



City of Rockingham

MINUTES

Planning and Engineering Services Committee Meeting

Held on Monday 16 March 2020 at 4:00pm
City of Rockingham Boardroom




City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 16 March 2020



CONTENTS

1.	Declaration of Opening	4
2.	Record of Attendance/Apologies/Approved Leave of Absence	4
3.	Responses to Previous Public Questions Taken on Notice	4
4.	Public Question Time	4
5.	Confirmation of Minutes of the Previous Meeting	4
6.	Matters Arising from the Previous Minutes	5
7.	Announcement by the Presiding Person without Discussion	5
8.	Declaration of Member's and Officer's Interest	5
9.	Petitions/Deputations/Presentations/Submissions	5
10.	Matters for which the Meeting may be Closed	5
11.	Bulletin Items	5
	Planning and Development Services Information Bulletin - March 2020	5
	Engineering and Parks Services Information Bulletin - March 2020	5
12.	Agenda Items - Planning and Engineering Services Committee	
	Planning and Development Services	10
	PD-018/20 Reconsideration - Joint Development Assessment Panel Application - Child Care Premises	10
	Engineering and Parks Services	42
	EP-007/20 Recommendation from the Coastal Facilities Advisory Committee Meeting held on 24 February 2020 (<i>Absolute Majority</i>)	42
	EP-008/20 Tender T19/20-17 - Supply and Laying of Turf at the Baldivis District Sporting Complex	44
13.	Reports of Councillors	48
14.	Addendum Agenda	48
15.	Motions of which Previous Notice has been given	48
16.	Notices of Motion for Consideration at the Following Meeting	48
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee	48

18.	Matters Behind Closed Doors	48
19.	Date and Time of Next Meeting	48
20.	Closure	48

<p>City of Rockingham</p> <p>Planning and Engineering Services Committee</p> <p>Meeting Minutes</p> <p>Monday 16 March 2020 - Council Boardroom</p>		
1.	Declaration of Opening	
	The Chairperson declared the Planning and Engineering Services Committee Meeting open at 4:00pm , welcomed all present, and referred to the Acknowledgement of Country.	
2.	Record of Attendance/Apologies/Approved Leave of Absence	
2.1	Councillors	
	Cr Mark Jones	Chairperson
	Cr Hayley Edwards	
	Cr Matthew Whitfield	
	Cr Lorna Buchan	
	Cr Deb Hamblin (Deputy Mayor)	
2.2	Executive	
	Mr Michael Parker	Chief Executive Officer
	Mr Bob Jeans	Director Planning and Development Services
	Mr Sam Assaad	Director Engineering and Parks Services
	Mr Mike Ross	Manager Statutory Planning
	Mr Ian Daniels	Manager Infrastructure Project Delivery
	Mr Peter Varris	Manager Governance and Councillor Support
	Ms Jelette Edwards	Governance Coordinator
2.3	Members of the Gallery:	Nil
2.4	Apologies:	Nil
2.5	Approved Leave of Absence:	Nil
3.	Responses to Previous Public Questions Taken on Notice	
	Nil	
4.	Public Question Time	
4pm	<p>The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that questions should relate to the business of the Committee and this is the only opportunity in the meeting for the public to ask questions.</p> <p>There were none.</p>	
5.	Confirmation of Minutes of the Previous Meeting	
	<p>Moved Cr Whitfield, seconded Cr Hamblin:</p> <p>That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 17 February 2020, as a true and accurate record.</p> <p style="text-align: right;">Committee Voting (Carried) - 5/0</p>	

6.	Matters Arising from the Previous Minutes
	Nil
7.	Announcement by the Presiding Person without Discussion
	4:01pm 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
	4:01pm The Chairperson asked if there were any interests to declare. There were none.
9.	Petitions/Deputations/Presentations/Submissions
	Nil
10.	Matters for which the Meeting may be Closed
	Nil
11.	Bulletin Items
	<p>Planning and Development Services Information Bulletin - March 2020</p> <p>Health Services</p> <ol style="list-style-type: none"> 1. Health Services Team Overview 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> 4.1 Food Recalls 4.2 Food Premises Inspections 4.3 Public Building Inspections 4.4 Outdoor Event Approvals 4.5 Permit Approvals 4.6 Complaint - Information 4.7 Noise Complaints - Detailed Information 4.8 Health Approvals 4.9 Septic Tank Applications 4.10 Demolitions 4.11 Swimming Pool and Drinking Water Samples 4.12 Rabbit Processing 4.13 Hairdressing and Skin Penetration Premises <p>Building Services</p> <ol style="list-style-type: none"> 1. Building Services Team Overview 2. Human Resource Update 3. Project Status Reports

<ul style="list-style-type: none">4. Information Items<ul style="list-style-type: none">4.1 Monthly Building Permit Approvals - (All Building Types)4.2 Other Permits4.3 Monthly Caravan Park Site Approvals4.4 Master Builders - Housing Excellence AwardsCompliance and Emergency Liaison<ul style="list-style-type: none">1. Compliance and Emergency Liaison Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Ranger Services Action Reports4.2 Building and Development Compliance4.3 Land Use - Planning Enforcement4.4 Emergency Management - CRMs - February 20204.5 Prohibited Burning4.6 Firebreak Inspections4.7 Overview - Karnup Road Bush Fire, Baldivis - 9 January 20204.8 SmartWatch Key Result AreasStrategic Planning and Environment<ul style="list-style-type: none">1. Strategic Planning and Environment Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Local Planning Strategy (LUP/1352)3.2 Tamworth Hill Swamp Management Plan3.3 Lake Richmond Management Plan Review - Stage 23.4 Coastal Hazard Risk Management and Adaption Plan – Implementation3.5 Bushland Management Plan3.6 Karnup District Structure Plan4. Information Items<ul style="list-style-type: none">4.1 Notification of Structure Plan to be Advertised Under Delegated Authority – Lot 1 Baldivis Road, Baldivis4.2 Native Plants Giveaway4.3 Request for State-Wide Ban on Single Use Plastics and Balloon Releases4.4 South-western Snake-necked Turtle Population Status ReportLand and Development Infrastructure<ul style="list-style-type: none">1. Land and Development Infrastructure Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Managed Aquifer Recharge (MAR) - Feasibility Study4. Information Items<ul style="list-style-type: none">4.1 Structure Plan Approval Referrals4.2 Subdivision Approval Referrals4.3 Urban Water Management Referrals4.4 Traffic Report Referrals4.5 Delegated Land and Development Infrastructure Assets Approvals4.6 Handover of Subdivisional Roads4.7 Development Application Referrals4.8 Delegated Subdivision Engineering and Public Open Space Practical Completions4.9 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works
--

<p>Statutory Planning</p> <ol style="list-style-type: none">1. Statutory Planning Team Overview2. Human Resource Update3. Project Status Reports<ol style="list-style-type: none">3.1 Heritage Strategy3.2 Pedestrian Access Way Strategy Review4. Information Items<ol style="list-style-type: none">4.1 Subdivision/Development Approval and Refusals by the WAPC4.2 Notifications and Gazettals4.3 Subdivision Clearances4.4 Subdivision Survey Approvals4.5 Subdivision Lot Production4.6 Delegated Development Approvals4.7 Delegated Development Refusals4.8 Delegated Building Envelope Variations4.9 Subdivision/Amalgamation Approved4.10 Strata Plans4.11 Subdivision/Amalgamation Refused4.12 Government Response to the Inquiry on Short-Stay Accommodation <p>Planning and Development Directorate</p> <ol style="list-style-type: none">1. Planning and Development Directorate Team Overview2. Human Resource Update3. Project Status Reports<ol style="list-style-type: none">3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Proposed Amendment No's 161 and 162 to Town Planning Scheme No.23.3 Leeuwin Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.23.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.23.5 Improvements to City Square and Civic Plaza (LUP/1933)3.6 Design Review Panel (LUP/2094)3.7 Cape Peron (including Mangles Bay) Planning Investigation <p>Advisory Committee Minutes</p>
--

Committee Recommendation

Moved Cr Buchan, seconded Cr Whitfield:

That Councillors acknowledge having read the Planning Services Information Bulletin – March 2020 and the content be accepted.

Committee Voting (Carried) - 5/0

<p>Engineering and Parks Services Information Bulletin - March 2020</p> <p>Engineering and Parks Services Directorate</p> <ol style="list-style-type: none">1. Engineering and Parks Services Directorate Team Overview2. Human Resource Update4. Information Items<ol style="list-style-type: none">4.1 Bushfire Risk <p>Asset Services</p> <ol style="list-style-type: none">1. Asset Services Team Overview

2.	Human Resource Update
3.	Project Status Reports
3.1	Drainage Condition Audit
3.2	Reserve Electrical Asset Mapping
4.	Information Items
4.1	Asset Maintenance Team
4.2	Asset Maintenance - Buildings
4.3	Asset Maintenance – Reserves
4.4	Strategic Asset Management
Infrastructure Project Delivery	
1.	Infrastructure Project Delivery Team Overview
2.	Human Resource Update
3.	Project Status Reports
4.	Information Items
4.1	Aqua Jetty, Warnbro – 25m & 50m Pool Refurbishment
4.2	Aqua Jetty, Warnbro – Replacing car park lighting
4.3	Aqua Jetty, Warnbro – Water slide tower replacement
4.4	Arpenteur Drive, Baldivis – Lighting replacements
4.5	Autumn Centre, Rockingham – Kitchen equipment replacement
4.6	City Park, Rockingham – Replacement of fitness equipment
4.7	Goddard Street, Rockingham – Footpath Construction
4.8	Hillman – Old Abattoir Roof Replacement Works
4.9	Maratea Parade/Secret Harbour Boulevard intersection, Secret Harbour- Additional lighting to round about
4.10	Mersey Point, Shoalwater – Carpark lighting replacement
4.11	Mike Barnett Sport Complex, Rockingham – Central Timing System and Indoor Clocks Installation
4.12	Photovoltaic (PV) Arrays (Solar Panels)
4.13	Playground New and Renewal Programme 2019/2020
4.14	Port Kennedy Community Centre, Port Kennedy – Switchboard & Building Upgrades
4.15	Port Kennedy Drive (Ennis Avenue to Warnbro Sound Avenue), Port Kennedy – Dual Carriageway Construction
4.16	Refurbishment of public toilets – various locations
4.17	Rockingham Aquatic Centre, Rockingham – Various works
4.18	Rockingham Gem Club, Rockingham – Refurbishment Works
4.19	Rockingham Tennis Club, Rockingham – Extension Works
4.20	Royal Palm Drive, Warnbro – Footpath Construction
4.21	Safety Bay Road (near Waimea Road), Safety Bay – Footpath Construction
4.22	Shade Sail installations- Various Locations
4.23	Secret Harbour – Street lighting upgrade
4.24	State Emergency Services Building, Rockingham – Toilet refurbishment and internal painting
4.25	Val Street, Rockingham – New Loading Zone & Paving Upgrade
4.26	Veterans Reserve, Port Kennedy – Replacement of existing masonry shelters, accessible picnic settings and concrete hardstand
4.27	White Hart Lane, Baldivis – Drainage Upgrade
Parks Services	
1.	Parks Services Team Overview
2.	Human Resource Update
3.	Project Status Reports

<p>4. Information Items</p> <ul style="list-style-type: none">4.1 Delegated Public Open Space Handovers4.2 Communities Environment Grant4.3 Floating Island – Lagoon Park, Secret Harbour4.4 Autumn Centre vegetation maintenance4.5 Bushfire Mitigation Treatments4.6 Supplementary Funding Application for the Mitigation Activity Fund4.7 Pruning of Trees In The Vicinity of Power lines4.8 Turf renovation at Lagoon Reserve, Secret Harbour <p>Engineering Services</p> <ul style="list-style-type: none">1. Engineering Services Team Overview2. Human Resource Update3.1 High Ground Water Related Drainage Investigation3.2 Access Review for Woodbridge Estate, Cooloongup4. Information Items4.1 Delegated Authority for Temporary Thoroughfare Closure4.2 Delegated Authority for approval of Directional Signage4.3 Delegated Authority for approval of Heavy Haulage4.4 Authorised Traffic Management Plans for Works on City Controlled Roads4.5 Civil Works Program 2019/20204.6 Civil Maintenance Program 2019/20204.7 Road Rehabilitation & Renewal Programs 2019/20204.8 Drainage Renewal Program Municipal Works 2019/20204.9 Footpath Renewal Program Municipal Works 2019/20204.10 Carpark Renewal Program Municipal Works 2019/20204.11 Litter and Street Sweeping Program 2019/20204.12 Graffiti Program 2019/20204.13 Delegated Authority for the payment of crossover subsidies4.14 Third Party Works within the City4.15 Asset Inspections4.16 Verge Treatment Applications4.17 Verge Issues4.18 Coastal Infrastructure4.19 Coastal Management <p>Advisory Committee Minutes</p>

Committee Recommendation

Moved Cr Buchan, seconded Cr Whitfield:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin - March 2020 and the content be accepted.

Committee Voting (Carried) - 5/0

12. Agenda Items

Planning and Development Services

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-018/20 Reconsideration - Joint Development Assessment Panel Application - Child Care Premises
File No:	DD020.2019.00000219.001
Applicant:	Planning Solutions
Owner:	Mr George and Mrs Margaret Yiannakis Mr Blair Thomas
Author:	Mr David Banovic, Senior Planning Officer
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	16 March 2020
Previously before Council:	26 November 2019 (PD-071/19)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	Lot 726 (No.591) Eighty Road, Baldivis Lot 107 (No.577) Eighty Road, Baldivis
Lot Area:	Lot 726 = 4.8418ha Lot 107 = 3.0677ha
LA Zoning:	Rural
MRS Zoning:	Rural
Attachments:	1. Amended Responsible Authority Report 2. Dust Assessment and Industrial Noise Impact Assessment 3. Schedule of Submissions
Maps/Diagrams:	1. Location Plan 2. Broader Location Context 3. Aerial Photo 4. Aerial Overlay 5. Revised Site Plan dated February 2020

	<ol style="list-style-type: none">6. Floor Plan7. Perspectives8. Consultation Plan9. Planning Unit 4A - Rural Land Strategy10. Perspective Photo Plan11. Perspective Photo 112. Perspective Photo 213. Perspective Photo 314. Perspective Photo 415. Perspective Photo 5 (proposed development site - left side)16. Perspective Photo 6 (Landscape Supply Yard/Nursery - left side)17. Perspective Photo 718. Existing Frontage of Proposed Development Site 119. Existing Frontage of Proposed Development Site 220. Proposed Child Care Perspective 121. Proposed Child Care Perspective 222. Proposed Fencing Styles23. Fence Plans
--	---

Purpose of Report

To provide a recommendation to the Metro South West Joint Development Assessment Panel (MSWJDAP), following its meeting held on 9 December 2019, when the MSWJDAP resolved to defer the application for a Child Care Premises at Lot 726 (No.591) Eighty Road, Baldivis to allow the proponent the ability to provide information addressing mitigation measures associated with the adjoining Landscape Supply Yard/Nursery.

Background

Lot 726 (No.591) Eighty Road, Baldivis (subject site) has a land area of 4.8418ha and has been developed for rural lifestyle purposes, containing an existing dwelling and associated infrastructure. The subject site is well vegetated with approximately 75% of the land being designated as a Conservation Category Wetland (CCW), referred to as the Outridge Swamp.

The topography of the land has a downward slope west of Eighty Road.

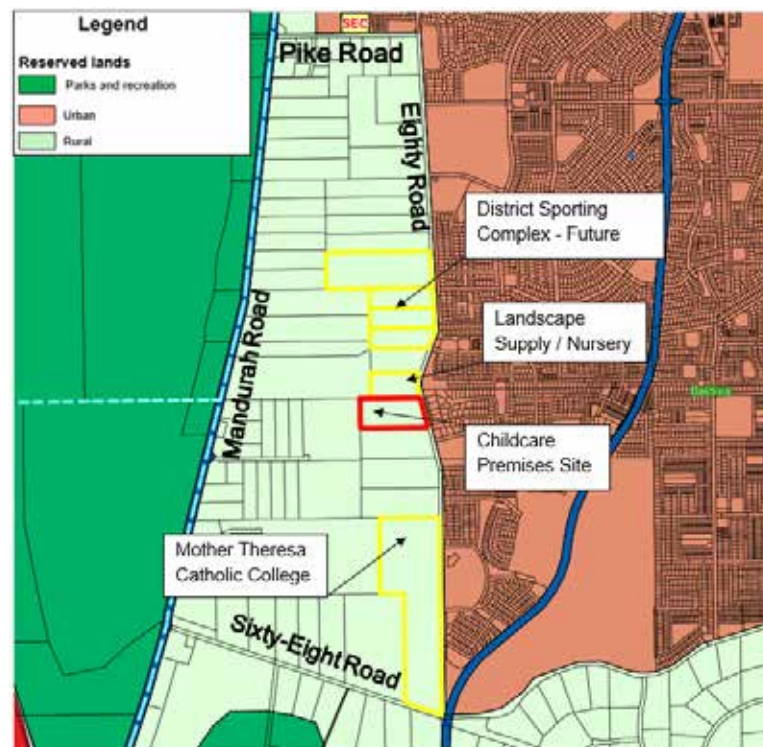
The area directly east of Eighty Road has transitioned to urban. The adjoining northern Lot 107 (No.577) Eighty Road, Baldivis operates an industrial type land use (Landscape Supply Yard and Nursery - Baldivis Landscaping Supplies and Malee Flower Farm). The subject site is otherwise surrounded by rural-style residential land on three to five hectare lots.



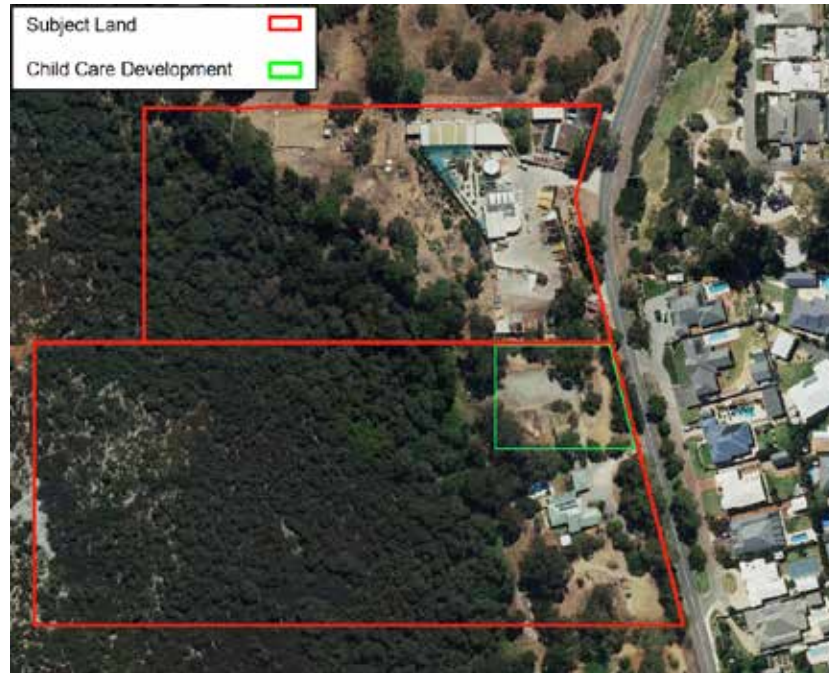
1. Location Plan

In a broader context, the site is situated within a rural cell bounded by Pike Road in the north, Sixty-Eight Road in the south, Eighty Road in the east and Mandurah Road in the west. Within this cell, also with direct frontage to Eighty Road, are the following sites that require consideration:

- future Baldvis District Sporting Complex (Lot 4 and Lots 103-105 Eighty Road, Baldvis);
- aforementioned Landscape Supply Yard and Nursery (Lot 107 Eighty Road, Baldvis); and
- Mother Theresa Catholic College (Lot 10 Eighty Road, Baldvis).



2. Broader Location Context



3. Aerial Plan

History

The following outlines the history of the development proposal:

- In August 2019, the applicant lodged a Joint Development Assessment Panel (JDAP) application for a proposed Child Care Premises.
- The JDAP application was referred to the November 2019 Ordinary meeting, when the Officer's recommendation to refuse the application was adopted by the Council for the following reasons:
 - "1. *The location of the Child Care Premises adjacent to an operational Landscape Supply Yard/Nursery is contrary to orderly and properly planning principles.*
 2. *The proposed Child Care Premises is incompatible with characteristics of the immediate area in which it is located and therefore fails to comply with the objectives of the Rural zone in City of Rockingham Town Planning Scheme No.2.*
 3. *The development fails to provide a required right turn pocket on Eighty Road, thus failing to provide adequate safe access to the site as required by Clause 67(r) and 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions).*
 4. *The proposed Child Care Premises will have an adverse impact on the amenity of the community through increased vehicular movements and being an incompatible (non-rural) land use.*
 5. *As required by Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) it has not been demonstrated that this development is compatible with its setting, as the Child Care Premises, which is a sensitive land use, is proposed to be located adjacent to an Industrial land use (Landscape Supply Yard/Nursery).*
 6. *The location of the proposed Child Care Premises is unsuitable as the proposal fails to meet the location, site characterises and design considerations criteria contained within City of Rockingham Planning Policy 3.3.5 - Child Care Premises.*
 7. *The proposed Child Care Premises is not consistent with the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy which identifies the site for potential Special Rural development with a minimum lot size of 0.5 hectare and requires development to be of a scale that minimises intrusion into the landscape.*

8. *The proposed Child Care Premises is not consistent with State Planning Policy 2.5 - Rural Planning as the development is contrary to the City of Rockingham rural planning framework and is likely to generate land use conflicts."*

- In December 2019, the MSWDJAP resolved to defer the JDAP application on the following basis:

"To allow the proponent to provide further information addressing mitigation measures associated with the nursery and its operation within 60 days (7 February 2020)

REASON: *Based on the conditions outlined it is considered that issues relating to the nursery have not been sufficiently clarified in order to ensure it can prevent an adverse impact on both operations given the nursery has a legitimate existing approval.*

Issues relating to the rural zone could be addressed by modification of the development as it is located within the Urban framework.

The child care centre is considered low impact in terms of traffic generation, the traffic impact can be mitigated and could be satisfactory addressed."

- In February 2020, the applicant submitted additional information which included a Dust Assessment, Industrial Noise Assessment and a set of updated plans which depict the retention of verge trees and minor changes to the car park grades.

Details

The Development Assessment Panel (DAP) application proposes the development of a Child Care Premises (facility) on a 3,183m² portion of Lot 726.

Details of the proposal are as follows:

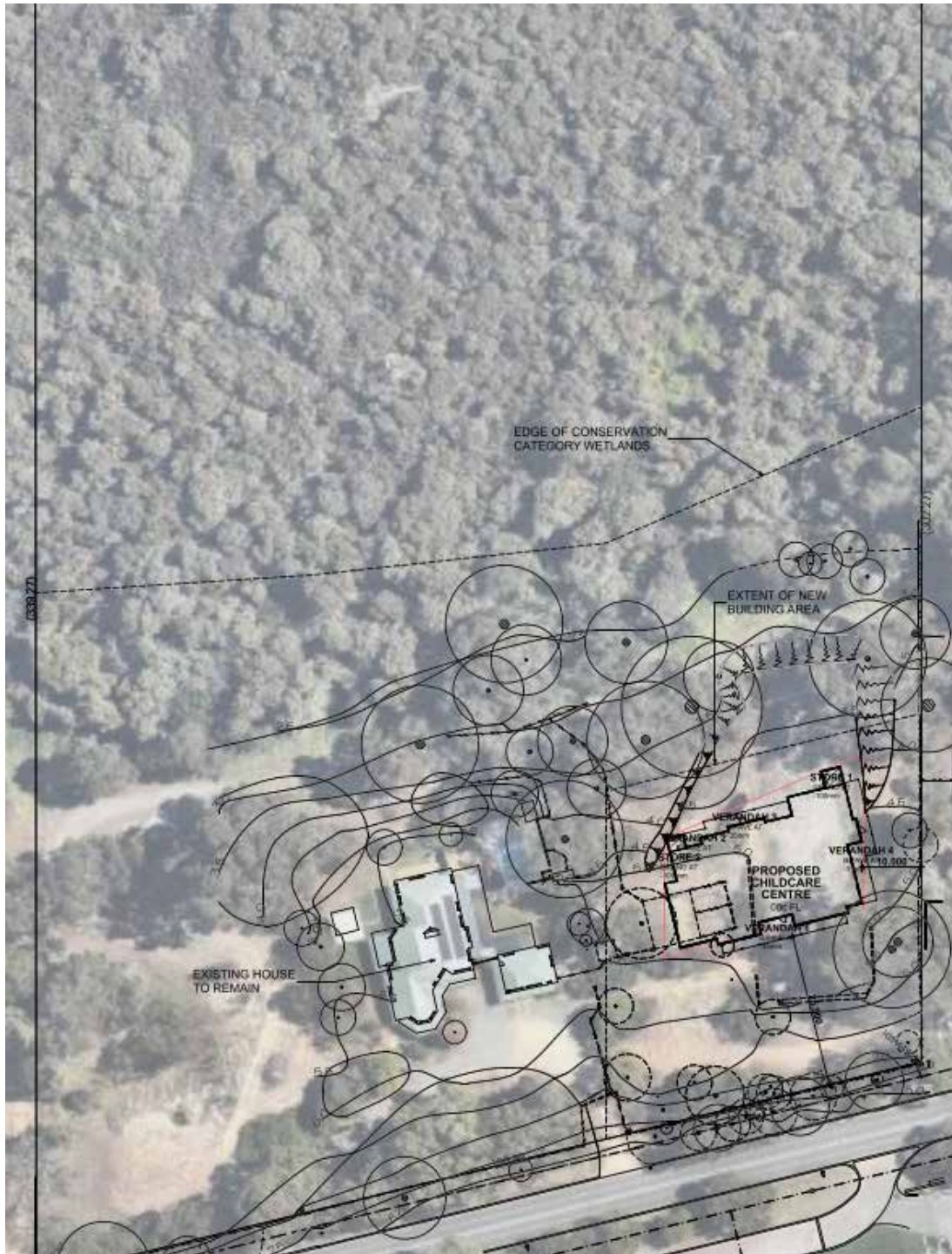
- ÿ A single story facility located in the north east corner of Lot 726, adjacent to Eighty Road, Baldivis;
- ÿ The facility is proposed to provide care and early education for up to 92 children;
- ÿ The facility is proposed to operate from 6.30am to 6.00pm, Monday to Friday and will accommodate up to 18 staff;
- ÿ A new crossover and driveway are proposed to the facility and existing dwelling;
- ÿ A total of 31 new car parking bays are proposed;
- ÿ Two outdoor play areas comprising a total area of approximately 655m²;
- ÿ Mix of open style and solid fencing (at a height of 1.8m) throughout the development;
- ÿ A bin store enclosure and limestone retaining walls throughout the proposed car parking area;
- ÿ One roof sign and one 4.6m metre high Pylon sign; and
- ÿ Removal of 10 on-site trees.

The following reports accompanied the original DAP application:

- ÿ Planning Report;
- ÿ Environmental Assessment;
- ÿ Environmental Noise Assessment;
- ÿ Transport Impact Assessment; and
- ÿ Bushfire Management Plan and Bushfire Emergency Evacuation Plan.

The Bushfire Management Plan proposes a five (5) metre Asset Protection Zone (APZ) that extends beyond the lot boundaries of the subject site into the northern Lot 107 Eighty Road, Baldivis. The use of Lot 107 for the purposes of an APZ will require modification and maintenance of vegetation for the life of the development, which constitutes 'Development' under the Planning and Development Act 2005. The landowner of Lot 107 has signed the owner details section on the relevant development application forms and is party to this DAP application.

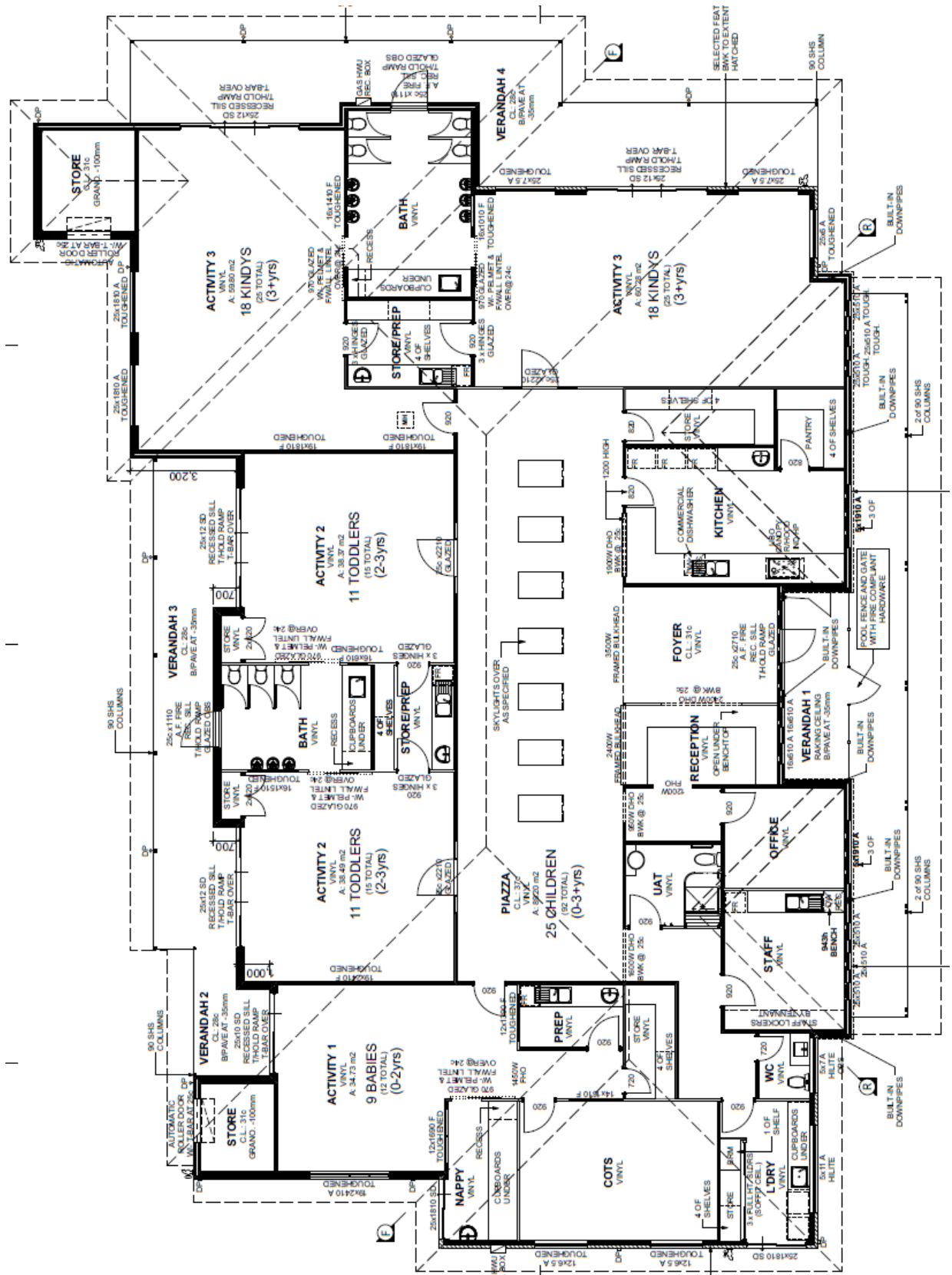
Lot 107 is only included in this DAP application for APZ reasons.



4. Aerial Overlay



5. Revised Site Plan dated February 2020



6. Floor Plan



7. Perspectives

Implications to Consider

a. Consultation with the Community

The original application was advertised for public comment over a period of 18 days, commencing on 5 September 2019 and concluding on 23 September 2019. The nature of the facility (proposing to operate from 6.30am to 6.00pm, Monday to Friday) warranted comment from nearby landowners and occupiers, prior to Council providing its recommendation to the MSWJDAP.

Advertising was carried out in the following manner:

- ÿ Landowners and occupiers within 100m of Lot 107 and 726 were notified in writing of the proposed development; and
- ÿ 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.

Note: The proposal has not been advertised following the provision of the additional information received in February 2020, as it was considered that the original submissions are still of relevance to the Council with respect to traffic volumes and clearing of vegetation.



8. Consultation Plan

At the close of the public consultation period, a total of four submissions were received, three objecting the proposal and one neutral to the proposal.

Note: The location of one of the submitters objecting the proposal has not been captured on the Consultation Plan, as the submitter is located out of the immediate locality.

The objections received have been summarised in the table below, including the applicant's and the City's response to the submission objections. The applicant's response to concerns raised have also been summarised.

1. Traffic Impacts
Concerns including safety, access points and existing traffic issues.
<u>Applicant's Response:</u> The proposed development is supported by a Transport Impact Statement (TIS) which assessed the traffic generation of the proposal in accordance with the requirements of WAPC guidelines. The TIS confirmed that the traffic generation resulting from the proposed development will have an insignificant impact on the surrounding road network. Additionally, the TIS confirms that the site's access arrangements to Eighty Road are satisfactory from a traffic engineering point of view. The scope of the traffic assessment, which was carried out by suitably qualified and experienced traffic engineers, did not determine the need for any slip lanes, changes in speed limit or warning signs.
<u>City's Comment:</u> Upon further consideration, it is the City's view that the potential traffic generated from this development can be managed, without a right turn pocket. The proposed crossover for the Child Care Premises should be setback 30m in lieu of 25m based on a left-turn collision avoidance as suggested by Austroads' <i>Guide to Road Design Part 4 – Intersections and Crossings</i> , The revised plans include off-street car parking (gradient) compliant with Australian Standard 2890.1 - Parking facilities.
2. Environmental/Visual
Concerns regarding removal of trees.
<u>Applicant's Response:</u> The proposed development was supported by an environmental assessment, which considered the conservation value of vegetation contained within the site. The environmental assessment determined that the trees proposed for removal are in a "completely degraded" condition and do not have conservation significance. The Department of Water and Environmental Regulation & Department of Biodiversity, Conservation and Attractions has commented on the proposal and confirmed no objection to the development from an environmental or biodiversity conservation point of view.
<u>City's Comment:</u> A revised site plan has been submitted which denotes removal of only 10 on-site trees and no trees within the road reserve, whilst the original plan illustrated a total of 17 trees required for removal to facilitate the proposed development, comprising seven within the road reserve and 10 on-site. The City accepts that the on-site vegetation proposed for removal is in a degraded condition from a biodiversity perspective. The City is also satisfied with the intention to retain of all verge trees as they are considered important from a visual amenity perspective and that they form an integral part of the rural amenity of the location. It is the City's view that retention of verge trees will assist to maintain the visual amenity of the locality.
3. Land Use
<u>Submission:</u> The area is already well served with child minding centres.
<u>Applicant's Response:</u> A perceived oversupply of child care services is not a relevant planning consideration.
<u>City's Comment:</u> The City must provide recommendations to the MSWJDAP on planning merits of the proposal. The number of existing child care services in the area is not a relevant planning consideration. The application has been considered in accordance with TPS2 and applicable planning policies. Further, the application will ultimately be determined by the MSWJDAP.

Consultation with other Agencies or Consultants

As part of the original application, the following government departments and service agencies were consulted:

- Department of Biodiversity, Conservation and Attractions;
- Department of Fire and Emergency Services; and
- Department of Water and Environmental Regulations.

The comments received are as follows:

1. Department of Biodiversity, Conservation and Attractions (DBCA) - summarised

DBCA notes that a portion of the outdoor play area is located within the outer edge of the 50 metre buffer to a Conservation Category Wetland (CCW) known as Outridge Swamp on DBCA's *Geomorphic Wetlands Swan Coastal Plain* dataset. The CCW and its buffer are mapped as an Environmentally Sensitive Area. The majority of Outridge Swamp is in private ownership and, from aerial imagery, it appears to be well vegetated.

State Planning Policy 3.7 - *Planning in Bushfire Prone Areas* includes policy objective 5.4 which aims to achieve an appropriate balance between bushfire risk management measures and biodiversity conservation values, environmental protection and biodiversity management and landscape amenity with consideration of the potential impacts of climate change. It is DBCA's expectation that the City of Rockingham will ensure that all necessary bushfire protection measures are accommodated within the subject development area so as not to impact on the adjoining environmentally sensitive area.

City's Comment:

The plans illustrate that a proposed outdoor play area will encroach into the wetland buffer by up to 10 metres in some areas. Additionally, some retaining and fencing (associated with the proposed play area) also encroaches into the wetland buffer.

Despite being within the wetland buffer zone, the location of the proposed play area has been historically cleared and is currently not fulfilling its function of protecting the wetland from edge effects. Consequently, the City has no objection to the play area being located partially within the CCW.

Should MSWJDAP resolve to approve the proposed application, the City recommends that the applicant be required to enhance the remaining buffer area through revegetation, via a Revegetation Plan. The BMP would in this instance also need to be revised to account for wetland buffer revegetation so as to ensure that necessary bushfire protection measures are accommodated, without impact upon the adjoining environmentally sensitive area.

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

DFES advises that the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.

Notwithstanding, it should be noted while the building will be located within BAL-29, outdoor play areas 1 & 2 are partially within BAL-FZ and BAL-40. It is recommended that any adjacent structures are separated by a distance of not less than 6 metres from the main building in line with the general construction requirements in Section 3 of Australian Standard AS3959 - *Construction of Buildings in Bush Fire Prone Areas*. If this separation is not achieved, the adjacent structures may be considered part of the main building resulting in the development being impacted by a higher potential radiant heat.

The outdoor play area is also within the proposed APZ. It is important that the play area is maintained in accordance with the APZ requirements to minimise the level of bushfire impact to the building.

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

It is important that an enforceable mechanism is in place to ensure that the APZ proposed within the BMP that extends beyond the lot boundary of the subject site can be maintained in perpetuity. Conditions of planning approval should also reinforce the management of the APZ that extends beyond the lot boundary of the proposed development in perpetuity.

City's Comment:

The City is satisfied that the development has demonstrated compliance with SPP3.7, specifically Element 1: Location and Element 2: Siting and Design, which is further detailed in the State Government Policy section of this report.

The City is also satisfied that an enforceable mechanism would be in place to permit an overlapping APZ, should MSWJDAP resolve to approve the proposed application. In this instance, the City recommends imposing a condition requiring an agreement being entered into between the land owners of Lot 107 and Lot 726 and the City to ensure that the APZ on adjacent lot is managed in perpetuity.

DFES in its submission also provides advice relating to potential future structures being located within 6 metres of the main building line. A copy of the advice forms part of Attachment 4 - Schedule of Submissions. The applicant has been provided with a copy of the DFES submission.

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

DWER recommends the car park stormwater drainage system be designed, constructed and managed in accordance with the *Stormwater Management Manual for Western Australia* (DWER, 2004). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15mm of stormwater runoff (1 Exceedance per Year runoff) should undergo water quality treatment via bio-retention.

City Comment:

While DWER has requested that stormwater is fully contained up to the 0.2 Exceedance per Year Runoff (5 year event), the City considers that stormwater should be contained up to the 10 year event, as is typical of a commercial land use.

DWER comment pertaining to the first 15mm of stormwater runoff is consistent with the City's expectation.

c. Strategic

Community Plan

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

Aspiration 3: *Plan for Future Generations*

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

d. Policy

Planning Policy 3.7 - Planning in Bushfire Prone Areas

SPP3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The subject land has been designated bushfire prone under the *Fire and Emergency Services Act 1998 (as amended)* and therefore the requirements of SPP3.7 are applicable.

The objectives of SPP3.7 are to:

- Y "Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.

- ÿ *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*
- ÿ *Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.*
- ÿ *Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.”*

As the land is designated as a bushfire prone area and is classified as a 'vulnerable' land use, the applicant submitted a Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) in support of the application, as per the requirements of SPP3.7. The proposal was referred to Department of Fire and Emergency Services (DFES), which was satisfied that the application adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP (refer to the Consultation with other Agencies or Consultants section of this report).

The BMP has been assessed by City staff and is considered acceptable.

Guidelines for Planning in Bushfire Prone Areas (GfPBPA)

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

Element 1 - Location

The development complies with the relevant Acceptable Solution for this Element, as the applicant has demonstrated through a BAL assessment and implementation of an overlapping Asset Protection Zone (APZ) that the maximum BAL level that buildings will be required to be constructed to will be BAL-29 of *Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas (AS3959)*.

Element 2 - Siting and Development

The development complies with the relevant Acceptable Solution for this Element, as the building on the lot will be provided with an overlapping APZ (of the required dimension), which is established for the most part within the lot boundaries of Lot 726 and a 5 metre APZ which extends beyond the northern lot boundary into Lot 107.

Element 3 - Vehicular Access

The development complies with the relevant Acceptable Solution for this Element, as development provides for two (2) egress options from the site, being north or south along Eighty Road.

Element 4 - Water

The development complies with the relevant Acceptable Solution for this Element, as reticulated water supply is currently available to the site.

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

The applicant's assessment of mitigation measures and impacts from the Landscape Supply Yard/Nursery is considered in the context of the following EPA requirements and the City's Health Services advice.

The EPA Guidance Statement provides advice to proponents, responsible authorities, stakeholders and the public, on the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a development proposal. For the purposes of the Guidance Statement, "industrial land use" is used in a general way to encompass a range of industrial, commercial and rural activities, and infrastructure, associated with off-site emissions that may affect adversely the amenity of sensitive land uses. A table of land uses is provided in the Guidance Statement, however, it is acknowledged that the list is not definitive.

The generic separation distances are based on the consideration of typical emissions that may affect the amenity of nearby sensitive land uses. These include:

- gaseous and particulate emissions;
- noise;
- dust; and
- odour.

A Child Care Premises is classified as a sensitive land use.

The EPA recommends a 100m buffer distance to all Nurseries from sensitive land uses. The buffer recommended by the Guidance Statement is not an absolute separation distance, but instead are default distances providing general guidance in the absence of site-specific technical studies.

The proposed Child Care Premises is located as close as 10m to adjacent Landscape Supply Yard/Nursery operations.

In the case of a new sensitive development being proposed near an existing industry, where the separation distance is less than the generic distance, a scientific study based on site and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts.

Having regard to the associated deferral reason, the applicant submitted a site-specific Dust Assessment and Industrial Noise Impact Assessment.

The City's Health Services has reviewed the applicant's subsequent environmental assessments and advised that:

- the Dust Assessment addresses the main concerns and identifies a "very low to low" risk outcome. It is understood that *"very low to low risks are generally considered acceptable and represent the lowest possible risk"*; and
- the Child Care Premises will not operate on weekends, when the Landscape Supply Yard/Nursery is likely to generate the highest level of noise.

Given the findings of the site-specific studies, it is concluded that the location of this sensitive premises in such close proximity to an industrial type land use can be entertained and is therefore considered to be compliant with the EPA Guideline Statement, based on the applicant's environmental assessments.

It is noted that should the Landscape Supply / Nursery in future seek to intensify its operation, the land use/s may have the ability to impact on the operation at the Child Care Premises and further management practices may need to be implemented.

Environmental Protection Authority (EPA) - Environmental Guidance for Planning and Development (Guidance Statement No.33)

A purpose of this Guidance Statement No.33 is to provide an overview of environmental protection processes and information, to assist land use planning and development in Western Australia.

With regard to dust impacts, Guidance Statement No.33 states that atmospheric dust and particulate matter at levels associated with public health risks and/or public nuisance may potentially be generated by a variety of land uses and activities, including landscape supply businesses.

The City accepts the risk of dust impact is "very low to low" and noise levels generate at the northern boundary of the subject site, based on the applicant's investigations, which reduces the potential for land use conflict.

Planning Policy No.3.1.1 - Rural Land Strategy (RLS)

The City's RLS provides for the basis for land use planning in the rural areas of the district. In particular, it provides local government with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

The RLS considers the City's rural land in terms of 'Planning Units' which are further divided into Planning Precincts. The subject land is within Planning Unit 4, Precinct 4A. Planning Unit 4 is dominated by a series of wetlands, swamps and other low lying areas and this is reflected on the subject site, with approximately 75% of the property being designated as a CCW and its buffer.

The development application was accompanied by an environmental assessment of the site which has been reviewed by the City and Department of Biodiversity, Conservation and Attractions and is accepted from an environmental impact perspective.

The primary objective for this Planning Unit is to encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east. Development is required to be appropriately setback and be of a scale that minimises intrusion into the landscape.

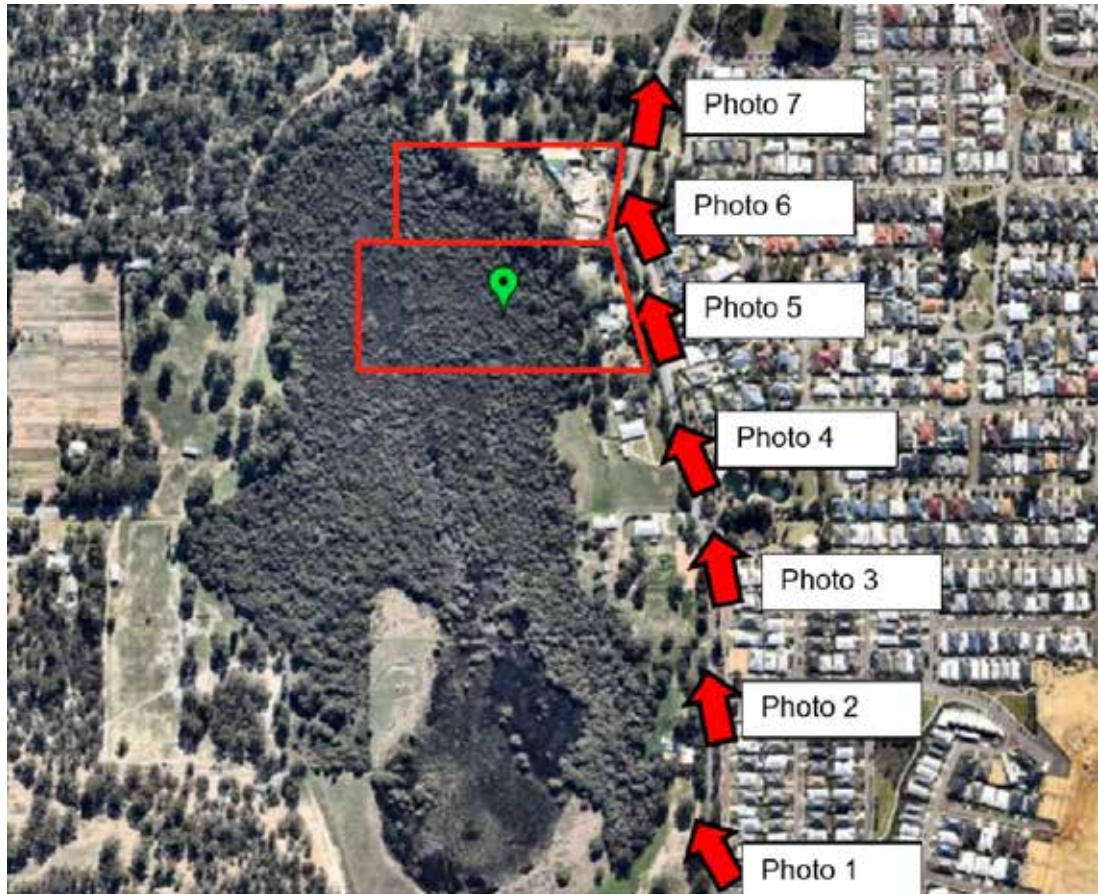


9. Planning Unit 4A - Rural Land Strategy

The proposed development is required to comply with the following specific guidelines:

- Y *Buildings to be setback a minimum of 40m from Mandurah Road, 30m from other subdivisional roads and 10m from all other boundaries (with no clearing in the setback area except for fire management or for vehicular access as approved by Council; and*
- Y *Development shall be of a scale that minimises intrusion into the landscape."*

The City has provided perspective photos along Eighty Road representing a collective view experience from a motorist's perspective on the local network travelling in a northern direction. The subject lot and the land within the Rural zone is located on the western side of Eighty Road i.e. the left hand side of the photographs below.



10. Perspective Photo Plan



11. Perspective Photo 1



12. Perspective Photo 2



13. Perspective Photo 3



14. Perspective Photo 4



15. Perspective Photo 5 (proposed development site - left side)



16. Perspective Photo 6 (Landscape Supply Yard/Nursery - left side)



17. Perspective Photo 7



18. Existing Frontage of Proposed Development Site 1



19. Existing Frontage of Proposed Development Site 2

The perspective photos illustrate that a stretch of approximately 850 metres of land within which the subject site is located (along the western side of Eighty Road) maintains a distinctly rural vista. The adjoining development to the south maintains a 30m landscape buffer, whilst the adjoining Landscape Supply Yard/Nursery provides a 10m vegetation buffer and is screened by existing mature trees that collectively minimise the intrusion of the development along the western side of Eighty Road. The adjoining development is not considered to be visually dominant.

The applicant has also subsequently provided two perspectives illustrating the proposed development within its immediate surrounds. It is noted that the perspectives do not appear as an accurate representation of the existing trees within the Eighty Road reserve and it appears to show a different type of tree (possibly *Melaleuca sp*), which have been pruned with lower branches removed. This effectively opens up views into the proposed development.

Whilst the perspectives have not been updated (i.e to accurately reflect the existing tree type and form), it is important to note that the City does not support pruning the existing trees on Eighty Road to create views into the proposed development and that additional tree planting is recommended to maintain the rural character.

Upon further review of the revised plans (keeping the verge trees), the City considers that the proposed development, while partially visible from Eighty Road is unlikely to have a detrimental impact upon the rural character of the area, subject to the retention of existing trees in the verge of Eighty Road.



20. Proposed Child Care Premises Perspective 1



21. Proposed Child Care Premises Perspective 2

Amendments to Planning Policy No.3.1.1 - Rural Land Strategy (RLS)

The local government is required by Clause 67 of the deemed provisions to have 'due regard' to a range of matters. The pertinent matter regarding this application relates to subclause b) which states that the local government is required to give due regard to any proposed planning instrument that it is seriously considering approving or adopting.

In December 2019, Council resolved to approve the advertising of amendments to RLS for public comment. The release of the *South Metropolitan Peel-Sub Regional Planning Framework* has necessitated a comprehensive review of RLS to ensure it aligns with the State Government's strategic direction. Submissions on the amendments to RLS closed on 4 March 2020, following which the Council will further consider the amendments.

An assessment against the following specific guidelines and desired future character to the RLS is available below, where it is concluded the proposed development is generally consistent with the relevant changes to the RLS with the application of appropriate conditions of Development Approval.

- *"The Rural Wedge precinct provides for an important rural transition between the inland and coastal urban corridors and maintains the valuable rural vista to Mandurah Road. It contains multiple overlapping ecological values and linkages, including an extensive chain of wetlands, elevated ridgelines, prominent high points and remnant vegetation that provide an essential landscape and rural context. These areas of environmental and landscape significance are fundamental to the visual character and amenity of the area and their ongoing preservation is a key strategic objective of the RLS.*
- *No clearing being permitted without the specific approval of the City.*
- *All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised."*

It is considered that the proposed development reflected in the submitted perspective drawings, will integrate within its rural context and is therefore compliant with the RLS amendments.

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

The City's original assessment considered that the proposal was not compliant with the locational criteria relating to the sites proximity to public transport, but in other respects was generally compliant. Although the proposed development does not satisfy all of the locational criteria, it is recognised that the broader context of the site is not just rural. The subject site also fronts a key road for this portion of Baldivis and a Child Care Premises is considered compatible within this broader context.

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

The City considered the proposed Pylon Sign as part of the original application, where it was determined that the Pylon Sign complies with the relevant provisions of PP3.3.1.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2

Clause 3.2 - Zoning Table

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

Clause 4.11.1 - Objective of Rural zone

The objective of the Rural zone is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

It is considered that the proposed revised development is acceptable in the Rural zone as the retained vegetation within the road reservation along with the lower topography helps screen the proposed carpark adjacent to Eighty Road boundary. Along with the removal/replacement of the Pylon Sign, the development would be acceptable along the western side of Eighty Road.

Clause 4.11.2 - General Provisions

Requirement	Provided	Compliance
Setback		
<p>All development, including the clearing of land, shall be setback a minimum of 30 metres from the primary street and 10 metres from all other boundaries, other than for the purpose of providing a fire break or vehicular accessway</p>	<p>Several components of the proposed development encroach into the street setback area. Development that encroach is detailed as follows:</p> <ul style="list-style-type: none"> • Pylon Sign setback 1.8m in lieu of 30m; • Retaining walls setback 1.8m and 13.5m in lieu of 30m; • Bin Store Area setback 7.8m in lieu of 30m; • Access driveway and car parking areas setback 2.2m and 14.5m in lieu of 30m; and • Facility setback a minimum of 25.8m in lieu of 30m. <p>A 10m setback is generally provided from the development to the northern and southern boundaries of the development site, with the exception of the bin store area, outdoor play area '2', portion of the access driveway and staff bays '16 and 17'.</p>	<p>Acceptable Variations <u>Retaining Walls and Bin Store Area setbacks</u> The level of Eighty Road is approximately at a RL8.0, the pad level of the bin enclosure is at a RL5.8 and the height of the bin store will be 1.8m, meaning the top of the bin store will be approximately 0.4m-0.5m lower than the road level. The retaining top of wall height (TOW) varies between 6 to 7.5 throughout the car parking area. These structures are not visually prominent due to the higher level of Eighty Road.</p> <p><u>Facility setback</u> The proposed building will be constructed at a lower level than Eighty Road and will be partially screened by the retained trees within the road reserve. Additionally, the facility is single storey and lends itself to domestic residential architecture.</p> <p><u>Access driveway and Car parking area</u> The location of the access driveway and car parking area has been addressed, as the applicant intends to retain the seven trees along the Eighty Road road reserve. The City also considers that additional landscaping is required to provide maximum visual screening of access driveway and car parking area from the road.</p>

Requirement	Provided	Compliance
Setback (cont...)		
		<p><u>Outdoor Play area '2'</u> The subject area is located on the northern boundary and does not provide for any separation from the adjoining industrial type development. It is noted that the adjoining development's sand bins are compliantly setback from the common boundary.</p> <p>Non-Acceptable Variations <u>Pylon Sign</u> It is acknowledged that the proposed pylon sign is not akin to a typical pylon sign, and even without the removal of verge vegetation, the sign would still be highly visible to passing traffic as illustrated within the applicant's perspective (Figure 20). Although compliant with Planning Policy 3.3.1 - Controls of Advertisements, the sign is not considered to be sympathetic to the characteristics of the immediate area. A condition requiring the removal of the Pylon Sign is recommended should the application be approved.</p>
Clearing of Vegetation		
<p>No native or remnant vegetation shall be removed or cleared unless approved by the Local Government, and other than for the purpose of a fire break, fire protection within a asset protection zone, dwelling, outbuilding, fence and vehicular access or where such vegetation is dead, diseased or dangerous.</p>	<p>A total of 10 trees are required to be removed to facilitate the proposed development. All trees identified for removal are on-site. The proposed development was supported by an environmental assessment, which considered the conservation value of vegetation contained within the site.</p>	<p>Yes, as native trees within the verge are retained. While the retained vegetation may be degraded from a biodiversity perspective, it still plays a role in setting and maintaining the rural visual amenity of the locality. Pruning of the subject trees will not be approved by the City.</p>

Clause 4.15 - Carparking

TPS2 requires the provision of on-site parking for vehicles for development on Rural zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The table below provides an assessment of the Child Care Premises proposal against the relevant car parking requirements of TPS2.

Use	Rate	Required	Provided
Child Care Premises	1 bay per employee and 1 bay per eight children	18 employees = 18 bays 92 children = 11.5 (12) bays	30
Total			31

The proposed development provides a total of 31 car parking spaces which satisfies the car parking requirement of Clause 4.15 of TPS2.

City of Rockingham - Fencing Local Law 2000

The City's Fencing Local Law provides the statutory instrument to regulate fencing. In particular it provides the local government with a framework for its assessment and consideration of fencing proposals on land in the City.

The development proposes three styles of fencing around perimeter of the development site. Details of fencing are as follows:

- Y Colorbond fencing is provided along the northern and southern boundaries, setback a minimum 29m from Eighty road;
- Y Open style (Link fencing) is provided along the northern and southern boundary within the setback area;
- Y Tubular fencing to rear of the development; and
- Y Height of 1.8m.



22. Proposed fencing styles

Comments

Land use Compatibility

The reason for the MSWJDAP's decision for deferment of the application was due to the lack of available information surrounding the land-use compatibility between the operation of the adjoining Landscape Supply Yard/Nursery and proposed Child Care Premises in terms of noise and dust impacts. It was likewise the central reason why the Council did not support the application being approved.

Based on the site specific Dust Assessment and Industrial Noise Impact Assessment Report, which has been completed in accordance with the Environmental Protection Authority policy framework, the City is now satisfied that the proposed developments can co-exist, based on the current operations of the Landscape Supply Yard, without the need for any further mitigation measures.

Traffic and Safety

Upon further review of the need for a right turn pocket on Eighty Road, because of the future extension of Nairn Drive to Eighty Road (which is likely to occur in the next 10 years) and cul-de-sac treatment to Eighty Road at southern end, the traffic on Eighty Road can be managed. As such, the requirement for a right turn treatment has not been recommended. The City, however, recommends that the crossover to the existing dwelling must be setback 30m from the proposed Child Care Premises crossover and this matter be addressed as a condition of Development Approval.

Visual Impact

The visual impact of the revised development was reconsidered by the City, based on a perspective photo collection of the City's visual assessment and subsequent perspectives provided by applicant, as well as a site inspection. As detailed throughout the report, pending appropriate conditions of approval, it is considered that the application now satisfies the relevant objectives of PP3.3.1 and TPS2.

Conclusion

Based on the additional information submitted, the proposal sufficiently addresses the MSWJDAP reason for deferment and City's previous concerns. It is therefore considered on balance that, subject to appropriate conditions, the proposal for a Child Care Premises at this site is recommended for approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the Child Care Premises at Lot 726 (No.591) Eighty Road, Baldivis and Lot 107 (No.577) Eighty Road, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (MSWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Buchan:

That Council **ADOPTS** the Responsible Authority Report for the application for the Child Care Premises at Lot 726 (No.591) Eighty Road, Baldivis and Lot 107 (No.577) Eighty Road, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (MSWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to **APPROVE** the DAP Application reference DAP/19/1660 and accompanying plans:

- Locality Plan, Sheet 01, Revision 03, dated 22 August 2019;

- Demolition Plan, Sheet 02, Revision 03, dated 22 August 2019;
- Site Plan, Sheet 03, Revision 03, dated 22 August 2019;
- Floor Plan, Sheet 04, Revision 03, dated 22 August 2019;
- Elevations, Sheet 05, Revision 03, dated 22 August 2019;
- Streetscape, Sheet 06, Revision 03, dated 22 August 2019;
- Carpark Plan, Sheet 07, Revision 03, dated 22 August 2019;
- Landscape Plan, Sheet 08, Revision 03, dated 22 August 2019;
- Activity Plan, Sheet 09, Revision 03, dated 22 August 2019;
- Roof Plan, Sheet 10, Revision 03, dated 22 August 2019;
- Fencing Plan, Sheet 11, Revision 03, dated 22 August 2019;

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

Conditions

1. This decision constitutes development approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Prior to commencement of development, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.
All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham.
The approved plans must be implemented and all works must be maintained for the duration of the development.
3. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970— 2009, Protection of trees on development sites.
Arrangements must be made to the satisfaction of the City of Rockingham for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.
4. Prior to applying for a Building Permit, an updated Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained, including retention of all existing street trees adjoining the site;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas;
 - (vi) all existing street trees to be retained unless otherwise required to allow for vehicle access;
 - (vii) four (4) additional *Agnois flexuosa* trees with a minimum 100Lt size are to be installed within the Eighty Road reserve; and
 - (viii) proposed tree species within the carpark area are to be *Eucalyptus torquate* shade tree with a minimum 100Lt size, with two (2) additional shade trees installed in the second row of the carpark closest to the building and one (1) additional shade tree adjacent to the access-driveway, as shown on the approved Landscape Plan.

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

5. Prior to applying for a Building Permit, the applicant must submit a Revegetation Plan to satisfaction of the City of Rockingham. The plan must contain detail on the revegetation of the Conservation Category Wetland buffer zone, excluding the buffer area occupied by the proposed outdoor play area. The Revegetation Plan must detail areas to be planted, site preparation and weed control, and a list of wetland species endemic to the Baldivis area. The revegetation must be completed in winter following approval of the Revegetation Plan.
6. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019 shall be revised to account for the wetland buffer revegetation to the satisfaction of the City.
7. Prior to occupation of the development, the Asset Protection Zone, as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019, must be implemented in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas.

The Asset Protection Zone must be maintained for the duration of the development.

8. Prior to the occupation of the development the landowner/s of Lot 107 Eighty Road, Baldivis and Lot 726 Eighty Road, Baldivis, shall enter into a legal agreement with the City of Rockingham to ensure that appropriate arrangements are put in place for the ongoing maintenance of the Asset Protection Zone as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019.
9. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - (iv) frequency of bin collections; and
 - (v) the collection of the bins from an approved position.

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

10. Prior to applying for a Building Permit, the applicant shall submit revised fencing details for the section of proposed link fencing within the front setback area, so as to comply with Schedule 3 of the City of Rockingham Local Fencing Law 2000. The modified fencing shall thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.
11. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures.

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

12. Prior to occupation of the development site, a 1.8m high acoustic wall shall be erected around the perimeter of the building and play area to the satisfaction of the City of Rockingham.
13. Prior to occupation of the development, applicant shall implement the recommendations detailed in the Environmental Noise Assessment report prepared by Lloyd George Acoustics, dated 19 August 2019.
The recommendations of the report must be implemented for the duration of the development.
14. Prior to the occupation of the development, the verge must be reinstated to the satisfaction of the City of Rockingham.
15. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by *Planning Policy 3.3.1, Control of Advertisements*) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
16. The proposed Pylon Sign does not form part of this Development Approval.
17. No more than 92 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
18. No more than 18 staff are permitted at the Child Care Premises, at any time, for the duration of the development.
19. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am.
20. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
21. The on-site car park area shall:
 - (i) be provided with a minimum of 30 parking spaces;
 - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (iii) include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (v) have lighting installed, prior to the occupation of the development, with all illumination confined to the land in accordance with the requirements of *Australian Standard AS 4282—1997 - Control of the obtrusive effects of outdoor lighting*, at all times, for the duration of the development.

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

22. Eighteen staff parking bays and twelve-visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development.

23. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
24. A bin storage area must be designed with a size suitable to service the development and be screened from view of the street to the satisfaction of the City of Rockingham.
The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.
25. The proposed crossover for the child care premises shall be spaced a minimum of 30m from the relocated crossover on Lot 107 as per Austroads' *Guide to Road Design Part 4 – Intersections and Crossings General*.
26. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any development works are commenced. Where an acid sulfate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
4. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
6. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for the landscaping plan, including the requirements for developing and maintaining of the street verges abutting the development site.
7. With respect to the revegetation plan, the applicant and owner should liaise with the City of Rockingham's Environmental and Sustainability team to confirm requirements for the plan. It is advised that revegetation should take place outside of the development's Asset Protection Zone and not increase the assessed Bushfire Attack Level.
8. All works in the road reserve, including construction of a crossover or footpath and any works to the road carriageway must be to the specifications of the City of Rockingham. The applicant should liaise with the City of Rockingham's Engineering Services in this regard.
9. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.
10. The applicant is to seek approval for a Form 2 - Maximum Accommodation Certificate from the City in addition to the Development Approval.
11. Proposed playground installations are to be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments.

Committee Voting (Carried) - 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

Engineering and Parks Services Engineering Services



Reference No & Subject:	EP-007/20	Recommendation from the Coastal Facilities Advisory Committee Meeting held on 24 February 2020 (<i>Absolute Majority</i>)
File No:		
Author:	Mr Manoj Barua, Manager Engineering Services	
Other Contributors:		
Date of Committee Meeting:	16 March 2020	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Attachments:	Minutes of the Coastal Facilities Advisory Committee Meeting held on 24 February 2020	
Maps/Diagrams:		

Purpose of Report

To consider appointing the representative member of The Cruising Yacht Club (TCYC) on the Coastal Facilities Advisory Committee.

Recommendations to the Planning and Engineering Services Committee

That Council **APPOINTS** Mr Ole Otness, the representative of The Cruising Yacht Club (TCYC) to the Coastal Facilities Advisory Committee.

Advisory Committee Recommendation 1 of 1:

That Council **APPOINTS** Mr Ole Otness, the representative of The Cruising Yacht Club (TCYC) to the Coastal Facilities Advisory Committee.

Officer Recommendation if Different to Advisory Committee Recommendation

Nil

The Officer's Reason for Varying the Advisory Committee Recommendation

Nil

Background

The Cruising Yacht Club has provided representation on the Coastal Facilities Advisory Committee for many years and has proved to be a valuable asset to the group. In 2019, the TCYC representative, Mr David Slowly passed away and as such the position become vacant. In accordance with the Governance and Meeting Framework Council Policy, if a community member is to resign mid-term then the committee may recommend to Council the name of a replacement.

TCYC has now nominated a new representative, Mr Ole Otness on behalf of its organisation. Mr Ole Otness is a current member of TCYC and serves on its Management Committee. He also currently provides representation for TCYC to Australian Sailing - Yachting WA. He is a past Vice Commodore of TCYC. Mr Ole Otness has the required knowledge and experience to continue to add value to the Committee on behalf of TCYC and therefore recommended for appointment in the Committee.

Implications to Consider

a. Strategic

Community Plan

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective governance: Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

b. Policy

The Governance and Meeting Framework Council Policy underpins the review and appointment of memberships on advisory committees.

c. Financial

Nil

d. Legal and Statutory

Section 5.8, 5.9 and 5.10 of the Local Government Act 1995 (the Act) specify requirements in respect to establishment of committees, type of committees that a local government can create and appointments of committee members.

e. Voting Requirements

Absolute Majority

f. 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

Committee Recommendation

Moved Cr Buchan, seconded Cr Hamblin:

That Council **APPOINTS** Mr Ole Otness, the representative of The Cruising Yacht Club (TCYC) to the Coastal Facilities Advisory Committee.

Committee Voting (Carried) – 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 Infrastructure Project Delivery Services



Reference No & Subject:	EP-008/20	Tender T19/20-17 - Supply and Laying of Turf at the Baldivis District Sporting Complex
File No:	T19/20-17	
Proponent/s:		
Author:	Mr Ian Daniels, Manager Infrastructure Project Delivery	
Other Contributors:	Mrs Danielle Quinlivan, Coordinator Projects Mr Rob Pollock, Major Infrastructure Project Officer	
Date of Committee Meeting:	16 March 2020	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Baldivis District Sporting Complex - Lots 4, 103, 104, 105 Eighty Road, Baldivis	
Lot Area:	194,091 m ²	
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

To provide Council with details of the tenders received for Tender T19/20-17 – Supply and Laying of Turf at the Baldivis District Sporting Complex, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T19/20-17 – Supply and Laying of Turf at the Baldivis District Sporting Complex was advertised in the West Australian on Saturday, 11 January 2020. The tender closed at 2.00pm, Wednesday, 29 January 2020 and was publicly opened immediately after the closing time.

Details

The Baldivis District Sporting Complex (BDSC) is destined to be one of the City's premier multi-purpose sporting venues capable of hosting major sporting and recreation events.

The City's Parks Services Department specified Village Green Kikuyu which is a durable and relatively easy to manage turf for the BDSC. The turf type is widely used on multi-use sporting fields and is suitable for large and small ball sports along with other recreational activities. The turfed area to be covered in this contract is 72,830m², which is the equivalent of 4.1 MCG Ovals (Melbourne Cricket Ground).

The volume and variety of events played at BDSC require a versatile surface that will allow BDSC to switch from one event to another in a short period of time. Tenderers were required to describe in detail their turf cultivation, harvesting, transportation, installation and establishment methods and meet specific requirements specified by the Parks Services Department including:

- ÿ Cultivate high quality turf that is guaranteed to be disease, weed and pest free
- ÿ BDSC site preparation and survey
- ÿ Turf sod harvesting in jumbo size turf rolls
- ÿ Turf sod transport within 24 hours of harvesting
- ÿ Turf sod installation over a 6 week period
- ÿ Turf monitoring and testing over a 12 week period
- ÿ Carry out a Turf Establishment Monitoring Program

With civil works starting in March 2020, the sporting ovals will utilise an environmentally certified sand-based profile boosting drainage capacity resulting in a more durable turf foundation.

The turf will be ready for harvesting by 1 September 2020 and will follow a 6 week installation period and 12 week monitoring period.

Evaluation of the tenders was undertaken by an assessment panel comprising:

- ÿ Manager Parks Services
- ÿ Manager Infrastructure Project Delivery
- ÿ Major Infrastructure Project Officer

In accordance with the advertised tender assessment criteria, the tenders produced the following weighted scores:

Assessment Criteria	Level of Service	Understanding Quote Requirements	Tendered Price/s	Total Weighted Scores
Max. Points	30	40	30	100
GTF Pty Ltd, trading as Greenacres Turf Group	28.3	36.3	30.0	94.6
Jerra Nominees Pty Ltd & NB Norrish Pty Ltd, trading as State Wide Turf Services	13.8	10.3	26.3	50.4

Implications to Consider

- a. **Consultation with the Community**
Nil
- b. **Consultation with Government Agencies**
Nil
- c. **Strategic**
Community Plan

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

- Aspiration 2:** *Grow and Nurture Community Connectedness and Wellbeing*
- Strategic Objective:** *Services and Facilities - Provide cost effective services and facilities which meet community needs.*
- Aspiration 3:** *Plan for Future Generations*
- Strategic Objective:** *Infrastructure planning - Plan and develop community, sport and recreation facilities which meet the current and future needs of the City's growing population.*

d. Policy

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

Tenderers Lump Sum pricing is detailed below.

Tenderer	Price (ex GST)
GTF Pty Ltd, trading as Greenacres Turf Group	\$833,903.50
Jerra Nominees Pty Ltd & NB Norrish Pty Ltd, trading as State Wide Turf Services	\$950,431.50

The City has allocated \$8.1 million in the 2019/20 budget to complete all civil and other works. Along with this contract the budget includes other items such as Western Power works along Eighty Road, site boundary fencing and works associated with establishing the playing fields with reticulation and turf. These other works are estimated to cost approximately \$3,580,000. This contract is related to turf supply and install only, therefore sufficient funds are available to award this contract.

f. Legal and Statutory

In accordance with section 3.57 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1):

'Tenders 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

In accordance with the tender assessment criteria, the two tenderers demonstrated varying capacity to undertake the works. Given the range of expertise and skills required, the recommended submission - GTF Pty Ltd (GTF) - demonstrated a clearer understanding of requirements, backed by experience and capacity.

GTF's submission detailed concisely the cultivation processes and demonstrated a thorough understanding of critical elements with a focus on turf quality, durability and mature root systems. The company's approach for harvesting, timely transportation within 24 hours of harvesting, installation and establishment was backed by nearly forty years of experience in turf farming, research and development, sustainability management and horticulture.

GTF is WA's largest turf farm and has the capacity to supply and deliver the specified turf for BDSC in the timeframe designated. It has an impressive history in supplying many of WA's prime, major sporting facilities. To complement its strong and skilled workforce, GTF has an extensive plant and equipment inventory which mitigates the risk of breakdowns and equipment delays once installation starts.

The submission from GTF received the highest overall score due to its experience, capacity, capability, and understanding of the contract requirements. For this reason, GTF's submission is considered the best value and is recommended for this contract.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACCEPTS** the tender submitted from GTF Pty Ltd, trading as Greenacres Turf Group for Tender T19/20-17 - Supply and Laying of Turf at the Baldivis District Sporting Complex in accordance with the tender documentation for the lump sum value of \$833,903.50 (excl GST).

Committee Recommendation

Moved Cr Whitfield seconded Cr Hamblin:

That Council **ACCEPTS** the tender submitted from GTF Pty Ltd, trading as Greenacres Turf Group for Tender T19/20-17 - Supply and Laying of Turf at the Baldivis District Sporting Complex in accordance with the tender documentation for the lump sum value of \$833,903.50 (excl GST).

Committee Voting (Carried) – 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

13.	Reports of Councillors
	Nil
14.	Addendum Agenda
	Nil
15.	Motions of which Previous Notice has been given
	Nil
16.	Notices of Motion for Consideration at the Following Meeting
	Nil
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee
	Nil
18.	Matters Behind Closed Doors
	Nil
19.	Date and Time of Next Meeting
	The next Planning and Engineering Services Committee Meeting will be held on Monday 20 April 2020 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:16pm .