands and Heritage have commented on the proposal, stating there are no objections to the proposal in-principle.

City’s Comment:

The City is concerned about direct vehicular access onto Nairn Drive. The development proposes to create an additional access point onto Nairn Drive which is contrary to the objective of DC5.1 which is to minimise the creation of new driveways on regional roads and rationalise existing access arrangements.

Liveable Neighbourhoods requires an intersection spacing of a minimum of 130m for an Integrator Arterial class road with a 70km/h speed limit. It is not possible for the development to comply with this requirement.

The Department of Planning, Lands and Heritage (DPLH) has commented on the proposal, stating there are no objections to the proposal in-principle provided the development comply with both Austroads’ Guide to Road Design Part 4 which requires a 40m driveway spacing and the Liveable neighbourhoods’ junction spacing requirement for an Integrator A 70 km/h Arterial class road (Nairn Road).

Full vehicle turning movement is proposed for the access driveway off Nairn Drive in the interim before being converted into a “Left-In Left-Out” when Nairn Drive is upgraded to a “dual carriageway” in the ultimate scenario. The City is concerned regarding the traffic safety and operations of the access driveway in the interim stage. Vehicles travelling southbound attempting to turn right into the access driveway off Nairn Drive are likely to stop and block southbound vehicles on Nairn Drive when the Convenience Store is busy. Some sections of Nairn Drive may need to be upgraded with a dedicated right turn pocket should the access driveway off Nairn Drive be approved.
The WAPC's South Metropolitan Peel Sub-Regional Planning Framework has classified Nairn Drive to be an Integrator Arterial. MRWA's Road Hierarchy for Western Australia recommends that commercial access for this type of road is generally to be provided via service roads (i.e. individual commercial lot not directly serviced from Nairn Drive). It should also be noted that Austroad’s Guide to Road Design Part 4 - Intersections and Crossings (General) also recommends that arterial roads should not have intersecting driveways and that access to arterial roads should be consolidated by making use of access streets (i.e. Ridge Boulevard).

**Submission**

**Issue 4 – Proposed Crossovers and access points too close to other access roads.**

**Applicant's Comment:**

The proposed Nairn Drive crossover meets the separation requirements of Australian Standard 2890.1:2004 with respect to access spacing requirements, therefore the location of access in relation to other roads is satisfactory.

It is also noted the City approved access points in similar locations as part of a previous development application for the site in 2010. This should be given due regard.

**City's Comment:**

The proposed access driveway is located very close to the adjacent intersections of Ridge Boulevard/Nairn Drive and Honeysuckle Mews/Nairn Drive which increases traffic safety risks. Austroads’ Guide to Road Design Part 4 – Intersections and Crossing (General) recommends a minimum driveway spacing of 40m for a design speed of 70km/hr for Nairn Drive as opposed to 28.5m provided.

The proposed development should comply with both Austroads’ Guide to Road Design and the Liveable neighbourhoods movement network requirement shown in the below table.

<table>
<thead>
<tr>
<th>Street type</th>
<th>L/R stagger (to avoid overlapping right turns)</th>
<th>R/L stagger (to provide for left-turn deceleration lanes arterials and to avoid corner cutting on local streets)</th>
<th>Junctions on same side of street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local streets</td>
<td>NA</td>
<td>NA</td>
<td>20 m</td>
</tr>
<tr>
<td>Laneway</td>
<td>20 m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access street*</td>
<td>20 m</td>
<td>20 m</td>
<td></td>
</tr>
<tr>
<td>Neighbourhood connector</td>
<td>40 m</td>
<td>40 m</td>
<td>40 m</td>
</tr>
<tr>
<td>Arterials</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integrator B</td>
<td>60 m</td>
<td>40 m</td>
<td>40 m</td>
</tr>
<tr>
<td>Integrator A - 60 km/hr**</td>
<td>150 m</td>
<td>110 m</td>
<td>110 m</td>
</tr>
<tr>
<td>Integrator A - 70 km/hr**</td>
<td>190 m</td>
<td>130 m</td>
<td>130 m</td>
</tr>
</tbody>
</table>

Liveable neighbourhoods require a 130m intersection spacing for access streets to Integrator A Arterial roads and it is impossible for the service station to comply with this requirement.

It should be noted that Nairn Drive is an Integrator Arterial A class road with a speed limit of 70 km/h a 130 m separation distance is required between access streets in terms of the Liveable Neighbourhoods requirement.

The site has a street frontage of 64m to Nairn Drive. It it therefore not possible for the proposed Convenience Store to comply with both Liveable Neighbourhoods and ‘Austroads’ Standards.
The Service Station proposes an intersection spacing of 28.5m from Ridge Boulevard to the middle of the crossover and 26.2 from Honeysuckle mews to the middle of the crossover.

The Liveable Neighbourhood's intersection spacing requirement of 130m will need to be complied with initially when full vehicle turning movement is proposed from Nairn Drive. In future the 40m driveway spacing will need to be complied with after the upgrading of Nairn Drive when only a left in left out traffic arrangement is proposed from Nairn Drive.

**Submission**

**Issue 5 – Increase in traffic including fuel tankers and other heavy vehicles**

**Applicant's Comment:**
A Traffic Impact Assessment was prepared in support of the proposal in accordance with the relevant WAPC guidelines. The assessment confirms any traffic generation associated with the proposed development will have an insignificant impact on the surrounding road network, both under the current and 10-year post development scenario.

**City's Comment:**
The swept path analysis for the 19m semi-trailer and 12.5m Heavy Rigid Vehicle (HRV) suggests that the vehicle path would encroach into the opposing traffic lane along Ridge Boulevard, Nairn Drive and the access driveway off Ridge Boulevard, which increases the safety risk to traffic.
Submission
Issue 6 – Industrial type building in residential area not in keeping with local architecture

Applicant's Comment:
The proposed development is commercial in nature. The building is not considered to be "industrial", given its scale, external appearance, and the extent of external façade treatment provided.
The proposed development incorporates a range of architectural design features, which are considered to be of a high standard and contributing to the aesthetic value of the area including:

- A flat-roof retail building, which utilises a red feature element to surround the glazed shopfront component.
- Various materials, which include textured wall panels and wall cladding in modern and consistent colour schemes.
- Integration with existing landscaping and trees along Arenaria Lane to provide a visually appealing, naturalistic outcome

City's Comment:
When considering applications for Development Approval in the Commercial Zone, the Council should ensure that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.
The proposed Convenience Store has turned its back to the 'main street' and on street parking areas and does not address the street in a positive manner. This proposal completely ignores this intent for the Structure Plan.

Submission
Issue 7 – Proposed signs not acceptable in a residential area

Applicant's Comment:
The proposed signage is largely compliant with the requirements of the City’s Signage Local Planning Policy, and must be provided as a legislative and safety requirement to ensure the facility can be identified and the price of fuels conveyed to passing trade.
City's Comment:
The proposed signage is compliant with the City’s Control of Advertisements Policy.

Submission
Issue 8 – Loss in property value.

Applicant's Comment:
Perceived impacts on property value are not a relevant planning consideration and should not be given weight any weight in the determination of this application as referred to in section 3 of the Development Assessment Panel's Making Good Planning Decisions. The proposed convenience store is capable of approval at the subject site at the discretion of the decision-maker.

City's Comment:
Impact on property values are not relevant planning considerations.

b. Consultation with Government Agencies
Comments on the revised proposal were sought from the following government adjacencies:

- Department of Water and Environment Regulation (DWER);
- The Water Corporation (WC); and
- Department of Planning, Lands and Heritage (DPLH)

A summary of comments received are as follows:

Department of Water and Environmental Regulation (DER)
The DWER has reviewed the application and provided advice in relation to Stormwater Management, Hazardous Materials; and Best Practice Management.

Applicant's Comment:
Noted.

City's Comment:
Noted.

Water Corporation

Reticulated water and sewerage services are currently available to the subject Lot. The developer/disturber is expected to fund any new works required or the upgrading of existing works and protection of all works. (See attached Plan)

This proposal will still require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.

Please provide the above comments to the land owner, developer and/or their representative.
Applicant's Comment:
Noted.

City's Comment:
Noted.

Department of Planning, Lands and Heritage

The following comments are provided. This proposal seeks approval for a Convenience Store.

Land Requirements
Lot 297 abuts Nairn Drive, which is classified as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS), also reserved as Category 2 per Plan Number SP 694/4. Lot 297 is not affected by the ORR reservation for Nairn Drive per the attached Land Requirement Plan number 1.7035.

Traffic Impact Assessment
The submitted Proposed Convenience Store Lot 297 Ridge Boulevard, Baldivis Transport Impact Assessment report (TIA) prepared by Transcore, dated July 2018 has been used to provide the following comments:

The TIA has utilised the ITE Trip Generation Manual to estimate the number of vehicular trips that will be generated from the site. It is estimated that 1,304 vehicular trips per day (vpd) will be generated with 82 and 108 trips during the weekday AM and PM peak hours respectively. The report assumes that 70% of these trips will be from passing trade.

Traffic data from the City of Rockingham (2014) shows that Nairn Drive currently accommodates approximately 178 and 287 vehicular trips during AM and PM peak hours respectively. Transcore has utilised data from their survey which has indicated that Nairn Drive currently accommodates 128 and 124 trips during the AM and PM peak hours respectively. Traffic volumes are expected to increase from 2014 to 2018 as a result of the development in the area.

The report shows a 50/50 directional split of the inbound and outbound traffic. There is also a 50/50 allocation of trips between the two proposed crossovers. It is expected that most vehicles will use the Ridge Boulevard crossover to access the site, particularly southbound trips in future when Nairn Drive is duplicated.

Access
The application seeks approval for access to and from the ORR reservation. Please note that WAPC Development Control Policy 5.1: Regional Roads (Vehicular Access) states:
Department of Planning, Lands and Heritage (cont…)

"Where alternative access is or could be made available from side or rear streets or from right of way, no access shall be permitted to the regional road unless special circumstances apply." A 9m wide left-in left-out (LILO) crossover is proposed from Nairn Drive. It is recommended that this access point satisfy the following requirements:

- Austroads safe intersection sight distance and stopping sight distance;
- Austroads minimum junction spacing distance to reduce collision potential due to overlapping left turns; and
- Liveable Neighbourhood's junction spacing.

The crossover on Ridge Boulevard is located approximately 25m from the Nairn Drive/Ridge Boulevard intersection.

SIDRA intersection analysis for the 2031 data shows traffic accessing the site from this crossover queuing to Nairn Drive. Remedial measures may be required at this location.

Recommendation

Although the DPLH has no objection to the proposal in principle, it is recommended that the proposed Nairn Drive crossover meet the above Austroads and Liveable Neighbourhoods' junction separation distances from the adjacent intersecting roads.

The following comments were provided in relation to the amended plans which proposes to move Honeysuckle mews 10m to the north as shown on the proposed site plan.

The DPLH notes that the relocation of Honeysuckle Mews to the north-east, will improve the spacing between the proposed access point to the service station and Honeysuckle Mews.

The centreline to centreline distance from Ridge Boulevard to the proposed development access point is almost 28 metres. The distance from the proposed development access point to the entry point of Honeysuckle Mews is approximately 25 metres.

Please refer to the Liveable Neighbourhoods and Austroads Guide to Road Design – Part 4 below.

For a Neighbourhood Connector road, junctions on the same side of the street should be separated by at least 40 metres.

It is therefore recommended that the proposal meet these standards. Alternatively, the proposed access to the service station can be a left out ONLY in the ultimate scenario.

Applicant's Comment:

The applicant has submitted an amended site plan (Map 9 in the report) which depict the following changes:

- The Honeysuckle Mews crossover to Nairn Drive shifted further north by 10m, now achieving the separation requirements of Australian Standard AS/NZS 2890.1:2004 from the Convenience Store's proposed Nairn Drive crossover.
- The loading bay extended by 1m, now capable of fully accommodating the 12.5m service vehicles.
City’s Comment:

For a Neighbourhood Connector road, junctions on the same side of the street should be separated by at least 40 metres in terms of Australian Standard AS/NZS 2890.1:2004.

It should be noted that Nairn Drive is an Integrator Arterial A class road with a speed limit of 70 km/h a 130 m separation distance is required between access streets in terms of the Liveable Neighbourhoods requirement.

The site has a street frontage of 64m on Nairn Drive it is therefore not possible for the Convenience Store to comply with any of the above standards.

The Liveable Neighbourhood’s intersection spacing requirement of 130m will need to be complied with initially when full vehicle turning movement is proposed from Nairn Drive. In future the 40m driveway spacing will need to be complied with after the upgrading of Nairn Drive when only a left in left out traffic arrangement is proposed from Nairn Drive.

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 4.2 Activity Centres for Perth and Peel (SPP4.2)
The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel. SPP4.2 applies to Neighbourhood Centres (supplemented by local centres). The subject lot is located within “The Ridge” Local Centre. The relevant sections of SPP4.2 are considered below.

Clause 5.3 Movement (SPP 4.2)
SPP4.2 requires that parking facilities are to be located, scaled, designed and landscaped to avoid visual domination of street and public space frontages. The parking area and forecourt this development will be highly visible from Nairn Drive. Consequently the development fails to comply with SP4.2 in this regard.

Clause 5.4 Urban Form (SPP 4.2)
The configuration and use of the building will not contribute to an active and attractive outdoor space which the public will occupy. The building which will be accessed from the forecourt will not foster an attractive pedestrian environment.

SPP4.2 requires buildings to address streets and public spaces to promote vitality and encourage natural surveillance. It also requires externally-oriented or “active” building frontages and fewer blank walls.

The ‘Indicative Development Plan’ for the Ridge Local Centre has been designed and developed to provide on-street car bays facilitating development to address the street in a positive manner. This proposal completely ignores this intent for the “Indicative Development Plan”.

The proposal fails to comply with the Urban Form intent of SPP4.2.

Development Control Policy 5.1 – Regional Roads (DC5.1)
The development seeks access from Nairn Drive which is reserved as an ‘Other Regional Road’ (ORR) under the Metropolitan Region Scheme (MRS). DC5.1 sets out the principles to be applied when considering proposals for vehicle access to or from developments abutting regional roads.
DC5.1 is intended to inform government agencies, local governments and prospective developers of these principles and to act as guidelines.

DC5.1 outlines the requirement to consider the effects of proposals on traffic flow and road safety. In general, it seeks to minimise the creation of new driveways onto regional roads and rationalise existing access arrangements.

Clause 3.3.2 of DC5.1 states that where alternative access is or could be made available from side or rear streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply.

The application was referred to the DPLH where it advised that the access from the ORR must comply with Austroads’ Guide to Road Design Part 4 and the Liveable Neighbourhoods’ junction spacing requirements. The development fails to comply in this regard. This is discussed in detail in the Consultation section of this Report.

**Environmental Protection Authority (EPA) – Separation Distances between Industrial and Sensitive Land Uses No 3**

The Guidance Statement was developed by the EPA to provide advice to proponents, responsible authorities, stakeholders and the public, about the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a proposal.

The EPA recommends a 200m buffer distance to all 24 hour Service Station operations because of Gaseous, Noise, Odour and Risk to sensitive land uses.

The nearest noise sensitive premises (a house) is less than 30m from the proposed development. The City has a responsibility to ensure that adverse environmental impacts do not impact on sensitive land uses. The approved Structure Plan provides for commercial/retail use on the site and not for the development of a convenience store.

Scenario 2 of the Environmental Noise Assessment, which includes noise from an air service beeper and the closing of car doors shows that noise levels will exceed assigned levels at nearby residences by up to 6dB with the highest level at 1 Boobook Lane where the maximum noise level is predicted to be 62dB. In terms of the Environmental Noise assessment a noise level of 62dB is similar to a normal conversation which is likely to be audible at the nearby residences at night (10pm to 7am). Scenario 2 confirms the separation requirements from the EPA regarding 24 hour operations and the reason for the recommended minimum separation distances. A lesser separation distance is therefore not supported.
### 4.2 Scenario 2 – Night $L_{A_{max}}$

*Table 4-2 provides the results for the night time $L_{A_{max}}$ scenario.*

<table>
<thead>
<tr>
<th>Location</th>
<th>Predicted Noise Level</th>
<th>Worst-Case Downwind</th>
<th>Critical Assigned Level</th>
<th>Calculated Exceedance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Abs-Beeper</td>
<td>Car Doors</td>
<td>Maximum*</td>
<td></td>
</tr>
<tr>
<td>Residence A</td>
<td>41+5</td>
<td>34+10</td>
<td>46</td>
<td>56</td>
</tr>
<tr>
<td>Commercial B</td>
<td>56+5</td>
<td>47+10</td>
<td>61</td>
<td>80</td>
</tr>
<tr>
<td>Residence C</td>
<td>30+5</td>
<td>38+10</td>
<td>49</td>
<td>56</td>
</tr>
<tr>
<td>Residence D</td>
<td>31+5</td>
<td>40+10</td>
<td>50</td>
<td>56</td>
</tr>
<tr>
<td>Residence E</td>
<td>42+5</td>
<td>34+10</td>
<td>47</td>
<td>56</td>
</tr>
<tr>
<td>Residence F</td>
<td>57+5</td>
<td>42+10</td>
<td>62</td>
<td>56</td>
</tr>
<tr>
<td>Residence G</td>
<td>52+5</td>
<td>37+10</td>
<td>57</td>
<td>56</td>
</tr>
<tr>
<td>Residence H</td>
<td>52+5</td>
<td>37+10</td>
<td>57</td>
<td>56</td>
</tr>
</tbody>
</table>

*"+ 5" in the table has been assumed for potential tonal penalty and "+ 10" for impulsive penalty and included in the maximum, noting that these noises are not cumulative.

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**Diagram:**

- **100** dB: Noise from Factory Floor
- **90** dB: Noise from Busy Road
- **80** dB: Normal Conversation
- **70** dB: Quiet Office
- **60** dB: Background Noise
- **50** dB: Forest Background
- **40** dB: Library
- **30** dB: Threshold of Hearing
- **20** dB: Normal Conversation
- **0** dB: Rock Road
### Local Policies

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

The table below is an assessment of the proposed signs in relation to the Convenience Store.

<table>
<thead>
<tr>
<th>Signage Policy Requirement</th>
<th>Provided</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pylon Sign</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pylon signs shall not be located within 1.8m of a boundary.</td>
<td>The proposed sign is located adjacent to Nairn Drive. This is considered appropriate due to the width of the road reserve.</td>
<td>The variation is acceptable</td>
</tr>
<tr>
<td>Pylon signs shall not be situated within 6m of any other sign on the same lot.</td>
<td>The proposed sign is not located within 6m of any other signs.</td>
<td>Complies</td>
</tr>
<tr>
<td>Pylon signs shall not project over a street walkway or any other public walkway or area by more than 1m.</td>
<td>The proposed sign does not project over any street, walkway or any other public area.</td>
<td>Complies</td>
</tr>
<tr>
<td>Pylon signs shall not have a height exceeding 6m.</td>
<td>The pylon sign is 6m high.</td>
<td>Complies</td>
</tr>
<tr>
<td>Pylon signs shall not have any part of the sign less than 2.7m from the ground level, unless the sign is designed that the underside of the face area is located at ground level.</td>
<td>The underside of the face area is located at ground level.</td>
<td>Complies</td>
</tr>
<tr>
<td>Signage Policy Requirement</td>
<td>Provided</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>Pylon sign shall not have a face area of more than 4m² on each side (single tenancy)</td>
<td>The proposed sign is consistent with the design of service station signs because it need to display price boards etc. The sign has a face area of 12.5 m²</td>
<td>Variation acceptable</td>
</tr>
</tbody>
</table>

**Signs on buildings**

Unless otherwise determined by the Manager, Statutory Planning, the advertiser shall submit a Sign Strategy demonstrating compliance with the objectives of LPP3.3.1.

The proposed sign is consistent with the design of service station signs on buildings and is compliant with the Policy requirements.

**Financial**

Nil

**Legal and Statutory**

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

Clause 67 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 (Planning Regulations) outlines the matters to which the Local Government is to have due regard when considering an application for development approval. Where relevant, these matters have been discussed throughout this Report.

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

Clause 3.2 - Zoning Table

The proposed development is classed as 'Convenience Store' under TPS2. The Convenience Store use is a ‘D’ use within the Commercial zone, which means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval.

A Convenience Store is defined as follows in terms of the City of Rockingham Town Planning Scheme No.2.

*Convenience Store: means premises:

(a) use for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;

(b) operated during hours which include, but may extend beyond, normal trading hours;

(c) which provide associated parking; and

(d) the floor area or which does not exceed 300m² net lettable area”*

Clause 4.2 - Development Zone

The subject site is zoned ‘Development’ under TPS2. All development within the Development zone must be in accordance with an approved Structure Plan. The land is also ‘Commercial’ under the adopted ‘The Ridge Local Structure Plan’. The Structure Plan was adopted by Council in October 1996 and last modified in April 2002.

4.6 Commercial Zone

4.6.1 Objective

The objective of the Commercial Zone is 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.
4.6.2 Form of Development

In considering applications for development approval in the Commercial Zone, the Local Government shall ensure that that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

The site is a Local Centre under Ridge West Structure Plan, which currently contains an existing medical centre and parking areas as shown on the Indicative Development Plan (See Figure 4). The site is planned to contain shopping facilities and a community centre with an attractive visual presence addressing the streets rather than backing on to them, and taking advantage of the northerly aspect of the lots by orienting a café, entry points of the buildings to the northern frontage. The intention was to achieve a ‘main street’ design with active street frontages to buildings and quality street environments.

The proposed Convenience Store does not achieve a ‘main street’ outcome. The proposed building faces the forecourt and does not address the existing on street car bays. No entrances are available from the street. The primary access to the Convenience Store is proposed from Nairn Drive and development has been designed to be a stand-alone development with no connection to the rest of the “Local Centre”.

4.6.3 Parking

Provision shall be made for the on-site parking of motor vehicles in all development in the Commercial Zone in accordance with the provisions of clause 4.15 and Table No.2. as shown in the below table.

<table>
<thead>
<tr>
<th>Proposed Convenience Store</th>
<th>Scheme Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>190 m² NLA</td>
<td>6 bays per 100 m² (12 bays in total required)</td>
<td>14 spaces provided 6 shopfront bays and 8 refuelling spaces. Parking is compliant.</td>
</tr>
</tbody>
</table>

4.6.4 Setbacks

In assessing applications for development approval, the Local Government shall take into account the following requirements when determining the setbacks for developments in the Commercial Zone:

TPS2 requires that the setbacks of any development should positively contribute to the streetscape, appearance and amenity of the locality. The proposed building are setback approximately 25m from the internal roads and will therefore not contribute to a visual attractive presence addressing the streets.

4.6.5 Landscaping

275m² landscaping has been provided which is equal to 13.8% of the area of the Convenience Store which is compliant with the requirements of TPS2.

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 application for the Convenient Store is not supported because of the following aspects:

- The proposed Convenience Store will be contrary to the development vision and the indicative development plan for the Neighbourhood Centre for the Ridge Local Structure Plan. The Convenience Store will also not contribute positively to the streetscape, appearance and amenity of the locality.
• The proposed ingress egress arrangements from Nairn Drive is unsafe because of its proximity to Ridge Boulevard and Honeysuckle Mews. This will increase the safety risks on a major arterial road.

• The Convenient Store is close to residential dwellings and the noise generated by the 24-hour operation will have an un-acceptable impact on some adjacent dwellings. The Convenience Store is considered to be non-compatible with its setting and it will have a negative impact on the streetscape regarding the orientation and appearance of the development.

Conclusion

The form of development is not reflective of what was intended for this Local Centre under the Ridge Local Structure Plan. The nature of the land use requires it to turn its back on the internal main street. Additionally, the nature of the land use results unacceptable amenity and access and safety issues.

It is therefore recommended that Council endorse the attached RAR requesting that the SWJDAP refuse the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for a Convenience Store on Lot 297 (No67) Ridge Boulevard, Baldivis 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:

Refuse DAP Application reference DAP/18/01456 and accompanying plans:

• Proposed Site Plan;
• Proposed Convenience Store Floor Plan;
• Convenience Floor Elevations; and
• Canopy and Pylon sign Elevations.

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

Reasons for refusal:

1. The development application does not satisfy Clause 67 (h) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) with the development being contrary to the development vision and the indicative development plan for the Neighbourhood Centre for the Ridge Local Structure Plan for a ‘Main Street’ development.

2. The proposed convenient store fails to comply with Clause 4.6.2 of the City of Rockingham Town Planning Scheme No.2 Form of Development in the Commercial Zone as it will not contribute positively to the streetscape, appearance and amenity of the locality.

3. The proposed access from Nairn Drive fails to comply with the access requirements required in terms Austroads’ Guide to Road Design Part 4 and the Liveable Neighbourhoods’ junction spacing requirements for an ‘Integrator Arterial’ class road with a 70km/h speed limit which requires a 130m spacing between intersections.
4. The proposed development is unlikely to comply with the Environmental Protection (Noise) Regulations 1997 may result in unacceptable noise impacts to nearby noise sensitive premises and also fails to comply with the Environmental Protection Authority Guidance Statement No 3 –Separation Distance between Industrial and Sensitive Land Uses which recommends a 200m generic buffer distance to noise sensitive premises from fuel stations operating 24/7.

5. The proposed development fails to comply with Clause 67 (m) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) as it is considered to be non-compatible with its setting and it will have a negative impact on the streetscape regarding the orientation and appearance of the development.

6. The proposed development fails to comply with Clause 67 (t) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) as it will have a negative impact on traffic flow and safety surrounding the site.

7. The proposed Convenience Store fails to comply with Clause 67 (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) as it is considered that the development will have a negative impact on the amenity of the locality in relation to the character of the locality.

8. The development does not comply with Clause 5.3 'Movement' and Clause 5.4 'Urban Form' of State Planning Policy 4.2 - Activities Centres for Perth and Peel.

**Committee Recommendation**

**Moved Cr Jones, seconded Cr Hamblin:**

That Council **ADOPTS** the Responsible Authority Report for the application for a Convenience Store on Lot 297 (No67) Ridge Boulevard, Baldivis 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:

**Refuse** DAP Application reference DAP/18/01456 and accompanying plans:

- Proposed Site Plan;
- Proposed Convenience Store Floor Plan;
- Convenience Floor Elevations; and
- Canopy and Pylon sign Elevations.

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

**Reasons for refusal:**

1. The development application does not satisfy Clause 67 (h) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) with the development being contrary to the development vision and the indicative development plan for the Neighbourhood Centre for the Ridge Local Structure Plan for a 'Main Street' development.

2. The proposed convenient store fails to comply with Clause 4.6.2 of the City of Rockingham Town Planning Scheme No.2 Form of Development in the Commercial Zone as it will not contribute positively to the streetscape, appearance and amenity of the locality.

3. The proposed access from Nairn Drive fails to comply with the access requirements required in terms Austroads’ Guide to Road Design Part 4 and the Liveable Neighbourhoods’ junction spacing requirements for an ‘Integrator Arterial’ class road with a 70km/h speed limit which requires a 130m spacing between intersections.
4. The proposed development is unlikely to comply with the Environmental Protection (Noise) Regulations 1997 may result in unacceptable noise impacts to nearby noise sensitive premises and also fails to comply with the Environmental Protection Authority Guidance Statement No 3 – Separation Distance between Industrial and Sensitive Land Uses which recommends a 200m generic buffer distance to noise sensitive premises from fuel stations operating 24/7.

5. The proposed development fails to comply with Clause 67 (m) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) as it is considered to be non-compatible with its setting and it will have a negative impact on the streetscape regarding the orientation and appearance of the development.

6. The proposed development fails to comply with Clause 67 (t) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) as it will have a negative impact on traffic flow and safety surrounding the site.

7. The proposed Convenience Store fails to comply with Clause 67 (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) as it is considered that the development will have a negative impact on the amenity of the locality in relation to the character of the locality.

8. The development does not comply with Clause 5.3 'Movement' and Clause 5.4 'Urban Form' of State Planning Policy 4.2 - Activities Centres for Perth and Peel.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Purpose of Report

Provide Council with details of the tenders received for Tender T17/18-78 – Framework Arrangement for the Supply of Turf Renovation Services for Sports Fields and Public Open Spaces and make recommendations regarding award of the tender.

### Background

Tender T17/18-78 - Framework Arrangement for the Supply of Turf Renovation Services for Sports Fields and Public Open Spaces was advertised in the West Australian on Saturday, 28 July 2018 and the Sound Telegraph on Wednesday, 1 August 2018. The tender closed at 2:00pm, Wednesday, 15 August 2018 and was publicly opened immediately after the closing time.
The scope of this contact is for turf renovation services to the City's sports fields and public open spaces. Renovation services shall include verti-mowing, scarifying, solid and hollow tyne coring, topdressing, low mowing, top maker, over seeding, sweeping and removal of debris.

The period of the contract shall be from the date of award for 60 months to October 2023.

Details

The Director Engineering and Parks Services appointed a tender assessment panel comprising Manager Parks Services, Coordinator Maintenance - Parks Services and Turf Maintenance Supervisor undertook tender evaluations.

The City received a total of four (4) tender submissions.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points 30 Pts</td>
<td>30 Pts</td>
<td>40 Pts</td>
<td>100 Pts</td>
</tr>
<tr>
<td>Jerra Nominees and Neil Norrish trading as State Wide Turf Services</td>
<td>27.7</td>
<td>28.0</td>
<td>35.2</td>
<td>90.9</td>
</tr>
<tr>
<td>Turfmaster Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turfmaster Facility Management</td>
<td>26.8</td>
<td>26.5</td>
<td>33.9</td>
<td>87.2</td>
</tr>
<tr>
<td>Turf Care WA Pty Ltd</td>
<td>27.9</td>
<td>26.8</td>
<td>20.8</td>
<td>75.5</td>
</tr>
<tr>
<td>Richard &amp; Ann Lovegrove as partners in R &amp; A Lovegrove trading as Lovegrove Turf Services</td>
<td>23.2</td>
<td>20.8</td>
<td>28.4</td>
<td>72.4</td>
</tr>
</tbody>
</table>

The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last complete CPI quarter as at the date the price variation is due.

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 C:** Quality Leadership

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

d. Policy

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

Expenditure will be accommodated within the Engineering and Parks Services annual maintenance budgets. The estimated expenditure for services provided by this contract will be $320,000 per annum.

f. **Legal and Statutory**


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

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**

All submissions were considered in accordance with the tender assessment criteria to determine the tenderers capability, capacity, resources and personnel to deliver the required services.

Statewide Turf Services, Turfmaster Facility Management and Turfcare WA all demonstrated a clear understanding of the works required and had strong organisational structures and qualified personnel to support the required scope of works. Statewide Turf Services and Turfmaster Facility Management were the most competitive on price with Turfcare WA being significantly more expensive for the services required. Lovegrove Turf Services did not demonstrate in its submission to the same level its ability to provide the requested services and this has been reflected in the panels lower scoring.

Jerra Nominees and Neil Norrish trading as State Wide Turf Services has satisfactorily detailed its ability and understanding of the contract requirements and represent best value for the required works.

State Wide Turf Services is therefore recommended as the preferred tender.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the tender submitted from Jerra Nominees and Neil Norrish trading as State Wide Turf Services, 60 Buttercup Crescent, High Wycombe for Tender T17/18-78 – Framework Arrangement for the Period Supply of Turf Renovation Services for Sports Fields and Public Open Spaces in accordance with the tender documentation for the contract period being from date of award for 60 months.

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr Sammels:

That Council **ACCEPTS** the tender submitted from Jerra Nominees and Neil Norrish trading as State Wide Turf Services, 60 Buttercup Crescent, High Wycombe for Tender T17/18-78 – Framework Arrangement for the Period Supply of Turf Renovation Services for Sports Fields and Public Open Spaces in accordance with the tender documentation for the contract period being from date of award for 60 months.

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Engineering and Parks Services

**Parks Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-015/18 Tender T18/19-09 - Periodic Maintenance of Various Reserves and Streetscape Areas in Rockingham West</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>T18/19-09</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Adam Johnston, Manager Parks Services</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Stephan Timbrell, Coordinator Projects and Contracts - Parks Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 October 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council's Role in this Matter:</td>
<td>Executive</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Price Schedule</td>
</tr>
<tr>
<td>2.</td>
<td>Location Map - Secret Harbour</td>
</tr>
<tr>
<td>3.</td>
<td>Location Map - Harrington Waters</td>
</tr>
<tr>
<td>4.</td>
<td>Location Map - Anchorage/Palm Beach Estate</td>
</tr>
</tbody>
</table>

### Purpose of Report

Provide Council with details of the tenders received for Tender T18/19-09 – Periodic Maintenance of Various Reserves and Streetscape Areas in Rockingham West and make recommendations regarding award of the tender.

### Background

Tender T18/19-09 - Periodic Maintenance of Various Reserves and Streetscape Areas in Rockingham West was advertised in the West Australian on Saturday, 28 July 2018 and the Sound Telegraph on Wednesday, 1 August 2018. The tender closed at 2:00pm, Wednesday, 12 September 2018 and was publicly opened immediately after the closing time.
The scope of services is for landscape maintenance to approximately 120 hectares of public reserves and streetscapes in Secret Harbour, Harrington Waters and Anchorage Estate, as described in the attached maps.

The services to be provided under this contract will include;

- manage, treat and maintain turfed areas;
- manage, treat and maintain garden beds;
- manage, treat and maintain streetscapes;
- maintain irrigation systems;
- maintain trees;
- maintain water features;
- maintain and operate irrigation systems; and
- provide an infill plant replacement program.

The period of the contract shall be from the date of award until 30 June 2023.

**Details**

The Director Engineering and Parks Services appointed a tender assessment panel comprising of Manager Parks Services, Coordinator Projects and Contracts - Parks Services and Contract Management Supervisor - Parks Services to undertake tender evaluations.

The City received a total of five (5) tender submissions. An alternate tender submission was also received from Environmental Industries.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service 35 Pts</th>
<th>Understanding of Tender Requirements 35 Pts</th>
<th>Tendered Price/s 30 Pts</th>
<th>Total Weighted Scores 100 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanpoint Pty Ltd trading as LD Total</td>
<td>29.8</td>
<td>22.9</td>
<td>28.9</td>
<td>82.6</td>
<td></td>
</tr>
<tr>
<td>Gemlodge Pty Ltd as Trustee for the Allwest Projects Unit Trust trading as Cobey Maintenance Services</td>
<td>27.3</td>
<td>26.3</td>
<td>17.9</td>
<td>71.5</td>
<td></td>
</tr>
<tr>
<td>Colin &amp; Christopher Richardson, Skyline Landscape Services Group trading as Skyline Landscape Services (WA)</td>
<td>26.8</td>
<td>21.2</td>
<td>21.2</td>
<td>69.2</td>
<td></td>
</tr>
<tr>
<td>Horizon West Landscape &amp; Irrigation Pty Ltd</td>
<td>25.1</td>
<td>19.3</td>
<td>16.6</td>
<td>61.0</td>
<td></td>
</tr>
<tr>
<td>Environmental Industries Pty Ltd trading as Environmental Industries. Alternate tender submission</td>
<td>27.4</td>
<td>21.1</td>
<td>14.1</td>
<td>59.6</td>
<td></td>
</tr>
<tr>
<td>Environmental Industries Pty Ltd trading as Environmental Industries</td>
<td>27.4</td>
<td>21.1</td>
<td>11.2</td>
<td>59.7</td>
<td></td>
</tr>
</tbody>
</table>

The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last complete CPI quarter as at the date the price variation is due.
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 C:** Quality Leadership
   **Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

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

e. Financial
   Expenditure will be in accommodated within the Engineering and Parks Services annual maintenance budgets for the period of the contract.
   Expenditure on previous contracts covering the same maintainable public open space was $1,295,493 per annum. LD Total’s tendered lump sum price for the first 12 months of the contract is $1,149,856.85, representing significant value for the City and improved level of service delivery.

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

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

Parks Services has previously administered four period landscape maintenance contracts for public open space and streetscapes within the geographical area from Rockingham to Secret Harbour. These contracts have been consolidated into one new contract in order to achieve best value for the City and improve contract administration efficiencies.

An alternate tender was submitted by Environmental Industries, however, assessment revealed the submission did not provide any benefit to the City over the conforming tenders.
The assessment panel sought clarification from LD Total with regard to its methodology and infill planting program. The responses received were acceptable to the assessment panel and consistent with the contract requirements.

All submissions were considered in accordance with the tender assessment criteria to determine the tenderers capability, capacity, resources and personnel to deliver the required services.

The submissions varied in the level of information provided and this variability is represented in the qualitative scoring by the panel.

The submission received from Sanpoint Pty Ltd trading as LD Total satisfactorily detailed its ability and understanding of the contract requirements and represents the best value for the required works.

LD Total is therefore recommended as the preferred tender.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the tender submitted from Sanpoint Pty Ltd trading as LD Total, of 172 Burswood Road, Burswood, for Tender T18/19-09 - Periodic Maintenance of Various Reserves and Streetscape Areas in Rockingham West in accordance with the tender documentation for the contract period being from the date of award to 30 June 2023.

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr Summers:

That Council **ACCEPTS** the tender submitted from Sanpoint Pty Ltd trading as LD Total, of 172 Burswood Road, Burswood, for Tender T18/19-09 - Periodic Maintenance of Various Reserves and Streetscape Areas in Rockingham West in accordance with the tender documentation for the contract period being from the date of award to 30 June 2023.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Planning and Engineering Services Committee Minutes
Monday 15 October 2018
EP-016/18

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 NOVEMBER 2018

PRESIDING MEMBER

Engineering and Parks Services
Parks Services


File No: T17/18-81

Proponent/s: Mr Adam Johnston, Manager Parks Services

Author: Mr Cyril Sharrock, Coordinator Maintenance - Parks Services

Other Contributors: Mr Stephan Timbrell, Coordinator Projects and Contracts - Parks Services

Date of Committee Meeting: 15 October 2018

Previously before Council: 

Disclosure of Interest: 

Nature of Council’s Role in this Matter: Executive

Site: 

Lot Area: 

LA Zoning: 

MRS Zoning: 

Attachments: Schedule of Rates

Maps/Diagrams: 

Purpose of Report

Provide Council with details of the tender/s received for Tender T17/18-81 – Framework Agreement for the Supply and Delivery of Greenstock and make recommendations regarding award of the tender.

Background

The tender was advertised in the West Australian newspaper on Saturday, 14 July 2018 and the Sound Telegraph on Wednesday, 18 July 2018. The tender closed at 2:00pm Wednesday, 1 August 2018 and was publicly opened immediately after the closing time.

The scope of works to be undertaken under the contract shall include:

• supply of tubestock
• supply of exotic ground covers and shrubs

2 Correction of typographical error
The period of the contract shall be for 36 months from the date of award.

Details

An assessment panel comprising of Coordinator Maintenance - Parks Services, Horticultural Supervisor and Project Technical Officer - Parks Services undertook tender evaluations.

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

Separable Portion 1 - Pricing Schedule - Tubestock

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Status of Organisation</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant Force Investments Pty Ltd trading as Plantrite</td>
<td>19.2</td>
<td>27.8</td>
<td>47.8</td>
<td>94.8</td>
<td></td>
</tr>
<tr>
<td>Workpower Incorporated</td>
<td>18.2</td>
<td>20.2</td>
<td>50.0</td>
<td>88.4</td>
<td></td>
</tr>
<tr>
<td>Quito Pty Ltd trading as Benara Nurseries</td>
<td>19.5</td>
<td>18.3</td>
<td>0.0</td>
<td>37.8</td>
<td></td>
</tr>
</tbody>
</table>

Separable Portion 2 - Pricing Schedule - Exotic Natives Ground Covers and Shrubs

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Status of Organisation</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quito Pty Ltd trading as Benara Nurseries</td>
<td>19.5</td>
<td>22.5</td>
<td>44.6</td>
<td>86.6</td>
<td></td>
</tr>
<tr>
<td>Plant Force Investments Pty Ltd trading as Plantrite</td>
<td>19.2</td>
<td>16.8</td>
<td>50.0</td>
<td>86.0</td>
<td></td>
</tr>
<tr>
<td>Workpower Incorporated</td>
<td>18.2</td>
<td>15.2</td>
<td>0.0</td>
<td>33.4</td>
<td></td>
</tr>
</tbody>
</table>

Separable Portion 3 - Pricing Schedule - Native Grounds Covers and Shrubs

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Status of Organisation</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant Force Investments Pty Ltd trading as Plantrite</td>
<td>19.2</td>
<td>25.8</td>
<td>48.6</td>
<td>93.6</td>
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<tr>
<td>Workpower Incorporated</td>
<td>18.2</td>
<td>19.5</td>
<td>48.0</td>
<td>85.7</td>
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<tr>
<td>Quito Pty Ltd trading as Benara Nurseries</td>
<td>19.5</td>
<td>22.3</td>
<td>42.4</td>
<td>84.2</td>
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Separable Portion 4 - Pricing Schedule - Trees

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Status of Organisation</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
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<tbody>
<tr>
<td>Quito Pty Ltd trading as Benara Nurseries</td>
<td>19.5</td>
<td>27.0</td>
<td>50.0</td>
<td>96.5</td>
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<tr>
<td>Workpower Incorporated</td>
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<td>19.2</td>
<td>38.6</td>
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<tr>
<td>Plant Force Investments Pty Ltd trading as Plantrite</td>
<td>19.2</td>
<td>17.8</td>
<td>0.0</td>
<td>37.0</td>
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</tr>
</tbody>
</table>
The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

**Implications to Consider**

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

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

e. **Financial**  
   Expenditure will be accommodated within the Engineering and Parks Services annual maintenance budgets. The estimated annual expenditure for the services provided under the contract is expected to be $180,000.

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

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**

All tender submissions received were from production nurseries that displayed the capability, capacity and resources to undertake the required works. The submissions varied in the level of information provided as is represented in the qualitative scoring by the panel.

The submission received from Plant Force Investments Pty Ltd trading as Plantrite, to supply tubestock and native ground covers, shows it will represent best value to the City and therefore recommended as the preferred supplier for Separable Portion ‘1’ and Separable Portion ‘3’ of the tender.
The submission received from Quito Pty Ltd trading as Benara Nurseries to supply exotic ground covers, shrubs and trees shows it will represent best value to the City and therefore recommended as the preferred supplier for Separable Portion ‘2’ and Separable Portion ‘4’ of the tender.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ACCEPTS** the tender submitted from Plant Force Investments Pty Ltd trading as Plantrite of 150 Bingham Road Bullsbrook, for Separable Portion ‘1’ - Supply the City with Tubestock; and Separable Portion ‘3’ - Native Ground Covers and Shrubs; for Tender T17/18-81 - Framework Agreement for the Supply and Delivery of Greenstock, in accordance with the tender documentation for the contract period being for 36 months from the date of award.

2. **ACCEPTS** the tender submitted from Quito Pty Ltd trading as Benara Nurseries of 32 Safari Place Carabooda, for Separable Portion ‘2’ - Exotic Ground Covers and Shrubs; and Separable Portion ‘4’ - Trees; for Tender T17/18-81 - Framework Agreement for the Supply and Delivery of Greenstock, in accordance with the tender documentation for the contract period being for 36 months from the date of award.

**Committee Recommendation**

Moved Cr Summers, seconded Cr Sammels:

That Council:

1. **ACCEPTS** the tender submitted from Plant Force Investments Pty Ltd trading as Plantrite of 150 Bingham Road Bullsbrook, for Separable Portion ‘1’ - Supply the City with Tubestock; and Separable Portion ‘3’ - Native Ground Covers and Shrubs; for Tender T17/18-81 - Framework Agreement for the Supply and Delivery of Greenstock, in accordance with the tender documentation for the contract period being for 36 months from the date of award.

2. **ACCEPTS** the tender submitted from Quito Pty Ltd trading as Benara Nurseries of 32 Safari Place Carabooda, for Separable Portion ‘2’ - Exotic Ground Covers and Shrubs; and Separable Portion ‘4’ - Trees; for Tender T17/18-81 - Framework Agreement for the Supply and Delivery of Greenstock, in accordance with the tender documentation for the contract period being for 36 months from the date of award.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Addendum Agenda</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Motions of which Previous Notice has been given</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
<td></td>
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<tr>
<td></td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Matters Behind Closed Doors</td>
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<tr>
<td></td>
<td>Nil</td>
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<tr>
<td></td>
<td>Date and Time of Next Meeting</td>
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<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on Monday 19 November 2018 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Closure</td>
<td></td>
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<tr>
<td></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:45pm.</td>
<td></td>
</tr>
</tbody>
</table>