



# City of Rockingham

## MINUTES

### Ordinary Meeting of Council Minutes

Held on Tuesday 27 July 2021 at 6:00pm  
City of Rockingham Council Chambers



City of Rockingham  
Ordinary Meeting of Council  
6:00pm Tuesday 27 July 2021



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**City of Rockingham**  
**Ordinary Meeting of Council Minutes**  
**Tuesday 27 July 2021 – Council Chambers**



**1. Declaration of Opening**

The Mayor declared the Council meeting open at **6:01pm**, welcomed all present, and delivered the Acknowledgement of Country.

The Mayor noted that in accordance with clause 8.5 of the *City's Standing Orders Local Law 2001* provides that "[n]o person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council".

In accordance with clause 8.5 of the *City's Standing Orders Local Law 2001*, Council has given permission for the administration to record proceedings of this meeting.

This permission does not extend to members of the public (including those in the gallery) meaning that they must not use any electronic, visual or vocal recording device or instrument (including a mobile telephone) to record any part of this meeting. If anyone breaches this Standing Order they will be asked to leave the Council chamber.

Council meetings are recorded in accordance with Council Policy –

Recording and Streaming Council Meetings. By being present at this meeting, members of the public consent to the possibility that their voice may be recorded. Recordings will be made available on the City's website following the meeting.

The City of Rockingham disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence, or the like is considered or determined during this meeting the City warns that neither the applicant nor any other person or body should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it or the refusal of the application has been issued by the City. The official record of the meeting will be written minutes kept in accordance with the Local Government Act 1995 and any relevant regulations.

Public question time and deputations will not be recorded.

The Mayor noted the passing of local Nyoongar elder Mrs Teresa Walley and on behalf of Council extended his sincere sympathy to Mrs Walley's family on their loss.

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

**2.1 Councillors**

Cr Barry Sammels (Mayor)	Rockingham/Safety Bay Ward
Cr Deb Hamblin (Deputy Mayor)	Rockingham/Safety Bay Ward
Cr Sally Davies	Baldivis Ward
Cr Hayley Edwards	Baldivis Ward
Cr Lorna Buchan	Comet Bay Ward
Cr Mark Jones	Comet Bay Ward
Cr Craig Buchanan	Rockingham/Safety Bay Ward
Cr Leigh Liley	Rockingham/Safety Bay Ward
Cr Joy Stewart	Rockingham/Safety Bay Ward

	<p><b>2.2 Executive</b></p> <table><tr><td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr><tr><td>Mr Bob Jeans</td><td>Director Planning and Development Services</td></tr><tr><td>Mr Sam Assaad</td><td>Director Engineering and Parks Services</td></tr><tr><td>Mr John Pearson</td><td>Director Corporate Services</td></tr><tr><td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr><tr><td>Mr Michael Holland</td><td>Director Community Development</td></tr><tr><td>Mr Peter Varris</td><td>Manager Governance and Councillor Support</td></tr><tr><td>Mr Peter Le</td><td>Senior Legal Officer</td></tr><tr><td>Mr Aiden Boyham</td><td>City Media Officer</td></tr><tr><td>Ms Sarah Mylotte</td><td>Administration Officer, Governance and Councillor Support</td></tr></table> <p><b>2.3 Members of the Gallery:</b> 21</p> <p><b>2.4 Apologies:</b></p> <table><tr><td>Cr Rae Cottam</td><td>Rockingham/Safety Bay Ward</td></tr></table> <p><b>2.5 Approved Leave of Absence:</b> Nil</p>	Mr Michael Parker	Chief Executive Officer	Mr Bob Jeans	Director Planning and Development Services	Mr Sam Assaad	Director Engineering and Parks Services	Mr John Pearson	Director Corporate Services	Mr Peter Doherty	Director Legal Services and General Counsel	Mr Michael Holland	Director Community Development	Mr Peter Varris	Manager Governance and Councillor Support	Mr Peter Le	Senior Legal Officer	Mr Aiden Boyham	City Media Officer	Ms Sarah Mylotte	Administration Officer, Governance and Councillor Support	Cr Rae Cottam	Rockingham/Safety Bay Ward
Mr Michael Parker	Chief Executive Officer																						
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<b>3. Responses to Previous Public Questions Taken on Notice</b>																							
	<p><b>3.1 Mr Peter Bird, Safety Bay – Kiteboarders / Safety</b></p> <p>At the Council meeting held on 23 March 2021, Mr Bird asked the following question that was taken on notice. Mr Bird was advised in a response dated 31 March 2021 that the matter will be investigated and the outcomes will be communicated to him, once the investigations are complete. A further response on the investigations was provided to Mr Bird on 8 July 2021.</p> <p><u>Question</u></p> <p>1. Will the City restrict the area where kiteboards can be used, including rigging up, launching and landing, and that these areas will not impact on the rest of the beach users?</p> <p><u>Response</u></p> <p><i>As background, the City of Rockingham has previously worked with Kiteboarding WA, which is the official state peak body for the sport of kite surfing in Western Australia along with the Department of Transport and Department of Biodiversity, Conservation and Attractions to develop Guidelines, in order to promote safe kiteboarding practices and maintain beach access for WA kiteboarders, while developing positive attitudes and relationships between kites and the wider community.</i></p> <p><i>As part of the stakeholder working group, signage was installed along Foreshore Reserve footpaths, where a presence of water based activities inclusive of kiteboarding exists i.e. between Lions Park in Shoalwater and The Pond in Safety Bay. A location plan of those signs is attached.</i></p> <p><i>A summary of topics covered in the signage included:</i></p> <p><u>Shoalwater</u></p> <ul style="list-style-type: none"><li>• Interaction between ferry and kite surfers during berthing and unberthing from jetty;</li><li>• Beginner kite surfers launching from an area upwind of the jetty, should they make mistakes they could drift downwind into the jetty; and</li><li>• Wildlife disturbance at Penguin Island.</li></ul>																						

Safety Bay

- Sail times displayed to mitigate conflict between Sailing Club Racing, kiteboarders and windsurfers;
- Navigation in a clockwise direction to mitigate congestion of kiteboarders and windsurfers in The Pond; and
- Set-up and take-off zones delineated.

The Shoalwater signage was installed at Pengo's Cafe and at the beach access path to the kitesurfing launch area. The Safety Bay signage was also installed at the start of the beach access paths.

Based on the City's experience and advice of external stakeholders, the vast majority of kiteboards do the right thing and abide by the Guidelines. The City is not aware of any other recent conflicts with members of the community.

Upon consultation with external stakeholders with regard to water based activities in general, consideration of matters associated with liability and jurisdictional powers available to the City, it has been concluded that the current mitigation strategies implemented to date are sufficient and effective. Therefore, I can confirm that the City would not be seeking to restrict areas where kiteboards can be used, including rigging up, launching and landing.

Kiteboarding along this stretch of coastline is very popular with residents and tourists alike and the City recognises the important role of creating locations that are conducive to a diverse array of recreational activities. The City will continue to encourage all user groups to observe the signage displayed in the area and to exercise common sense, considering their own, and the safety of others.

Although it is an extremely unfortunate event for your wife and yourself to go through, the nature of these conflicts is very rare.

**3.2 Mr James Mumme, Shoalwater – Various issues**

At the Council meeting held on 22 June 2021, Mr Mumme asked the following questions that were taken on notice and the Chief Executive Officer provided a response in a letter dated 28 June 2021 as follows:

**Constructing a hard seawall**

From my reading of Prof Andrew Short there are two problems that can arise: Wave energy can be reflected from a seawall sideways along the shore, causing coastal bluffs without protection to erode faster. And walls can concentrate backwash which erodes under the wall.

Question

1. What is planned to prevent wave energy from eroding the western end of Mersey Point and the shore where Pengoes and the new jetty is?

Response (provided at the meeting)

The Mayor advised that the southern side of Mersey Point, from Tern Bank to the western point, has been experiencing ongoing erosion for some time. The northern side of Mersey Point, where the new jetty is located, has been relatively stable showing a small amount of accretion over the last 20 years.

To address the need to protect critical infrastructure, the granite seawall is being extended to the west of the existing wall (which is being replaced with granite). The design of the seawall (both the replacement and extension) was based on detail coastal analysis and modelling following relevant Australian Standards and guidelines. The modelling did not identify any significant erosion problem further towards the jetty. Given the dynamic nature of the coastline the City will continue to regularly monitor the area as there may be changes over time.

Question

2. What can be done to prevent backwash eroding under the wall?

Response (provided at the meeting)

*The Mayor advised the backwash erosion is considered as part of the foundation design of the seawall. A buried toe has been included in the design to prevent scour from impacting the stability of the wall as is current best practice for rock seawalls.*

Question

3. If there is sideways erosion towards the west, what are the predictions for where the eroded sand is expected to go - towards the new Jetty or towards The Bent Street Channel?

Response (provided at the meeting)

*The Mayor advised the erosion and sediment pathways are complex and variable. Factors determining the direction of the sediment transport include the type and location of sediment feeds, wind and wave direction, tidal currents and bathymetry. As a result sediment transport is known to vary seasonally and annually.*

Question

4. How deep is the toe of the sea wall?

Response

*Total toe thickness is 1.65m from -2.15m (AHD) to -0.50m (AHD).*

**Community expects more from waste**

Question

5. I notice the amount of \$1,051,700 for three verge collections a year (in addition to the \$1.5 million for Litterbusters) and I refer to the community's Aspiration 3 for sustainable waste solutions - Incorporate new opportunities that support responsible and sustainable disposal of waste. What new opportunities for managing waste sustainably and responsibly are planned by Council for 2021-22?

Response (provided at the meeting)

*The Mayor advised that all City of Rockingham waste management plans are aligned with the State Waste Avoidance and Resource Recovery Strategy. Specifically the City has an adopted Waste Plan which has been approved by the Department of Water and Environmental Regulation and also has a Sustainability Strategy. Both are available on the City Website which detail various initiatives.*

**Payment of expenses**

Question

6. Does the term Council Members include Officers as well as Councillors?

Response

*No. City officers are subject to other requirements subject to a variety of industry awards, contracts, agreements, policy etc.*

Question

7. What does the exception from Council Members paying "accommodation provided where there is no increase in the costs of accommodation" mean?

Response

*A hotel or conference venue will generally provide an executive standard room based on a conference 'rack rate'. This is often arranged with the conference provider. This is the standard applied.*

*Such a room can be occupied by an accompanying partner without additional cost. Any upgrade beyond the cost of "executive standard accommodation" is to be paid for by the Council Member.*

Question

8. What exactly is "executive standard accommodation" and what was the most recent rate paid by Council for a Member and where was this accommodation?

Response

*Please refer to response for question 7. The cost for "executive standard accommodation" will vary from conference venue, destination and date, day-to-day.*

*Accommodation in Melbourne, Vic in 2019 (when the last interstate conference occurred) for three nights was for a total of \$1,041.00). Accommodation in Geelong, Vic in 2018 for three nights was \$678.00.*

Question

9. I notice that air/train/bus travel is not mentioned. Does Council cover these for Council Members or are Members expected to cover these say on trips to Japan?

Response

*Travel Expense are specifically identified in the policy. 100% of expenses will be paid on provision of receipts or suitable proof of expenditure. Generally major travel arrangements such as flights are made by the City.*

**What do tied votes tell us**

I note that in the last Governance committee meeting the Chair voted twice, a vote that broke a tie on the issue of payment of expenses for Council Member's spouses or partners. I know that the Act specifies that the "person presiding is to cast a second vote."

Question

10. Does Council not think that a divided vote after information sessions and officers' reports tells us that the issue is too complicated to be decided at this point and needs to be reworked not just rammed through? Surely in the interest of "better decision-making" and "greater accountability to communities", there is a case for deferring the discussion to resolve the impasse consensually through reconsidering the issue.

Response

*No. Some decisions will have polarised points of view and are not a case of insufficient information or advice. Committees make recommendations to Council, which is the formal decision-maker. Decision making in local government is framed in a formal voting process and is not 'consensus' based.*

**Beyond criticism!**

Question

11. Regarding Councillors "should refrain from making critical remarks about the city." The officer's comment to someone who argued that criticism is part and parcel of a vibrant democracy" was "The clause reflects the high behavioural standards expected of Council Members." I suggest both statement have the effect of lowering behavioural standards because they have the potential of making people dishonest and driving dissent underground. Would a better wording be 'refrain from making remarks in public that are not valid criticisms OR that are libellous or unjustified/unverified and disparage Council without offering a valid alternative'?



Response

*The reference relates to a Freeman "refraining from making critical or disparaging remarks about the City, Council or past or present Council Members and employees", and further to conduct themselves in a manner befitting of the conferred honour at all times when attending a City of Rockingham function or representing the City. This reflects the code of conduct requirements for Council Members, Committee Members and Candidates.*

**3.2 Ms Nikki Bombak, Baldivis – Various issues**

At the Council meeting held on 22 June 2021, Ms Bombak asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 30 June 2021 as follows:

(Preamble to Questions) At the last council meeting some council members held concerns about the proposal being appealed through the State Administrative Tribunal (SAT). I have spoken with council officers who have mentioned that post mediation, community consultation may still be available.

Question

1. Can council officers please explain how this community consultation may occur and what the steps are following mediation?

Response

*The Presiding Member of the Metro Outer Joint Development Assessment Panel (MOJDAP) is the respondent in the application for review (appeal) to the State Administrative Tribunal (SAT). City Officers have been called upon to assist in the SAT proceedings, however, all decisions with respect to the appeal will rest with the Presiding Member of MOJDAP, on the advice of the State Solicitor's Office. The City's involvement in the appeal will be limited to an advisory capacity only.*

*In relation to your question, any further community consultation will be determined through the State Administrative Tribunal mediation process. It is not possible to speculate further.*

Question

2. What are the other vacant lots on the corner of Adelong and Warnbro Sound Ave zoned for as there is conflicting information between Peet and CoR? (images attached)

Response

*The southern side of Adelong Avenue and Warnbro Sound Avenue is zoned Residential 'R40' and 'R60' under the City's Town Planning Scheme No.2 (TPS2).*

Question

3. Currently the council are reviewing the proposal for the development of Stakehill Road in Karnup. What are the ongoing policies that the council are putting in place to ensure that the minimum separation distances for childcare centres/residential areas and petrol stations are adhered to?

Response

*As with all planning proposals they are assessed for compliance with the TPS2, relevant Policies and where applicable, the Environmental Protection Authority (EPA) Separation Criteria to sensitive land uses.*

Question

4. Do the council officers acknowledge the linked report and will this information be used to help inform decision making and negotiations during the mediation at the SAT?

Response

*What is considered during mediation is a decision for the Presiding Member of MOJDAP and the Appellant.*

*The additional information is acknowledged, however, the City will be guided by the EPA Separation Criteria as the relevant consideration for health impacts to sensitive land uses within Western Australia.*

Question

5. Will air quality and safety reports be a non-negotiable factor for the council officers?

Response

*The Appellant's response to the OAP reasons for refusal will be the focus of the SAT mediation and any outcomes are for the Presiding Member to consider, together with specialist advice from the Department of Planning, Lands and Heritage Appeals Convenor, Department of Health, Department of Water and Environmental Regulation and City Officers, as required.*

6. I am sure the council officers are well versed in how to research and have greater knowledge than I in relation to Benzene and Air quality levels. I have included in my email 13 journal articles (PDF&links) that I have received from members of the public. May the council officers please acknowledge receipt of these articles and that due consideration has been placed on the validity of the research? Furthermore, can these journal articles be forwarded for all councillors to review to assist them in increasing their knowledge on the associated risks of benzene to inform future planning decisions?

Response

*The City acknowledges receipt of the articles, however, as benzene health impacts are outside of the expertise of the City it will be relying upon the advice from the Department of Health as the responsible State Authority on WA Public Health and Department of Water Environment and Regulation.*

7. It has recently come to my attention that consultants can be included as a third party in relation to SAT hearings and mediations. Had I not hi-lighted this issue to the council and provided research in relation to the harmful effects of benzene, it is doubtful that the separation distances would have been a mitigating factor for council to reject this proposal. Are the council officers in a position to include myself as a 'consultant' in relation to the proposal?

*A number of public submissions raised human health as a matter of concern and this matter was identified as a key area of consideration within the Officer's report. It will be up to the Presiding Member of the MOJDAP to decide whether to engage consultants to provide specialist advice.*

**3.3**

**Mr Damien Blason, Waikiki – Financial Impact of COVID**

At the Council meeting held on 22 June 2021, Mr Blason asked the following question that was taken on notice and the Director Corporate Services provided a response in a letter dated 1 July 2021 as follows:

Question

1. Can the Mayor advise how much the changes in COVID signage, advertising, lost revenue to the City of Rockingham over the 16 months has cost?

Response

*Given the City is still experiencing COVID-19, it is difficult to quantify costs of signage, advertising and lost revenue. However, the implications of lost revenue due to estimated rate decreases and revenue shortfalls from facilities is many millions.*

*The City has though been proactive in responding to COVID-19 and below is a list explaining what the City has done to support its community.*

- *Recognition of the importance of alfresco dining to recovery*
  - *Applying additional flexibility to business utilising alfresco dining*
  - *Temporary waiving fees related to alfresco dining and the use of Parklets*
- *Implementing all of the State of Emergency planning exemptions*
  - *Includes waiving of planning approval for change of use applications in town centres for a range of different land uses (will be extended beyond Pandemic by legislative change) Temporary waiving of charges in lieu of parking up to shortfall of ten bays (will be extended beyond Pandemic by legislative change)*
  - *Businesses seeking to adapt from restaurant to takeaway*
  - *Parking commercial vehicles on residential properties*
  - *Blanket two year extension on all development approvals*
  - *Home businesses from residential zones*
  - *Businesses needing to change signs*
  - *Truck delivery of goods with unrestricted loading and unloading times*
- *Providing at no cost, a development application pre-lodgement service to explain health and planning requirements for those starting up or modifying a business enabling them to better navigate the process, potentially avoiding delays and disputes.*
- *Providing a 24/7 on-line lodgement service for all development applications.*
- *Supporting Trader Permits holders*
  - *The City issues Traders Permits for trading on public land. A number of Permit Holders were affected by the COVID-19 restrictions on gatherings, including Personal Trainers, Dog Trainers, Surf Schools and Children's Soccer Coaching. These Permit Holders were unable to trade during the restrictions. The City's Permit Officer was in contact with these affected Permit Holders throughout the covid-19 period, and assisted them as the restrictions changed. The City has also arranged to credit the accounts of these Permit Holders for the month that they were unable to trade.*
- *The provision of community grants up to the value of \$15,000 to assist community groups who are providing direct support to those members of the public directly affected by COVID- 19.*
- *Offering fully flexible payment terms on rates including weekly, fortnightly, monthly, two instalment and four instalment payments options, which were at no extra cost to the ratepayer during the 2020/2021 financial year. Importantly, the City also does not charge extra for payment by credit card.*
- *The write off of commercial rent for City tenancies where the tenants have been directly impacted.*
- *The continuation, so far as achievable and practical, of major City projects and initiatives to stimulate the local economy.*
- *Changes to the City's Procurement Policy to support local businesses by seeking quotes locally and assessing local content in any tender.*
- *Ensuring all quotes and tenders above \$80,000 are available to local businesses through publishing on Rockport (the City's community portal).*

- A free Business Emergency Advice Program and Business Rebound Program in partnership with Business Foundations.
- Distribution 2 x City Tourism Development Update Newsletters, providing local Tourism businesses with information on COVID-19 related tourism issues, advice, details of recovery programs.
- Development of a Rediscover Rockingham campaign with Destination Perth, profiling the local story of 4 local tourism businesses who have traded through the crisis and how they have changed and adapted their business models.

**3.4 Mrs Diane Park, Waikiki – Objection / Freeman of the City / Elected Members Personal Development**

At the Council meeting held on 22 June 2021, Mrs Park asked the following questions that were taken on notice and the Manager Governance and Councillor Support provided a response in a letter dated 29 June 2021 as follows:

**Freeman of the City**

I would like to refer to the Freeman of the City Award and policy.

Question

1. Given the many volunteers doing good work in the community how do we select just one person to receive The Freeman of the City award?

Response

*Should a nomination be received it will be assessed against the criteria in the policy and subject to the deliberations of Council. There is not a limit to the number of Freeman of the City awards that can be made.*

Question

2. By selecting one person are we saying others don't deserve it and somebody else's efforts are superior?

Response

*No, the awarding of Freeman of the City is not limited to one person. Any nomination will be assessed on its merit.*

Question

3. What benefit is this award to the City of Rockingham and Ratepayers?

Response

*It recognises exceptional and meritorious service of an individual to the community.*

Question

4. What is the cost of preparing this award by way of officer's time etc.?

Response

*Given that a nomination has not been received in nine years that would be difficult to assess. It would be accommodated in current budgetary provisions.*

Question

5. Do we really need this award?

Response

*Given that Council supported the policy, yes.*

	<p><b>Elected Members Personal Development Policy</b></p> <p><u>Question</u></p> <p>6. Why would we contemplate adding partners into the mix and adding more expense to the ratepayer?</p> <p><u>Response</u></p> <p><i>The original draft policy recognised current practice. This has since been amended by Council and no accompanying partner costs are carried by Council.</i></p> <p><u>Question</u></p> <p>7. Why would we consider paying registration fee and program costs for a non-elected member?</p> <p><u>Response</u></p> <p><i>See response above.</i></p> <p><u>Question</u></p> <p>8. Why would a partner even consider attending a conference regarding Local Government issues?</p> <p><u>Response</u></p> <p><i>The support of a partner is important in most circumstances, particularly for a Council Member required to undertake many activities that potentially erode time with partners and family.</i></p> <p><u>Question</u></p> <p>9. What benefit would this be to the City and the Ratepayer?</p> <p><u>Response</u></p> <p><i>Refer to response above. Council has decided to no longer contribute to accompanying partner expenses.</i></p>
<b>4.</b>	<b>Public Question Time</b>
<b>6:04pm</b>	<b>The Mayor opened Public Question Time and invited members for the Public Gallery to ask questions. The Mayor noted that this was the only opportunity in the meeting for the public to ask questions.</b>
<b>4.1</b>	<p><b>Ms Donna Larkins, Baldivis – Stakehill Road, Baldivis</b></p> <p>The Mayor invited Ms Larkins to present her questions to the Council. Ms Larkins asked the following questions:</p> <p>1. Karnup Road Construction from Baldivis Road to Mandurah Road was planned for many years as the main road from the freeway “to accommodate the substantial volume of regional traffic to and from the New Perth to Bunbury Highway “(Refer Southern Gateway Alliance Documentation).</p> <p>When the extension was abandoned and the regional traffic volume was transferred and relocated to Stakehill Road, a 60 year old rural road!</p> <p>Why did the same standard of road safety specification and funding not go with the decision and was a Road Safety Audit or Risk Assessment of Stakehill road completed in 2009 to see if the “alternative east-west routes: were suitable to carry the projected Freeway traffic volumes as predicted in 1996 along with the projected traffic volumes to 2021 and beyond?</p> <p><u>Response</u></p> <p><i>The Mayor advised that the City is in receipt of Cr Davies’ Notice of Motion on this matter and City Officers have been in contact with Main Roads and are pursuing a meeting with concerned residents.</i></p>

*The following is from the Karnup Road design report from 27 February 2009*

*The Karnup Rd extension is proposed in two stages. The first stage, subject of this audit, is a 2-lane, 2-way single carriageway. The second stage involves construction of a second carriageway to form a 4-lane divided road. The timing of the second stage is currently indeterminate.*

*What was proposed to be delivered is the equivalent standard to the current Stakehill Road. This report was an audit of the road design and identified a range of issues which formed the basis of the decision to not proceed with the proposal. There are no records of a road safety audit specific to Stakehill Road at that time.*

2. In 2010, when the Karnup Road extension was abandoned, why was and the \$2.5M budget used to offset a fall in the Millar Tip Revenue instead of being re-allocated to make Stakehill Road safe.

Given that Stakehill Road is in need of an urgent upgrade what is the City doing to "to accommodate the substantial increase in traffic from New Perth to Bunbury Highway" referred to in the Southern Gateway Alliance Documentation 2008?

Response

*The Mayor advised that the need for the upgrade/duplication is related to traffic volumes and the current Stakehill Road has sufficient capacity for current traffic and growth. This is separate to the safety concerns which are being dealt through the Road Safety Audit and subsequent actions from that audit.*

3. We understand the City received Government funding for Karnup Road Extension which has since been reallocated. Is the City now able to prioritise the upgrade of Stakehill Road and secure funding for 2022?

Response

*The Mayor advised no government funding was provided, the works were identified as the City's responsibility. The State Government had identified in 1996 that the Karnup Road extension was not required as part of the regional road network. The income generated from the Millar Road landfill was identified as the source of funding for a number of projects, including the proposed Karnup Road extension.*

**4.2 Ms Janice Harwood, Baldvis – Stakehill Road, Baldvis**

The Mayor invited Ms Harwood to present her questions to the Council. Ms Harwood asked the following questions:

1. The Stakehill Road Safety Audit Report (RSA) 2019 Full Report identified that the "horizontal and vertical geometry along Stakehill Road is poor and that Safe Intersection Sight Distance is restricted."

Why has the City failed to mention this in the Road Safety Audit Summary or in the Letter of Response to Stakehill Road East Residents on 23 June 2021 as it is a critical safety issue that our Community has been raising with the City since 2015 and why has the City only mentioned vegetation as restricting sight distance at intersections and driveways? We request a Full Copy of the Stakehill Road Safety Audit Report and Audit Brief please.

Response

*The Mayor advised that this has been addressed in the letter dated 23 June 2021, at the final dot point under Safety of the exiting carriageway of Stakehill Road. The feature survey will guide any proposed speed limit changes.*

2. The results of the Speed Analysis carried out in 2019 indicate a concerning level of speeding vehicles as recorded at 300 Stakehill Road.

Why did the City tell our Community that there was not a problem with speeding on our road when the report shows 1148 vehicles speeding on Stakehill Rd during this period and the highest recorded speed was 141.9 kph and what risk does the City/Council think speeding combined with the roads poor horizontal and vertical geometry places on its Residents at intersections, at Concealed Accesses or at driveways with direct access onto Stakehill Road and does the City/Council consider this risk to be acceptable?

Response

*The Mayor advised that the analysis of road speed data is undertaken in accordance with national industry best practice. This utilises the 85<sup>th</sup> percentile speed as an indication of the overall impact of speeding behaviour. In relation to the interaction of speed and geometry, this is the purpose of the feature survey referred to in the previous question.*

3. In June 2020, the City told our Community that there were insufficient funds in the 2019/2020 financial year to complete a Feature Survey of Stakehill Road East and that approx \$10,000 would be budgeted for the contract in the 2020/2021 Financial Year.

In 2021, City (Mr Ryan Gibson, Coordinator Planning and Design) was questioned by Resident (J Harwood) regarding the Survey, was informed that the quotes for undertaking the Feature Survey had been submitted and he was working out how to keep the surveyors safe on the road.

Why was this project suddenly halted and why were the Residents informed on 23 June 2021 that "A feature survey of the road section will need to be completed in the next financial year due to budget limitations" when it had been budgeted for and the contract let in 20/21? And can the City advise which financial year the \$278,518 allocated to upgrading Stakehill Road was for and for what purpose?

Response

*The Mayor advised that this was simply a timing matter. The feature survey could not be completed in the 20/21 financial year. As the budget for these surveys are allocated from an ongoing operational activity the funds were reallocated to the 2021/22 budget for this activity and the work is being progressed.*

*It is unclear what project is being referred to in relation to the \$278,518 and this will be taken on notice.*

**4.3 Ms Melanie Youngson Norman, Baldivis – Stakehill Road, Baldivis**

The Mayor invited Ms Youngson Norman to present her questions to the Council. Ms Youngson Norman asked the following questions:

1. Is the City aware that entering and existing Stakehill Rd from our driveway is extremely dangerous and stressful, particularly when driving heavy slow moving trucks, semi-trailers and horse floats onto this busy freeway road which has high percentage of Heavy Vehicles and that my husband, one of our employees and one of our contractors have all been involved in accidents at this site where there are frequent near misses and we often find vehicle debris adjacent to our driveway? What measures is the City taking to prevent these accidents and to ensure safe access and egress to our driveways and how does the City expect us to get out of our driveway safely if we have to wait until the Vehicles Per Day reaches 10,000 and does the City/Council consider this risk to be acceptable?

Response

*The Mayor noted his comments that the City is aware of a Notice of Motion on this matter and City Officers are in contact with Main Roads and is planning to meet with residents.*

*The City has undertaken the road safety audit and implemented the majority of actions. The final action, relating to speed limit changes is in progress.*

2. Has the City inspected the Concealed Access site since the Road Safety Audit was finalised as these photo taken from my driveway show sight distance partly blocked by the City's verge trees and the remaining problem is not the vegetation but poor road geometry as the vehicles are hidden in the dip in the road?

Response

*The Mayor advised that the road safety audit identified issues with the road geometry. This is being investigated through the feature survey and may result in a reduction in speed limit.*

3. Is the City aware that there is no Concealed Access Sign at our driveway and it was not approved or installed by Main Roads WA, therefore our driveways remain dangerous as they remain CONCEALED to other road users and does the City think that just installing a sign will make our driveways safe given the substantial volume and type of traffic now using our road and does the City/Council consider this risk acceptable?

Response

*The Mayor advised that the road safety audit provided a range of recommendations and these are intended to work together as part of an overall solution to the existing issues. These recommendations are not intended to be implemented in isolation.*

**4.4 Mr Mark Threlfall, Baldivis – Stakehill Road, Baldivis**

The Mayor invited Mr Threlfall to present his questions to the Council. Mr Threlfall asked the following questions:

1. On 9 April 2021 an out of control sedan crashed through our front fence and hedge barrier on Stakehill Road, careered through our garden area taking 20 metres of our perimeter fence with it, then through another 6 metres of our fence and hedge barrier coming out on Ukich Place verge of Ukich Place with the vehicle entangled with the high strung fencing wires, broken fence posts and hedge trees now forming part of the engine bay. We were outside entertaining guests at the time, thankfully not in that area. It has been over three months since this accident. This is one of many crashes at my property line. Mr Threlfall tabled some photographs for Council's inspection.

What action has the City taken to prevent vehicles running off Stakehill Road into my property, what priority is the City giving to this issue and how long do myself and my family have to wait until our home and property is made safe?

Response

*The Mayor advised that the City is investigating whether a guard rail or barrier may be appropriate as a solution. This can be discussed at the meeting with residents.*



2. My letter describes many more run-off road crashes from the blind bend adjacent to my home, mostly travelling at speed. There have been 4 further off-road crashes on Stakehill Rd East since 9 April. These images speak volumes of the serious nature of these incidents. My wife and I are living with an unacceptable and extreme risk of out of control vehicles colliding into our home where young children play and sleep. We cannot enjoy the "rural lifestyle" that we bought into and are struggling to accept why we should have to put up with this any longer.

Does the City/Council consider it to be an acceptable risk given that our home is located only 12m from what has now 'turned into' a main arterial road given that multiple run off crashes have impacted our property in recent years and does the City/Council value my families safety enough to act on the safety concerns that we have formally identified?

Response

*The Mayor referred to his answer to question 1. The City is discussing the matter with Main Roads.*

3. Safety is paramount in this day and age. We now have things like chain of responsibility and the civil liability act where accountability for decisions or non-decisions comes into play because we all have a duty of care to ensure our actions do not cause injury or harm to others. Risk management is vital and the hierarchy of control exists to minimise or eliminate exposure to hazards.

Does the City have a Duty of Care to ensure the safety of residents and protect them with health and safety concerns to risks and hazards brought to the cities and ministers' attention and does the City understand that non-action to any measures to protect my family is putting my family at risk?

Response

*The Mayor advised that the road safety audit is an example of the City undertaking its responsibilities in accordance with industry best practice.*

**4.5 Mr Jeff McGinniss, Baldivis – Stakehill Road, Baldivis**

The Mayor invited Mr McGinniss present his question/s to the Council. Mr McGinniss asked the following questions:

1. Does the City agree that there are no turning provisions on Stakehill Road at Firbank Close, Ukich Place and Eighty Road intersections, and in fact none exist and what does the City plan to do to make these intersections safe?

Response

*The Mayor advised that turning lanes are unable to be implemented in the current road reservation at these locations. The City considers reduction to the speed limit will make the turning movements safer.*

2. Is the City is aware that I nearly lost my life on Stakehill Road at Firbank Close intersection due to dangerous driving behaviour and lack of turning provisions? I ask the City to review the dash cam footage of my accident which I have forwarded to the CEO, Director Engineering and Park Services, Director Planning and Development Services and all Council members, and ask the City and Council to consider that if the oncoming vehicle had been a truck that I would not be standing here today.

Response

*The Mayor noted that the video provided has been viewed. A reduction in the posted speed limit will assist in reducing the severity of accidents if they do occur and will be actioned as soon as possible subject to Main Roads assessment and approval.*

	<p>3. What does the City believe the risk of this type of accident happening again is, and why are we being told an upgrade to the road will be over 10 years away or when vehicle numbers reach 10,000 a day when such a decision is putting myself, my family, our Community and other road users lives and livelihoods at extreme risk and does the City consider this risk to be acceptable?</p> <p><u>Response</u></p> <p><i>The Mayor reiterated that the City is in receipt of a Notice of Motion regarding the matter which will be subject to a report next month. Preliminary contact has been made with Main Roads and there is a proposed meeting with residents.</i></p>
4.6	<p><b>Mr James Mumme, Shoalwater – Future of Service Stations / Local Planning Strategy</b></p> <p>The Mayor invited Mr Mumme to present his questions to the Council. Mr Mumme asked the following questions:</p> <p><u>PD-023/21 New petrol station</u></p> <p>The Chairperson advised that the City has no adopted position on electric vehicles other than an action within its Sustainability Strategy to develop an Emissions Reduction Plan which will assess the City's vehicle fleet. Even if there was a more targeted position, it would not prevent the City from considering an application for Development Approval, as is the case with this matter.</p> <p>1. The response does not answer my question. The community want Council to Plan for Future Generations to meet the needs of the growing population, with consideration of future generations. In the case of this petrol station, Council is failing to consider both the needs of the current growing population and the needs of future generations who will more likely need charging stations, not petrol stations. Will Council take this community wish more seriously and how and if not why?</p> <p>TPS 2 Demographically valid consultation with the community.</p> <p>I asked <i>"what efforts will be made to ensure that there is demographically valid inclusion of different parts of the community - youth, genders, workers, parents, middle aged, seniors, the disabled, ethnically diverse groups?"</i></p> <p>2. The response does not answer my question. I take it therefore that no efforts will be made to analyse responses to Town Planning Scheme review in terms of the demographic profile of the respondents and that council's community consultation will remain random and statistically invalid. If this is true, it's embarrassing. I ask why not?</p> <p><u>PD-022/21 Review of PTS 2 foreshadowing development at Cape Peron</u></p> <p>I asked about the wording about 'development at Cape Peron Foreshore that attracts investment and eco-tourist activities' and was told that <i>"It is simply a statement of what might be considered in any future planning process for Cape Peron, and would be, of course, subject to any decisions forthcoming from the Hon Minister on the Cape Peron Report."</i></p> <p>I would point out in relation to Cape Peron that -</p> <ul style="list-style-type: none"><li>· Cape Peron has already had over 23 excisions totalling an estimated 25ha or XX% of the Cape Peron Regional Park</li><li>· We have already seen EPA approve a development with marina and canals, a 5 storey hotel and housing, EPBC approve it, the then Minister approve it.</li></ul> <p>3. What assurance can Council give the community that you will support the retention of the little that remains of the bush at Cape Peron and that you at this point will exclude from TPS2 any possibility for residences and businesses at Cape Peron?</p> <p><u>Response</u></p> <p><i>The Mayor noted that he is looking forward to an announcement from the Minister and took the questions on notice.</i></p>

	<p><b>4.7 Ms Nikki Bombak, Golden Bay – Golden Bay Service Station development proposal</b></p> <p>The Mayor invited Ms Bombak to present her questions to the Council. Ms Bombak asked the following questions:</p> <ol style="list-style-type: none"><li>1. The company that Lleyton Property hired to conducted the EIA do not advertise anywhere on their website that they do any air quality consultation. The report was completed by a Geochemist (rocks, soil, groundwater analysis) and signed off by a Hydrogeologist (groundwater, soil, rock). Air quality is not their specialty. Will the council be having the report peer reviewed by an actual Air Quality Technician similar to these guys... <a href="https://clicktime.symantec.com/3Y4YmkRpQSh6i51kCYGAuZ97Vc?u=https%3A%2F%2Fairenvironment.com.au%2F">https://clicktime.symantec.com/3Y4YmkRpQSh6i51kCYGAuZ97Vc?u=https%3A%2F%2Fairenvironment.com.au%2F</a></li><li>2. The EIA report is solely centred around air quality at the southern boundary. There is no mention about the western/north western boundary where the child care centres are, nor dispersion of particles by the wind and sea breeze to the east of the property. Also noted is that there is a section completed with default data and not accurate to Golden Bay.</li><li>3. Why have Lleyton Property chosen not to include the residential development to the south of the property in this proposal? Is it because they realise it is audacious to submit a residential development with an application that goes against the EPA separation guidelines?</li><li>4. Can you confirm what the zoning is for the land north or Adelong and Warnbro Sound Ave? My previous question last meeting only addressed the southern portion of land being residential. Is there any plans by PEET to change this zoning from residential like they have with other areas of this development?</li><li>5. The Stakehill Road development proposal in Karnup comes with many problems, not least the plumbing and sewerage. I ask the councillors to please consider as part of your recommendations that the petrol station posed for development on the site does not adhere to the EPA separation guidelines either with a childcare centre and residential being in close proximity to a service station.</li><li>6. Has the Health Department made any comment or recommendations at this stage on the EIA report and can the public and myself be privy to such information at the time the council is given their recommendations. Preferably before the special meeting.</li></ol> <p><u>Response</u></p> <p><i>The Mayor advised that we cannot deal with these questions now, as the proposal is currently out of public consultation. Once the public comment has concluded, all submissions will be assessed, issues identified, and a report will be presented to Council for a decision.</i></p> <p><i>The Mayor took the questions on notice.</i></p> <p><b>4.8 Mr Robert Schmidt, Warnbro – Future of Warnbro Recreation Centre and Petition</b></p> <p>The Mayor invited Mr Schmidt to present his questions to the Council.</p> <p>Mr Schmidt provided a lengthy preamble to his questions regarding concerns with the Warnbro Recreation Centre, its future, access by the 'Warnbro Swans' and recent communication with City Officers. Mr Schmidt tabled a petition which outlined the Club's concerns.</p>
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	<p>1. Does the City of Rockingham have plans to either redevelop or rectify the issues identified at the Warnbro Recreation Centre inclusive of the Trevor Senior Room, advised by letter and by club officials to the City over the last several years, if not why not?</p> <p><u>Response</u></p> <p><i>The Mayor referred the question to the Director Community Development, Mr Holland.</i></p> <p><i>Mr Holland advised that there are specific works being actioned and the Community Development team is working with the City's leasing team in this regard.</i></p> <p><i>Mr Holland noted the City Officers will be in contact with the Club to clarify any issues of concern.</i></p> <p>2. Does the City of Rockingham have intentions to abandon the Warnbro Recreation Centre inclusive of the Trevor Senior Room, for purpose other than sport, if so, why?</p> <p><u>Response</u></p> <p><i>Mr Holland advised, No.</i></p> <p>3. Does the City of Rockingham intend to move the Warnbro Swans Football and Sporting Association to another facility, if so, why?</p> <p><u>Response</u></p> <p><i>Mr Holland advised, No.</i></p>
4.9	<p><b>Mr John Scarfe, Baldivis – Traffic concerns school children / school bus – Doghill Road, Baldivis</b></p> <p>The Mayor invited Mr Scarfe to present his questions to the Council.</p> <p>Mr Scarfe referred to his questions to the Planning and Engineering Services Committee and reiterated his concern for school children walking to / from and waiting for school bus pick up / drop off at Doghill Road.</p> <ul style="list-style-type: none"><li>· Has anything been considered about extending Lloyd Road to Mundijong Road</li><li>· Childrens safety when walking along Doghill Road to meet school bus and drop offs</li><li>· Warning signs on Doghill Road about school bus stopping and children</li><li>· There are no lines on Doghill Road and no school bush signs</li><li>· Area is a small acreage for families not a commercial industrial area</li><li>· Any thought on the danger to push bike riders using area for training – before weekend races.</li></ul> <p><u>Response</u></p> <p><i>The Mayor took the questions on notice but noted that the matter will likely be pursued outside the development application.</i></p> <p><i>The Chairperson Planning and Engineering Services Committee advised that the matter of the proposed development is being considered by Council later in the agenda tonight.</i></p>
4.10	<p><b>Ms Dawn Jecks, Safety Bay – Developer Contact Register</b></p> <p>The Mayor invited Ms Jecks to present her questions to the Council. Ms Jecks asked the following questions:</p> <p>1. Does the City of Rockingham have a property Developer Contact Register where contact with the City's staff and councillors is documented in accordance with the State Records Act with a summary declared on a Developer Contact Register on the City's website?</p>

	<div>2. Does the City of Rockingham have a Property Developer Contact Policy? Is there a specific documented policy?</div> <div>3. Does the City of Rockingham have a specific Community Consultation Policy? Not asking about what measures are taken around community consultation but is there a specific documented policy?</div> <div><i>Response</i> <i>The Mayor took the questions on notice.</i></div> <div>6:43pm There being no further questions the Mayor closed Public Question Time.</div>
5.	Applications for Leave of Absence
	Nil
6.	Confirmation of Minutes of the Previous Meeting
	<div>Moved Cr Hamblin, seconded Cr Jones:</div> <div>That Council <b>CONFIRMS</b> the Minutes of the Ordinary Council meeting held on 22 June 2021, as a true and accurate record.</div> <div>Carried – 9/0</div>
7.	Matters Arising from Minutes of Previous Meeting
	Nil
8.	Announcement by the Presiding Person without Discussion
	6:43pm The Mayor 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 Council meeting.
9.	Declarations of Members and Officers Interests
	<div><div>9.1</div><div>Item CD-012/21</div><div>Community Grants Program applications Round One 2021/2022 – The Cruising Yacht Club of WA</div><div>Councillor: Cr Barry Sammels (Mayor)</div><div>Type of Interest: Impartiality</div><div>Nature of Interest: Cr Sammels is Vice Patron of the Cruising Yacht Club.</div><div>Extent of Interest: Not Applicable</div></div> <div><div>9.2</div><div>Item CD-012/21</div><div>Community Grants Program applications Round One 2021/2022 – Inspire Community Services</div><div>Councillor: Cr Hayley Edwards</div><div>Type of Interest: Financial</div><div>Nature of Interest: Cr Edwards’ business ‘Anytime Fitness’ has sponsored Inspire Radio and advertise on the radio channel.</div><div>Extent of Interest: Not Applicable</div></div>

	<b>9.3</b>	<b>Item CD-012/21</b>	<b>Community Grants Program applications Round One 2021/2022 – The Perth Diocesan trading as the Anglican Parish of Warnbro</b>
		Councillor:	Cr Craig Buchanan
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Buchanan was previously a work colleague with Fr David Lord of St Brendan's Parish.
		Extent of Interest:	Not Applicable
	<b>9.4</b>	<b>Item CD-012/21</b>	<b>Community Grants Program applications Round One 2021/2022 – Reclink Australia</b>
		Councillor:	Cr Hayley Edwards
		Type of Interest:	Financial
		Nature of Interest:	Reclink utilises the facilities of Cr Edwards' business 'Anytime Fitness' for their programs.
		Extent of Interest:	Not Applicable
	<b>9.5</b>	<b>Item CD-012/21</b>	<b>Community Grants Program applications Round One 2021/2022 – WA Water Ski Association</b>
		Councillor:	Cr Hayley Edwards
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Edwards has a friendship with the applicant (WA Water Ski Association).
		Extent of Interest:	Not Applicable
	<b>9.6</b>	<b>Item CD-012/21</b>	<b>Community Grants Program applications Round One 2021/2022 – The Rockingham Regional Environment Centre Inc.</b>
		Councillor:	Cr Lorna Buchan
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Buchan has a family membership with Naragebup Environmental Centre.
		Extent of Interest:	Not Applicable
	<b>9.7</b>	<b>Item CD-012/21</b>	<b>Community Grants Program applications Round One 2021/2022 – Rockingham District Historical Society</b>
		Councillor:	Cr Joy Stewart
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Stewart is Patron of the Rockingham Museum.
		Extent of Interest:	Not Applicable
	<b>6:44pm</b>	<p><b>The Mayor noted the interests declared in Items 9.1 to 9.7 and asked if there were any further interests to declare.</b></p> <p><b>The Mayor noted there were no further interests declared.</b></p>	

<b>10.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>
	Nil
<b>11.</b>	<b>Matters for which the Meeting may be Closed</b>
	Nil
<b>12.</b>	<b>Receipt of Minutes of Committees</b>
	<p><b>Moved Cr Davies, seconded Cr Buchan:</b></p> <p>That Council <b>RECEIVES and CONSIDERS</b> the minutes of the:</p> <ol style="list-style-type: none"><li>1. Audit Committee meeting held on 21 June 2021.</li><li>2. Planning and Engineering Services Committee meeting held on 19 July 2021.</li><li>3. Corporate and Community Development Committee meeting held on 20 July 2021.</li></ol> <p style="text-align: right;"><b>Carried – 9/0</b></p>
<b>13.</b>	<b>Officers Reports and Recommendations of Committees</b>
	<p><b>Method of Dealing with Agenda Business</b></p> <p>The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports committee recommendations would be adopted en bloc, ie all together.</p> <p><b>Withdrawn Items</b></p> <p>The following officer report items were withdrawn for discussion:</p> <p>PD-024/21 Proposed Landscape Operations Premises (Use Not Listed)</p> <p>GM-023/21 Fencing Amendment Local Law 2021 and Fencing Local Law 2020 Undertakings (Absolute Majority)</p>

## Audit Committee

Audit Committee		
<b>Reference No &amp; Subject:</b>	AC-004/21	City of Rockingham Summary Audit Plan 30 June 2021
File No:	CPM/109	
Proponent/s:		
Author:	Mr Allan Moles, Manager Financial Services	
Other Contributors:		
Date of Committee Meeting:	21 June 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	1. Minutes of the Audit Committee meeting held 21 June 2021 2. City of Rockingham Summary Audit Plan 30 June 2021	
Maps/Diagrams:		

## Purpose of Report

To note the details of the City of Rockingham Summary Audit Plan 30 June 2021.

## Background

Deloitte Touche Tohmatsu (Deloitte) has been contracted by the Office of the Auditor General (OAG) to perform the external audit of the City for the year ending 30 June 2021.

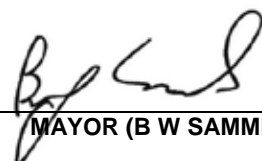
## Details

Deloitte have requested a meeting to present the City of Rockingham Summary Audit Plan and to provide the Committee and management with an overview of the elements of the audit.

## Implications to Consider

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

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)



**c. Strategic**

Community Plan

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

**Aspiration 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.*

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Nil

**g. Risk**

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

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

*Customer Service / Project management / Environment : High and Extreme Risks*

*Finance / Personal Health and Safety : Medium, High and Extreme Risks*

Nil

**Comments**

Nil

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **NOTES** the City of Rockingham Summary Audit Plan 30 June 2021.

**Committee Recommendation**

That Council **NOTES** the City of Rockingham Summary Audit Plan 30 June 2021.

Committee Voting – 3/0

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

Not Applicable

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

Not Applicable

**Council Resolution**

**Moved Cr Buchan, seconded Cr Liley:**

That Council **NOTES** the City of Rockingham Summary Audit Plan 30 June 2021.

**Carried – 9/0**

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

Not Applicable

**Council Resolution – En bloc Resolution**

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

That the committee recommendations in relation to Agenda Items PD-022/21 and PD-023/21 be carried en bloc.

**Carried – 9/0**

**Planning and Engineering Services Committee**

**Planning and Development Services  
Strategic Planning and Environment**



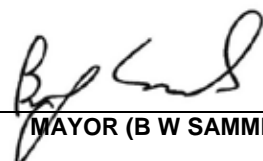
<b>Reference No &amp; Subject:</b>	<b>PD-022/21</b>	<b>Review of Local Planning Scheme No.2</b>
File No:	EVM/88	
Applicant:		
Owner:		
Author:	Mr Brett Ashby, Manager Strategic Planning and Environment	
Other Contributors:	Mr Paul Compe, Senior Planning Officer - Strategic Projects Mr Tristan Fernandes, Coordinator Strategic Planning	
Date of Committee Meeting:	19 July 2021	
Previously before Council:	October 2009 (PD115/10/09)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	Scheme Review Report 2021	
Maps/Diagrams:		

**Purpose of Report**

To consider a Scheme Review Report prepared for Local Planning Scheme No.2 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and determine whether the Scheme:

- (i) is satisfactory in its existing form; or
- (ii) should be amended; or
- (iii) should be repealed and a new scheme prepared in its place;

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

## Background

In 2009, the State released a draft Spatial Framework for Perth and Peel along with a draft South Metropolitan and Peel Sub-Regional Structure Plan, for public comment.

In October 2009, the Council considered a Report on Local Planning Scheme No.2 and resolved to prepare a new Local Planning Scheme in accordance with Section 4(3) of the *Town Planning Regulations 1967*. The decision to prepare a new Scheme triggered a requirement to prepare a Local Planning Strategy (LPS) under the then *Town Planning Amendment Regulations 1999*. The Report noted that the State's Spatial Framework and Sub-Regional Structure Plan were key considerations for preparation of the new Scheme and LPS.

In February 2010, the Western Australian Planning Commission (WAPC) advised that it accepted the Council's decision to prepare a new Local Planning Scheme.

### Local Planning Strategy Preparation

In anticipation of finalisation of the State Government frameworks, the City commenced work on the LPS with a community engagement process to gain initial community input to guide its preparation. This work was completed in 2012.

Following public advertising in 2009, the State continued work on draft Framework and Sub-Regional Structure Plan, and in 2015, it released the draft of Perth and Peel @ 3.5million and the South Metropolitan Peel Sub-Regional Planning Framework for further consultation.

In 2018, the State finalised and released the *Perth and Peel@3.5million Strategic Framework* and the *South Metropolitan and Peel Sub-Regional Structure Plan*.

The outcomes contained within both the draft and finalised Sub-Regional Planning Framework significantly influenced the direction and matters that need to be addressed within the City's Local Planning Strategy, which include:

- Considerations for the protection of natural resources, environmental and landscape values;
- Targets for infill residential dwelling development and minimum gross densities in new urban areas;
- Employment targets within Rockingham's Strategic Metropolitan Centre and south western group of Local Government Areas (Cockburn, Kwinana and Rockingham);
- Future transportation considerations;
- Identification of land requiring further planning investigation to determine its purpose;
- Identification of land for future Urban Expansion;
- Considerations for future social community infrastructure

Following community consultation in 2012 for the Local Planning Strategy, the City has prepared a series of planning studies and strategies to inform the document's preparation.

The release of key State strategic plans in 2018, namely the *Perth and Peel@3.5million Strategic Framework* and the *South Metropolitan and Peel Sub-Regional Structure Plan*, provided the certainty the City needed to proceed with development of the LPS and new Scheme first envisioned in 2009.

To this end, substantial work has been completed and/or being undertaken to inform preparation of the LPS and new Scheme as follows:

- Y Preparation of the following planning studies to examine key planning issues:
  - Housing;
  - Employment and Transport; and
  - Environment.
- Y Preparation of the Coastal Hazard Risk Management and Adaptation Plan;
- Y Preparation of the Public Open Strategy;

- Y Review of the Rural Land Strategy;
- Y Review of the Local Commercial Strategy (in progress); and
- Y Review of the Rockingham Strategic Metropolitan Centre Framework (in progress).

The work completed has accounted for the targets and actions specified within the Sub-Regional Planning Framework and are now ready to be advertised for community consultation.

#### Amendments to Local Planning Scheme No.2

During the lifespan of Local Planning Scheme No.2 since November 2004, the City has 183 listed Scheme Amendments that have been forwarded to the WAPC for gazettal (see Attachment - Scheme Review Report).

The gazetted Amendments have ensured the City's Scheme has remained contemporary and responsive to changes within the planning framework since its original gazettal in November 2004.

Key Amendments to TPS2 include the following changes:

- Y The introduction of new zones to outline objectives and guide development for the City's major activity centres, including the Strategic Metropolitan Centre and District Town Centre zone.
- Y The introduction of the City's Community Infrastructure Developer Contribution Scheme No.2 to outline the mechanism for the delivery of community infrastructure in accordance with the City's adopted Community Infrastructure Plan.
- Y Changes to address the introduction of the Planning and Development (Local Planning Schemes) Regulations 2015 and include definitions and provisions specified by the Model Scheme Text (MST).
- Y Omnibus Amendments prepared to progressively update the Scheme to improve planning processes, land use interpretations and development standards within the Scheme area.
- Y Normalisation of 31 of the City's completed Structure Plans that are located in the 'Development' zone into the Scheme Maps.
- Y Changes within the City's 'Rural', 'Special Rural' and 'Special Residential' zones.
- Y Amendments to the introduction or removal of Additional Use and Special Use provisions.

#### **Details**

The Department of Planning, Lands and Heritage has requested the City prepare a Scheme Review Report in accordance with the WAPC's *Review of Local Planning Scheme Guidelines*.

While the Department acknowledges the Council's previous resolution to prepare a new Scheme was accepted by the WAPC, and significant work completed for the preparation of the Local Planning Strategy, it has recommended that a new Scheme Review Report be prepared and considered by the Council.

In this regard, the Department has advised that given the *Town Planning Amendment Regulations 1999* were repealed and replaced by the *Planning and Development (Local Planning Schemes) Regulations 2015*, there are contemporary planning matters that should be addressed within a revised Scheme Review Report.

#### **Implications to Consider**

##### **a. Consultation with the Community**

Clauses 21 - 33 of the *Planning and Development (Local Planning Schemes) Regulations* sets out the statutory requirements for the advertising and considering submissions received on a new Local Planning Scheme.

Following completion of the draft Local Planning Scheme, the Council will be required to make a resolution to advertise the proposed Scheme for a period not less than 90 days or such longer period as the Minister or an authorised person allows.

**b. Consultation with Government Agencies**

Clauses 21 - 33 of the *Planning and Development (Local Planning Schemes) Regulations* sets out the statutory requirements for consultation with Government Agencies. This includes:

- A copy of the draft Local Planning Scheme being provided to the Western Australian Planning Commission for review and outline any modification to the documents required before the draft Local Planning Scheme is advertised;
- Advertise to each public authority that the City considers is likely to be affected by the Scheme; and
- Referral of the draft Scheme to the Environmental Protection Authority for review pursuant to Section 48F(2)(a) of the *Environmental Protection Act*.

**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 3:** *Plan for Future Generations*

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

**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.*

**d. Policy**

Nil

**e. Financial**

The Town Planning Scheme Review has an approved budget of \$280,000 for the 2021/2022 financial year.

The Local Planning Strategy, which will be prepared in tandem with the Town Planning Scheme Review, has an approved budget of \$300,000 for the 2021/2022 financial year.

The funds allocated are anticipated to cover costs associated with completing both projects.

**f. Legal and Statutory**

In accordance with Part 6, Division 1, Regulation 66(3) of the Planning and Development (Local Planning Scheme) Regulations 2015, the Council must consider a Report on its Scheme and determine whether the Scheme:

- (i) is satisfactory in its existing form; or
- (ii) should be amended; or
- (iii) should be repealed and a new scheme prepared in its place.

**g. Risk**

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

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

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

Nil

## Comments

The City has prepared a Scheme Review Report (attached), which considers the following matters critical to a decision as to whether a new Scheme should be prepared:

- Y Age of Scheme and extent of Amendments;
- Y Extent of development that has occurred since gazettal of the Scheme;
- Y Status of the City's Planning Policy framework;
- Y Structure Plan activity;
- Y Anticipated population change;
- Y The State's Strategic Planning Framework (Perth and Peel@3.5million);
- Y Planning for the Rockingham Strategic Metropolitan Centre;
- Y Studies undertaken to date to inform preparation of the Local Planning Strategy; and
- Y The City's Strategic Community Plan.

Key issues arising from this Review that warrant consideration through the preparation of a new Scheme, have been identified as follows:

- To consider and address the outcomes of the Environmental Protection Strategy when complete;
- Standardisation of zones in accordance with the Model Scheme Text;
- Introduction of zones for the complete hierarchy of activity centres;
- Review of the City's development standards;
- Review and update of Scheme Objectives;
- Ensure the Local Planning Framework has given due regard to all applicable State Planning Policies;
- Review development standards and requirements contained within the Scheme Text;
- Review Scheme Objectives, land use permissibly and the City's supplemental provisions relating to structure planning process;
- Identify locations for where the preparation of Standard Structure Plan applications are required;
- Identify activity centres that will require the preparation of a Precinct Structure Plan;
- Review the requirements and provisions contained within Schedule No.8 Development Areas;
- Ongoing normalisation of the City's developed Structure Plan areas into the Local Planning Scheme;
- Employment and Activity Centre planning be guided by the current review of the City's Local Commercial Strategy and preparation of a Needs Assessment;
- Ensure consistency with the requirements of the South Metropolitan Peel Sub-Regional Planning Framework;
- Alignment of outcomes with the Rockingham Strategic Metropolitan Centre Framework Review;
- Consideration, following community engagement, of the outcomes of the Housing, Transport and Employment, and Environment studies; and
- Have regard for land use planning aspirations and Strategic Objectives outlined within the City's Strategic Community Plan.

In light of the findings of the Scheme Review Report, and consistent with the Council's previous resolution, it is considered that there is significant merit in preparing a new Local Planning Scheme. It is therefore recommended that the Council recommend to the WAPC that a new Scheme should be prepared and the current Scheme repealed upon the approval of the new Scheme.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **APPROVES**, pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a recommendation being made to the Western Australian Planning Commission that a new Scheme should be prepared and the current one repealed upon the approval of the new Scheme.

### Committee Recommendation

That Council **APPROVES**, pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a recommendation being made to the Western Australian Planning Commission that a new Scheme should be prepared and the current one repealed upon the approval of the new Scheme.

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

### Council Resolution

That Council **APPROVES**, pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a recommendation being made to the Western Australian Planning Commission that a new Scheme should be prepared and the current one repealed upon the approval of the new Scheme.

Carried en bloc

### The Council's Reason for Varying the Committee's Recommendation

Not Applicable

## Planning and Development Services Statutory Planning Services

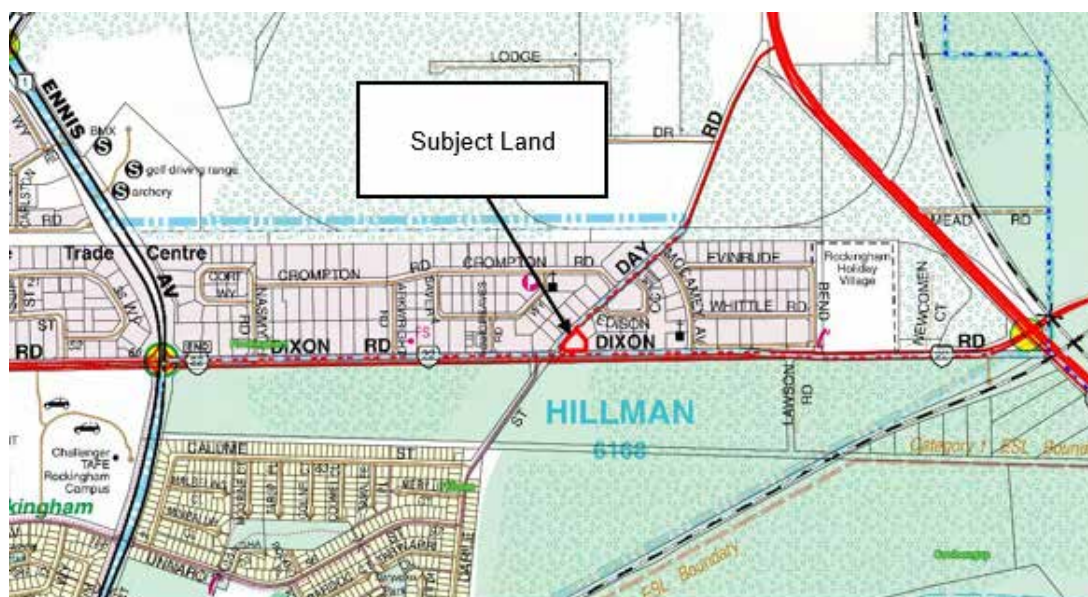


<b>Reference No &amp; Subject:</b>	<b>PD-023/21</b> <b>Joint Development Assessment Panel Application - Proposed Service Station</b>
File No:	DD020.2021.00000095.001
Applicant:	Planning Solutions Pty Ltd
Owner:	Autoservice Pty Ltd
Author:	Mr Chris Parlane, Senior Planning Officer
Other Contributors:	Mr David Banovic, Senior Projects Officer Mr Bob Jeans, Director Planning and Development Services
Date of Committee Meeting:	19 July 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 10 (No.115) Dixon Road, East Rockingham
Lot Area:	2,941m <sup>2</sup>
LA Zoning:	Light Industry
MRS Zoning:	Other Regional Road, Industrial
Attachments:	<ol style="list-style-type: none"><li>1. Responsible Authority Report</li><li>2. Traffic Information 1997 Application</li><li>3. Application for Development Approval</li><li>4. Amended Application and Additional Information</li><li>5. Schedule of Submissions</li></ol>
Maps/Diagrams:	<ol style="list-style-type: none"><li>1. Location Plan</li><li>2. Aerial Photo</li><li>3. TPS Zoning Map</li><li>4. MRS Zoning Map</li><li>5. Approved Site Plan for Existing Use</li><li>6. Subject Site Looking East along Dixon Road</li><li>7. Subject Site Looking North-West along Dixon Road</li><li>8. Subject Site Looking South-West along Day Road</li><li>9. Site Plan</li><li>10. Perspective Images</li><li>11. Consultation Map</li></ol>



## Purpose of Report

To provide recommendations to the Metro Outer Joint Development Assessment Panel (MOJDAP) for a proposed Service Station on Lot 10 (No.115) Dixon Road, East Rockingham (the subject land).



1. Location Plan



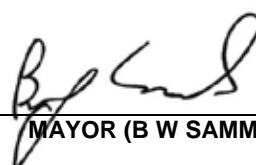
2. Aerial Photo

## Background

### Site Context

The subject site is 2,941m<sup>2</sup> in area and is located at the north-eastern corner of the T-intersection of Dixon and Day Roads, in East Rockingham.

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

An existing building used for auto services and repairs is located centrally within the site.

The site adjoins:

- Dixon Road to the south;
- Day Road to the west and north; and
- Existing light industrial/ service commercial businesses to the north-east and east.

The site has four crossovers, with two crossovers on Dixon Road and two crossovers on Day Road.

Dixon Road is a key Distributor road which is reserved 'Other Regional Road', under the Metropolitan Region Scheme (MRS), and is:

- Constructed as a dual carriageway four lane road with a landscaped median; and
- Classified as a 'Distributor A' and 'Distributor B' Road, west and east of Day Road respectively, in the *Main Roads WA Functional Road Hierarchy*.

Day Road is classified as a 'Distributor A' in the *Main Roads WA Functional Road Hierarchy*, and constructed as a single carriageway, two lane road in the immediate vicinity of the subject land.

Day Road adjacent to the site forms part of the Restricted Access Vehicle (RAV) Network, designed for access by heavy vehicle combinations. Dixon Road adjacent to the site also forms part of the RAV Network, although restrictions apply.

Beyond the site, the locality is characterised by a range of light industrial, retail and service commercial uses to the west, north and east, while a large area of native bushland reserved 'Parks and Recreation' under the MRS is located south of the site, across Dixon Road.

There are three existing service stations on the northern side of Dixon Road within approximately 2km to the west and east of the subject land.



### 3. TPS2 Zoning Map



#### 4. MRS Zoning Map

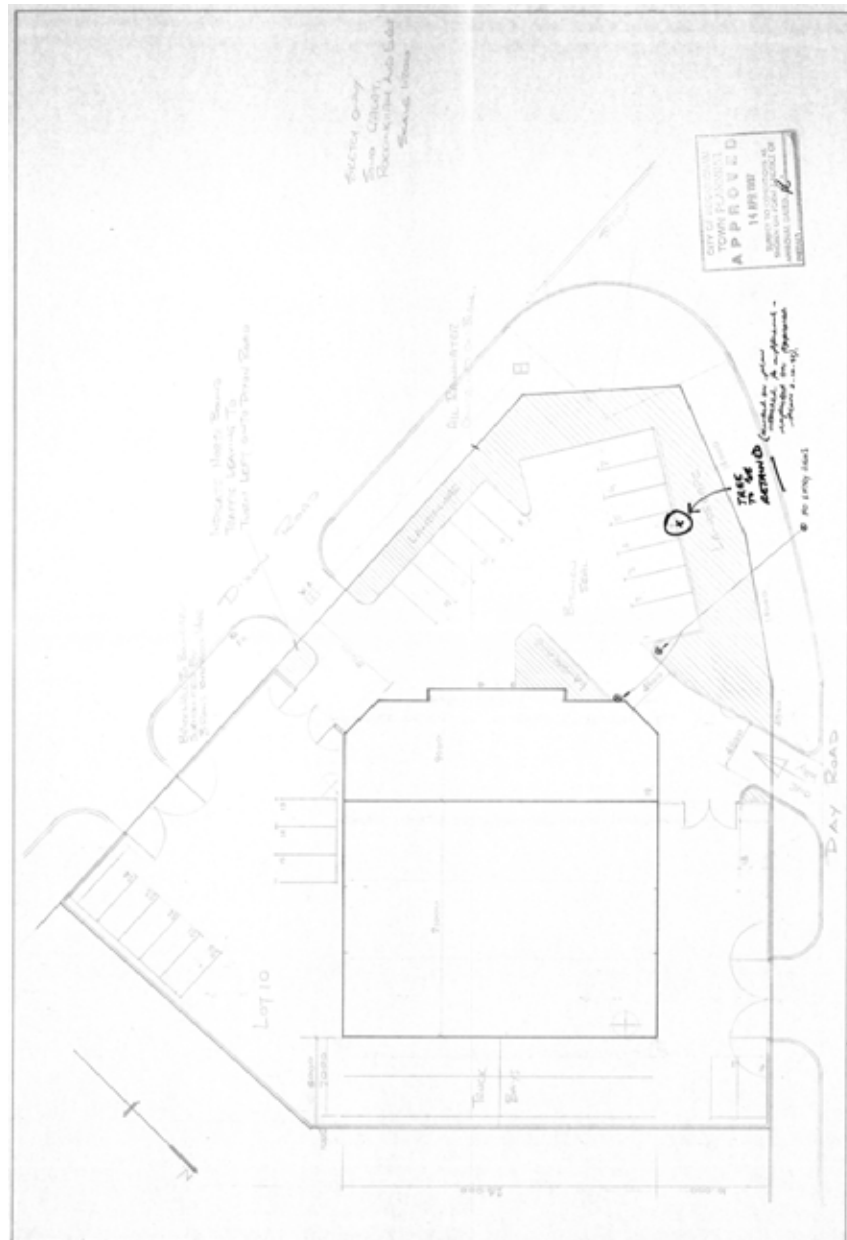
##### Site History

In 1997, the City considered a Development Application for the existing Workshop use (Rockingham Auto Electrics) on the subject land.

While considering the application, concerns were identified regarding potential traffic impact on the adjoining intersection of Day Road and Dixon Road. The intersection was observed to experience congestion during the afternoons peak period (3:30pm - 4:30pm), with queuing vehicles backing up along Day Road, at times past the subject land (refer to Attachment 2).

As a result, a modified site plan was submitted and Development Approval granted on 11 April 1997. The approved site plan (refer to Figure 5 below) provided for two vehicular crossovers onto Day Road, with access for the south-western most crossover being restricted to 'entry only'. Two unrestricted crossovers were also approved onto Dixon Road.






## 5. Approved Site Plan for Existing Use



6. Subject Site Looking East along Dixon Road

**Confirmed at a Council meeting held  
on Tuesday 24 August 2021**

  
MAYOR (B W SAMMELS)



7. Subject Site Looking North-West along Dixon Road



8. Subject Site Looking South-West along Day Road

Development Application

On 9 April 2021, a Development Application was submitted by Planning Solutions for a proposed Service Station development on the subject land (Attachment 3).

Following the City's preliminary assessment of the application, concerns were identified regarding:

- The functional layout of the site plan;
- The impact of the proposed Service Station development on the operation of the Day Road/ Dixon Road intersection adjoining the site to the west;
- A number of the assumptions with traffic modelling contained within the submitted Traffic Impact Assessment (TIA); and
- Vegetation classifications and reporting within the Bushfire Management Plan submitted with the application.

The City was concerned the development will have a significant impact on the intersection delays, queues and the degree of saturation, particularly in terms of right-turn movements from Day Road onto Dixon Road.

The City requested additional information from the applicant on 19 May 2021.

On 11 June 2021, the applicant submitted additional information (Attachment 3), comprising:

- A letter responding to the City's concerns, and providing responses to submissions received;
- Amended development plans;
- A 'Technical note' responding to traffic matters;
- Updated vehicle swept path modelling based on the amended site plan layout; and
- An updated Bushfire Management Plan.

The following sections of the report are based on the amended application.

## Details

### Proposed Development:

The application comprises of the following:

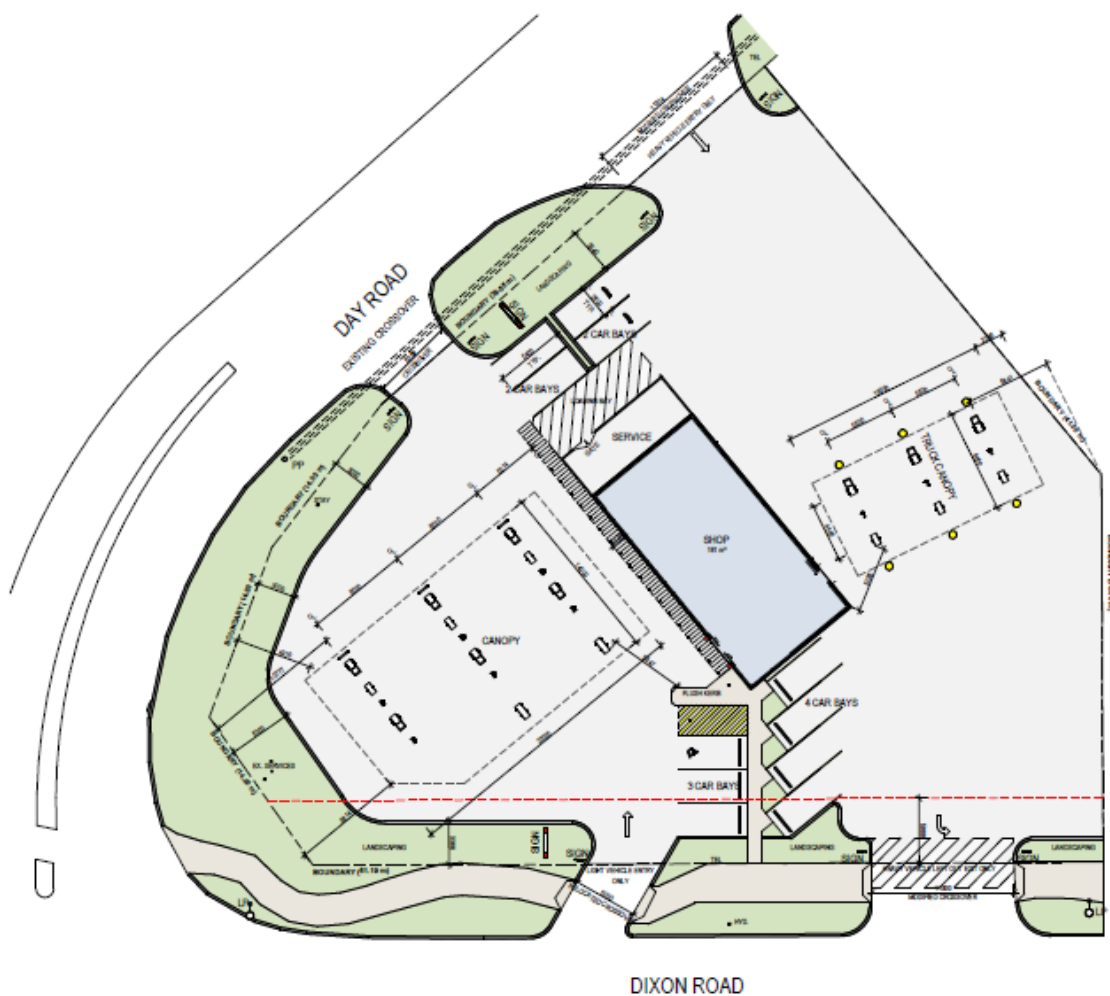
- A 181m<sup>2</sup> Service Station retail building, located centrally within the site, with an active (glazing) frontage oriented to the south-west and south-east;
- Eight light vehicle fuel bowzers (16 refuelling spaces) located south-west of the Service Station retail building;
- Three heavy vehicle fuel bowzers (3 refuelling spaces) located east of the Service Station retail building;
- 6.5m high canopies to the light and high heavy fuel bowzers;
- Modification of the four (4) existing vehicle crossovers to provide for:
  - A light vehicle 'left-in' crossover and a heavy vehicle 'left-out' crossover along Dixon Road;
  - A full movement light vehicle crossover and a heavy vehicle 'entry only' crossover along Day Road.
- 11 on-site car parking spaces for staff and customers are provided as follows:
  - five car bays within the light vehicle portion of the site;
  - six car bays provided within the heavy vehicle portion of the site; and
  - Of the 11 car bays provided, three are located within the ORR reservation;
- A service yard and loading bay to the north-west of the retail building;
- Two illuminated Pylon Signs, both 7.2m high, adjoining Dixon Road and Day Road;
- Various directional and wall/facia signs affixed to the Service Station retail building and to the fuel canopies;
- Landscaping treatments adjacent the Dixon Road and Day Road frontages.

It is proposed that the Service Station will operate 24 hours per day, 7 days per week and accommodate up to two staff on site at any one time.

The design intent is to separate light and heavy vehicle circulation within the site by providing a dedicated 'entry only' crossover on Day Road for heavy vehicles at the north-eastern corner, while a separate light vehicle crossover is provided from Day Road further to the south-west (refer to Figure 9 below).

The application is accompanied by the following technical reports:

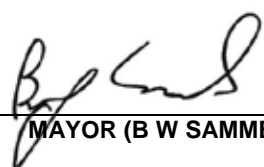
- Planning Report;
- Transport Impact Assessment; and
- Bushfire Management Plan and a Bushfire Risk Management Plan.



SITE PLAN  
1:200

9. Site Plan

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

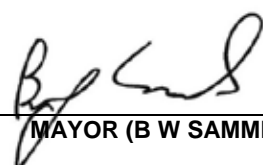
  
MAYOR (B W SAMMELS)





10. Perspective Images

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

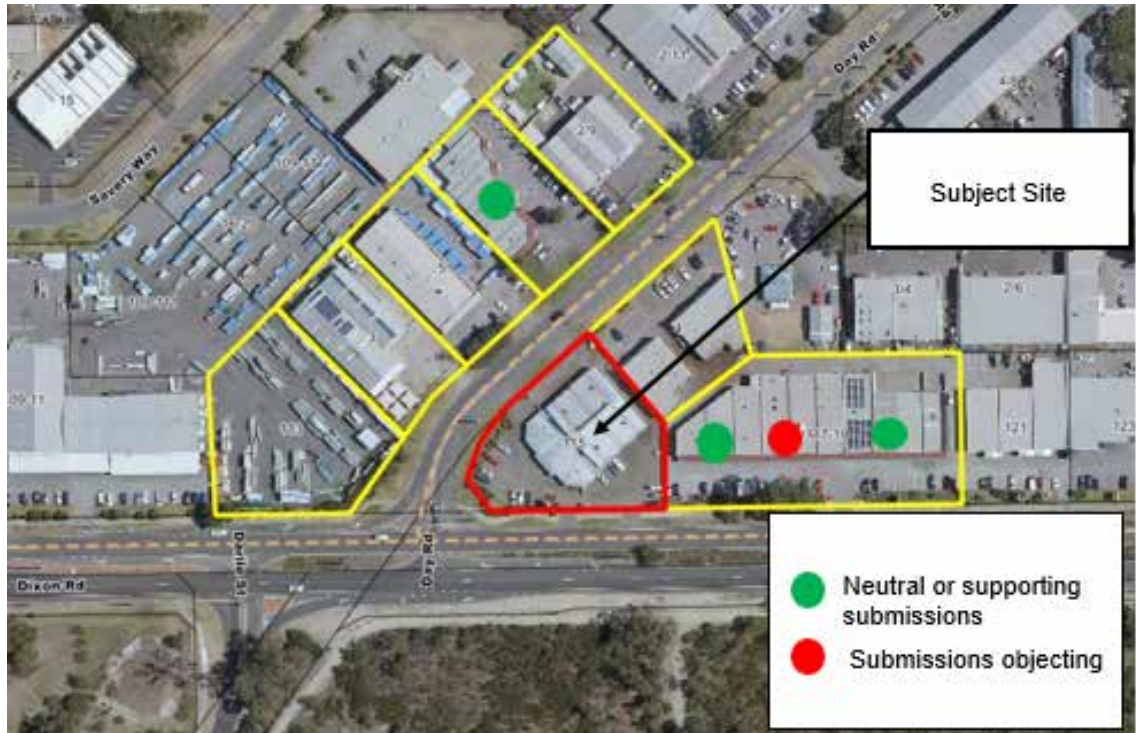


## Implications to Consider

### a. Consultation with the Community

The application was advertised for public comment in the following manner:

- ÿ Landowners and occupiers identified on the Consultation Map below were notified in writing of the proposed application;
- ÿ The application was made available for public inspection at the City's Administration Offices and published on the City's website.
- ÿ Submissions were requested over a 17 day period, between 16th April and 3rd May 2021.



11. Consultation Map

Thirteen (13) submissions were received at the conclusion of the advertising period, including:

- ÿ four neutral submissions or submissions in support; and
- ÿ nine submissions objected or raised concerns.

Locations from where the submissions originated are indicated on the Consultation Map above. A late neutral submission was also received from the owner of 3/7 Day Road (shown above).

Ten submissions were received from locations outside the immediate locality.

Matters raised in the submissions objecting to the proposal are summarised in the table below, which also includes the applicant's and Officer's responses to the issues.

#### 1. Land Use

##### Submission:

There are too many service stations in Rockingham already, in particular on Dixon Road where there are three. There is considered to be no need or desire for another 24 hour service station in this location.

### 1. Land Use (cont...)

Applicant's Response:

*"This is a commercial consideration and not a planning consideration".*

City's Comment:

It is the City's role to provide recommendations to the MOJDAP on the planning merits of the proposal. The number of existing Service Stations in the area is not a relevant planning consideration, however, the land use considerations have been given due regard.

### 2. Amenity

Submission:

Concerns about noise and fumes from vehicles using the Service Station impacting on existing businesses in Day Road.

Applicant's Response:

*"The proposed development is suitably located within an industrial area, away from any sensitive premises. A service station is a 'D' (discretionary) use within the Light Industry zone.*

*The assumption that a service station produces odour and fumes is unsubstantiated. The stage 1 vapour recovery system is implemented to ensure the capture of any fumes when refuelling is occurring".*

City's Comment:

There are no 'sensitive' land uses in close proximity to the site that would warrant separation from the proposed Service Station. The subject site and surrounding land is zoned Light Industrial under Town Planning Scheme No.2 (TPS2) and is used for a range of related uses.

Noise generated by the proposed development is considered to be in keeping with the amenity expected for the Light Industrial zone.

### 3. Traffic

Submission:

The proposed Service Station will increase congestion at the 'T' intersection of Day Road and Dixon Road, which is already experiencing congestion. Day Road is a popular transit and heavy traffic route from Mandurah Road to Dixon Road.

Applicant's Response:

*"Please refer to the TIA prepared by Transcore. It is acknowledged that the Day Road/Dixon Road intersection currently experiences less than satisfactory levels of service.*

*However, the TIA confirms that the proposed service station would generate negligible levels of additional traffic to what is already on the road network.*

*The net traffic increase on the surrounding road network due to the proposal is estimated to be 54vph in AM peak hour (0745-0845) and 84vph in PM peak hour (1445-1545). This equates to less than 1 additional vehicle per minute during the morning peak hour and 1.4 additional vehicles per minute during the morning peak hour.*

*The vast majority of traffic is already on the road network, with the proposed service station capturing passing trade and generating very little additional traffic on its own".*

City's Comment:

Potential traffic impacts are discussed within the Comments section of this report, which concludes the proposal is likely to adversely impact on the operation of this intersection.

### 3. Traffic (cont...)

It is worthy to note that the above response from the applicant discusses traffic generation in terms of “*nett traffic increase*”, which is a reflection of predicted traffic volumes after taking into account passing trade. To consider the actual traffic generation from the proposal, all traffic entering and leaving the site should be considered, which results in even higher traffic volumes.

#### Submission:

How will the west bound Dixon Road traffic flow be affected by the right hand turn access into Day Road by vehicles accessing the Service Station? Vehicles leaving the Service Station via the full access crossover on Day Road to travel west (on Dixon Road) will add congestion to the right hand turn traffic flow from Day Road onto Dixon Road, resulting in increased driver frustration and accident risk.

#### Applicant's Response:

*“It is unlikely the westbound Dixon Road traffic flow would be affected at all. There is an existing right turn pocket (approximately 80m long) on Dixon Road that allows westbound traffic to make a right turn onto Dixon Road.*

*It is acknowledged that the Day Road/Dixon Road intersection currently experiences less than satisfactory levels of service. The TIA confirms that the proposed service station would generate negligible levels of additional traffic.*

*The safety of the Dixon Road crossover has been examined by Transcore in the TIA and no additional safety risks are expected from the proposed development”.*

#### City's Comment:

The submission is noted.

Potential traffic impact is discussed within the Comments section of this report, which concludes the proposal is likely to adversely impact on the operation of this intersection.

### 4. Boundary Wall

#### Submission:

An adjoining property owner (Dixon Road) seeks more details regarding the existing dividing brick wall, indicating they would support its removal to open up the space.

#### Applicant's Response:

*“This is a matter to be discussed and negotiated between the adjoining property owner and the proponent”.*

#### City's Comment:

The plans do not indicate whether the existing masonry wall on the eastern side boundary will be retained.

Notwithstanding, removal of a boundary wall in this location is not supported by the City, as it could give rise to traffic or pedestrians that use the adjoining property at No. 119-147 Dixon Road interacting/conflicting with heavy vehicles within the Service Station development.

#### Consultation with other Agencies or Consultants

The following government departments were consulted:

- Department of Fire and Emergency Services (DFES);
- Department of Planning, Lands and Heritage (DPLH);
- Department of Water and Environmental Regulation (DWER);
- Department of Mines, Industry, Regulation and Safety (DMIRS); and
- Department of Health (DoH).

The comments that were received include:

**Department of Fire and Emergency Services (DFES) summarised**

*Vegetation Classifications*

Vegetation plots cannot be substantiated based on the available information in the Bushfire Management Plan (BMP), and the potential for revegetation has not been considered.

Evidence to support the vegetation classifications (and exclusions) is required. If unsubstantiated, the vegetation classification should be revised to consider vegetation at maturity as per AS3959. Modification to the BMP is required.

*Site Landscaping*

The BMP and the Bushfire Risk Management Plan (BRMP) indicate that landscaping within the subject site will comply with Schedule 1: Standards for Asset Protection Zones contained in the Guidelines.

The landscape plan in Appendix 2 of the Development Application report identifies 'low level planting' and 'typical mass planting' to a maximum height of 600mm, as well as 'road reserve planting by others'. Vegetation 0.5m to 5m in height is defined in Schedule standards 1 as shrubs. *Shrubs within Asset Protection Zones should not be located under trees or within 3m of buildings; should not be planted in clumps greater than 5m<sup>2</sup> in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10m.*

The BMP assumes that the 'road reserve planting by others' will be established and maintained in perpetuity to a low threat condition in accordance with AS3959.

*Siting & Design*

The bushfire protection criteria in the *Guidelines for Planning in Bushfire Prone Areas* require as an acceptable solution for an Asset Protection Zone to be spatially identified on the submitted plans. Insufficient information is provided. Modification to the BMP is required.

*Bushfire Risk Management Plan (BRMP)*

The BRMP states that *'Liberty Oil is required to develop an emergency management plan for the subject site in accordance with Australian Standard 3745-2010 Planning for emergencies in facilities, identifying evacuation triggers and depicting muster points on-site'*.

*Recommendation*

The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES.

Recommendation - supported subject to modification.

*Applicant's Response:*

*"Vegetation Classifications:*

*Please refer to the updated Bushfire Management Plan (BMP) contained in Attachment 4.*

*The Plot 2 vegetation has been reclassified as Class A Forest. The change in vegetation classification suggested by DFES (although not supported by Eco Logical) does not affect the BAL rating for the subject site.*

*Plot 4 vegetation (refer to Photo 6 of the BMP) is within a fenced compound, surrounding the heritage building.*

*A review of aerial imagery suggests that vegetation surrounding the Hillman Abattoir and Stables heritage building is maintained annually.*

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

*Vegetation associated with the road verge is assumed to be maintained by the relevant authority in a low threat state. If not, it would likely be a traffic hazard.*

*In any case, we understand a change in vegetation classification would not affect the BAL rating for the subject site.*

*Site Landscaping:*

*The landscape plan has been amended, please refer to Attachment 1.*

*DFES' comments are acknowledged, with the following notation provided on the landscape plan:*

Y Any low level planting within asset protection zones above 500mm in height will not be located under trees or within 3m of any buildings and will not be planted in clumps greater than 5m<sup>2</sup> in area.

Y Any clumps of shrubs will be managed and separated from each other/any exposed window or door by at least 10m.

*It is a reasonable expectation that road reserve vegetation will be managed by the City of Rockingham.*

*Siting & Design:*

*Please refer to Figure 6 of the updated BMP. The Asset Protection Zone (APZ) has been spatially identified, being the area within the lot boundaries of the subject site.*

*Bushfire Risk Management Plan (BRMP):*

*Correct. This is commonplace for service stations as part of the dangerous goods licensing process".*

City's Comment:

*Vegetation Classifications*

An updated BMP has been submitted by the applicant, which substantiates vegetation classifications to the satisfaction of the City, with the exception that the eastern verge of Darile Street should be mapped in the BMP as classifiable vegetation. While this will have no impact on the BAL12.5 rating, classifying the eastern verge vegetation in Darile Street will afford the City flexibility with respect to verge treatment options in the future.

A condition is recommended in the event that approval is granted to require an updated BMP to address this issue.

*Site Landscaping*

The landscaping plan has been updated with appropriate notes to address APZ requirements. The road reserve landscaping adjoining the site should be the responsibility of the land owner to maintain, not the City. The landscape plan must be amended accordingly.

*Siting & Design*

The BMP has been updated to spatially indicate an APZ within the lot boundaries, which is acceptable to the City.

*Bushfire Risk Management Plan (BRMP):*

The comments from DFES and the applicant's response are noted.

*Recommendation:*

Subject to the modifications recommended below, it is considered that that BMP is accurate and can be implemented to reduce the vulnerability of the development to bushfire. The City is satisfied that the development design has demonstrated compliance with SPP3.7, which is further discussed in the State Government Policy section of this report below.

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

**Recommendation:**

**In the event that approval is granted, the following condition is recommended:**

**“Prior to applying for a building permit, the Bushfire Management Plan prepared by Ecological Australia, dated 4 March 2021, shall be updated to:**

- **Classify the vegetation in the eastern verge of Darile Street to the satisfaction of the City; and**
- **To indicate that the landowner will be responsible for maintenance of any landscaping within the street verges adjoining the subject site”.**

**Department of Planning, Lands and Heritage (DPLH)**

**Land Requirements**

The site abuts Dixon Road which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS) and Category 3 per Plan Number SP 694/4. The subject land is affected by the ORR reservation for Dixon Road. No development of a permanent nature is supported within reserved land.

**Transport Impact Assessment (TIA)**

The TIA states that the site will accommodate trucks up to 19.0 metres long. The development will retain crossovers to Dixon Road with modified functionality to left-in (western, passenger vehicles) and left-out (eastern, heavy vehicles). The site currently generates 106 trips per day. The redevelopment is proposed to generate 3,286 trips per day with 200 and 224 trips during AM and PM peak hour periods respectively (1,446 vehicles per day with passing trade discount applied). SIDRA intersection analysis shows poor performance for the Dixon Road/Day Road intersection (e.g. right turning staged movements, 94.3 seconds + 13.3 seconds, Level of Service F).

**Recommendation**

The Department of Planning, Lands and Heritage has no objection to the proposal on ORR planning grounds and provides the following comments:

- Y It is recommended that the submitted swept path analysis plans for 19.0 metre long vehicles be verified/checked to the satisfaction of the City's Technical Services Directorate. In addition, the need for a left-turning deceleration lane from Dixon Road should be assessed against the relevant Austroads warrants.

**Applicant's Response:**

***“Land Requirements:***

***Noted. No buildings re located within the ORR reservation, only access, signage, landscaping and parking.***

***Transport Impact Assessment (TIA):***

***The DPLH's comments are noted.***

***Recommendation:***

***The non-objection from the DPLH is acknowledged. The swept paths prepared for the 19m long trucks confirm suitable movements accessing the site, manoeuvring within the site and egressing the site”.***

**City's Comment:**

***Land Requirements:***

The subject land is affected by an ORR reservation for Dixon Road under the MRS. The road reservation extends approximately 5m into the subject site across the entire frontage of Dixon Road (refer to Figure 3 and 4).

**Department of Planning, Lands and Heritage (DPLH) (cont...)**

The extent of this reservation has been taken into consideration as part of the design of the proposed development, with development being located outside of the reservation with the exception of a proposed pylon sign, landscaping and a portion of the car parking area. In this instance, the Pylon Sign and landscaping can be considered to be erected on a temporarily basis, until such time as the reserved land is required for road upgrading purposes in the future. The three car parking bays within the ORR reservation are not supported, and this is discussed below in the Legal and Statutory section of this report.

*Transport Impact Assessment (TIA):*

The traffic implications and TIA are discussed in the Comments section below.

*Recommendation:*

In regards the DPLH recommendations:

- Y Updated swept path analysis have been submitted which demonstrate that 19m long trucks can exit the site onto Dixon Road in an acceptable manner.
- Y The warrants described in the Austroads' *Guide to Traffic Management Part 6 (Intersections, Interchanges and Crossing Management)* suggest a left turn treatment is required based on turning movement data presented in the TIA. However, in this particular case, given the constraints of the site (i.e. the proposed crossover located less than 20m away from the Tangent Point of the kerb radii at the intersection of Day Road/Dixon Road) it may not be possible to provide a left turn treatment, due to insufficient allowable space.

**Department of Water and Environmental Regulation (DWER) summarised**

The Department's response provided advice regarding stormwater management; the design and location of the underground storage tanks, and identified the need for an Emergency Response Plan to be addressed as condition of development approval.

*Contaminated Site Advice*

The Department advised that the subject site was classified under the Contaminated Sites Act 2003 as *possibly contaminated - investigation required* and a memorial (reference number O04085268ML) was placed on the Certificate of Title.

Environmental reporting indicates the presence of hydrocarbons and volatile organic compounds (VOC's) in soil and/or groundwater in concentrations exceeding the relevant limits.

The Department advises that further investigations are required to confirm the groundwater conditions and to characterise the nature and extent of soil and groundwater impacts.

As a change to a more sensitive land use is not proposed, the Department recommends that the approval should not include a contamination condition. However, given the uncertainties associated with the current contamination status of Lot 10, the Department cannot comment on the suitability of the site for the proposed service station development.

DWER recommends that the following advice note be applied to any approval granted by the planning authority:

*'The Department of Water and Environmental Regulation notes that hydrocarbons (such as from petrol, diesel or oil) been found to be present in soil and groundwater beneath the site which appears to be associated with a waste oil pit. Volatile organic compounds (VOCs) (such as solvents including chlorinated hydrocarbon solvents) were also found to be present in groundwater. The nature and extent of the possible contamination has not been fully characterised and therefore risks posed to future site users are unknown.*

*The west oil pit is recommended to be removed prior to or as part of the development works, along with any impacted soil. Validation and groundwater sampling should then be undertaken to determine whether residual impacts remain.*

**Department of Water and Environmental Regulation (DWER) summarised (cont...)**

*Further investigations are recommended to characterise potential risks posed by vapour intrusion to the health of future site users prior to construction of any new buildings at the site.*

*Due to the risks associated with the disturbance of potential contaminated soil or groundwater at the site, development works should be undertaken in accordance with an appropriate construction environmental management plan. The construction environmental management plan should contain measures including (but not limited to) the management of waste soil, dewatering, odour and stormwater during construction.*

*Due to potential risks to health of workers undertaking intrusive works during the development, all ground disturbing works should be undertaken in accordance with a site-specific health and safety plan'.*

Applicant's Response:

*"Stormwater Management:*

*Noted. A Stormwater Management Plan can be prepared/provided at the detailed design stage as an appropriately worded condition of development approval.*

*Emergency Response Plan:*

*An Emergency Response Plan can be prepared as an appropriately worded condition of development approval.*

*Underground Fuel Tanks:*

*Noted".*

City's Comment:

Should the development be approved, conditions requiring a Stormwater Management Plan and an Emergency Response Plan are recommended.

*Contaminated Site Advice*

DWER in its submission provided an Advice Note relating to *Contaminated Sites Advice*. A copy of the advice note forms part of the Attachment 1 in the Responsible Authority Report (RAR).

No comments were received from DMIRS or DoH.

**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**

**State Government Policies**

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

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

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



The objectives of SPP3.7 are to:

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

As the land is designated as a bushfire prone area and is classified as a 'high risk' land use, the applicant submitted a BMP and a Bushfire Risk Management Plan (BRMP) in support of the application, as per the requirements of SPP3.7. The proposal was referred to DFES, which raised issues relating to vegetation classifications, site landscaping and the need to depict an Asset Protection Zone within the BMP.

As detailed in the Consultation section of this report, the applicant submitted a revised BMP with further clarification to address DFES comments. As mentioned earlier, while the City still has unresolved concerns regarding the classification of vegetation within the verge of Darile Street, it is considered this can be addressed through a condition in the event approval is granted.

Accordingly, it is concluded that the proposal is compliant with SPP3.7.

#### Guidelines for Planning in Bushfire Prone Areas (the Guidelines)

The guidelines provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. An assessment against the guidelines follows:

##### *Element 1 - Location*

The development complies with the relevant Acceptable Solution for this Element, as the applicant has demonstrated through a BAL assessment and implementation of an Asset Protection Zone (APZ) that the maximum BAL level that buildings will be required to be constructed to will be BAL-12.5 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 buildings on the lot will be provided with an APZ (of the required dimension), which is established within the lot boundaries.

##### *Element 3 - Vehicular Access*

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

##### *Element 4 - Water*

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

#### PP3.3.1 Control of Advertisements

The applicant submitted signage plans as part of the application which included details, type, number and size of proposed signs. The signage strategy consisted of various wall signs, two (2) Pylon Signs, directional signage and signage on the forecourt canopy.

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

Pylon Sign shall not	Officer Comments	Compliance
Be located within 1.8m of a boundary	The two pylon signs are set back 0.47m from the Dixon Road and 0.3m Day Road street boundaries.	No, but the location of the pylon signs does not impact on vehicle sight lines.
Be situated within 6.0m from any other sign on the same lot	There is directional signage proposed within 6m of the proposed pylon signs.	No, but this considered acceptable due to the need and scale for the directional signage.
Project over a street, walkway or any other public area by more than 1m	The pylon signs do not project over a public area	Yes.
Have a height exceeding 6m 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 9m in height.	The proposed pylon signs are 7.2m high.	Yes, as the signs comply with the objectives of the Policy.
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.	The underside of the sign is 430mm above ground level, which is considered near ground level.	Yes.
Have a face area exceeding more than 3.5m width or height	The face area of the pylon signs exceed 3.5 high.	No, however, the area proposed is consistent with contemporary Service Station signage advertising fuel prices.
Have a face area of more than 4m <sup>2</sup> on each side (single tenancy sign) or 13m <sup>2</sup> on each side (multiple tenancy)	There is 15m <sup>2</sup> face area on each side of the pylon signs, which exceeds 4m <sup>2</sup> .	No, however, refer to the above comment.
Only 1 pylon sign shall be permitted on a lot with a single tenancy.	Two pylon signs are proposed, with one on each road frontage.	No, refer to the below comments.

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

- "(a) Ensure that advertisements are appropriate for their location;*
- (b) Minimise the proliferation of advertisements;"*

A number of pylon signs exist along Dixon Road which have similar scale as proposed, including at other Service Station sites.

Pylon signs exist along Day Road, however, they are generally smaller in scale than the 7m high pylon sign proposed.

While the subject site comprises a single tenancy, it is acknowledged that both Day Road and Dixon Road are Distributer roads, and have an important regional movement function. Consequently, two pylon signs are considered appropriate for the site.

#### PP 3.8.8 - East Rockingham Development Guidelines

The subject site is located within the Element Precinct identified within the Policy.

The purpose of PP3.3.8 is to guide the orderly development of serviced industrial land within the East Rockingham Industrial Park (Improvement Plan No.14 Area).

The objectives of PP3.3.8 include:

- "(a) To achieve an attractive and unified development which acknowledges the goal of conserving and enhancing the natural environment by emphasising the retention of natural vegetation and the introduction of complementary quality landscaping and well designed buildings;*
- (b) To achieve a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate or market image; and*
- (c) To avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region."*

The Policy includes a range of provisions including criteria relating to building form, setbacks and landscaping, which are discussed below.

#### *Building form*

The retail building is comprised of painted concrete panel walls; has the main entrance at the front of the elevation and glazing which addresses the street. The proposed building form is generally consistent with the other Service Stations which exist on Dixon Road and is considered acceptable.

#### *Setbacks*

The policy specifies the following:

- Y Primary Street setback 15m;
- Y Secondary street setback 3m; and
- Y Side boundary setback 3m.

The retail building is setback 13.5m from Dixon Road (the Primary Street) and 16.2m from Day Road (Secondary Street).

The light vehicle fuel canopy is located 6.4m from Dixon Road while the heavy vehicle fuel canopy is setback 2.3m from the side (eastern) boundary.

The fuel canopies are open structures, and as such are considered acceptable within the street and side boundary setbacks.

The setback of the retail building from Dixon Road is considered acceptable from a streetscape perspective, as the extent of variation proposed is minor (1.5m) and barely discernible from the pattern of established building setbacks along Dixon Road.

#### *Landscaping*

In terms of landscaping, the policy requires:

- Y 5m landscape strip to the primary street;
- Y 3m landscape strip to the secondary street; and
- Y 1 shade tree per 4 car parking bays provided.

Approximately 10% of the site area is proposed as landscaping.

A landscape strip 2.1m-3.3m wide adjoins the Dixon Road frontage, while a 3-3.5m wide landscape strip adjoins the Day Road frontage. The reduced width of landscaping along Dixon Road is considered acceptable, and is offset by additional landscaping proposed within the site and along the road verges.

There are no shade trees between car parking bays proposed, although this can be addressed by a condition should approval be granted. It is possible for the design of car parking bays to incorporate shade trees, the provision of which will need to consider the bushfire implications, as the area around the building within the site is designated as an APZ.

#### PP3.3.14 Bicycle Parking and End-of-Trip Facilities

The aim of the Policy is to appropriately provide for the provisions of secure, well defined and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access within the City.

##### *Bicycle Parking Requirement*

Land use	Required			
	Minimum short term		Minimum long term	
	Rate	Number	Rate	Number
Service Station - Retail (181m <sup>2</sup> )	0.15 spaces per 100m <sup>2</sup> NLA	1	0.007 spaces per 100m <sup>2</sup> NLA	1

In accordance with the provisions of PP3.3.14, a minimum of 2 bicycle parking spaces are required. As no bicycle parking spaces are shown on the plans, should the application be approved it is recommended a condition is included requiring the provision of two bicycle parking spaces.

**e. Financial**

Nil

**f. Legal and Statutory**

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

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

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

##### *Clause 3.2 - Zoning Table*

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

TPS2 defines a Service Station as:

*"premises used for:*

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

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

The proposed development offers the retail sale of fuel for light and heavy vehicles as well as the retail sale of incidental convenience goods. The proposed development complies with the Service Station definition under TPS2.

*Clause 4.10.1 - Objectives of the Industrial Zones*

The objectives of the Industrial zoned land are:

- "(a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;*
- (b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standard of amenity are provided through the application of appropriate land use, design and landscaping controls; and*
- (c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards."*

The subject site is located at the south eastern end of the East Rockingham Industrial Area, which is identified for light industrial development. Land uses typically located within this area range from light manufacturing to mechanical workshops, storage and unit developments. In principle, a Service Station is considered an acceptable land use within the zone.

The development presents a facility that provides passive surveillance that maintains the visual amenity of the locality. Proposed landscaping along Dixon Road and Day Road will serve to soften the visual impact of development on the public realm.

With the exception of the City's concerns regarding traffic safety (discussed later in this report), the proposal is considered to be generally consistent with the TPS2 zone objectives.

*Clause 4.10.2 - Form of Development*

The Local Government shall have regard to the following when considering an application for development approval on Industrial zoned land:

- "(a) promotion of a high standard of building development, landscaping and working environment;*
- (b) protection of the amenity of adjacent residential and open space areas;*
- (c) management of drainage systems and land uses to promote groundwater and conservation; and*
- (d) to ensure safe movement of vehicular and pedestrian traffic in the area."*

As indicated under PP3.3.8 above, the proposed development is considered acceptable in terms of building form and landscaping.

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

*Traffic*

The applicant submitted a TIA to assess the impacts associated with parking, access and traffic generation from the proposed development. The TIA concluded that the level of traffic generated by the proposed use is unlikely to have any significant impact on the adjoining road system. The City does not concur with this conclusion, the reasons for which are discussed in the Comments section below.

The City considers that traffic generated by the proposed development will have a significant adverse impact on the operation of the adjoining T-intersection of Dixon Road and Day Road.

*Clause 4.10.3 - Parking*

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

Use	Rate	Required	Provided
Service Station	1 bay for every service bay, plus 1 bay per employee and 6 bays per 100m <sup>2</sup> NLA of retail floorspace	2 employee bays 11 bays (181m <sup>2</sup> NLA)	11 bays
Total		13 bays	11 bays

The proposed development provides a total of 11 car parking spaces which leaves a 2 bay shortfall for customer parking.

In terms of parking provision, the application states that two car bays north of the retail building situated within the heavy vehicle (eastern) portion of the site will be used for staff parking, while 4 car bays south-east of the retail building will be used by customers.

The City's concern however, relates to the location of dedicated customer parking within the eastern portion of the site, as this will involve light vehicles interacting with heavy vehicles, giving rise to potential conflict between light and heavy vehicles and pedestrians. These parking bays are located within the area dedicated for heavy vehicles, therefore would be counter-intuitive and unlikely to be used.

In addition, there are three car parking bays that are partially or wholly within the ORR. These bays would be lost in the event the ORR reserved land within the site is ceded for road widening purposes.

The implications being, that if the 4 car bays in the heavy vehicle portion of the site, and the 3 car bays within the ORR are not acceptable, then the overall parking shortfall increases to 8 bays accordingly. This outcome is not supported by the City.

*Clause 4.10.4 - General Development Provisions*

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

General Development Provisions	Provided	Compliance
Facade		
The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Local Government in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finished. The second floor level or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Local Government.	The facades of the retailing building will comprise of painted concrete panels.  It is recommended that a condition is included, in the event approval is granted, requiring a painted texture finish to the exterior walls.	Yes

General Development Provisions	Provided	Compliance
Fencing		
No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Local Government are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Local Government has not been granted. Any industrial (eg. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Local Government.	There is no fencing proposed as part of this development application.	N/A
Setback area		
No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Local Government.	The front setback areas are proposed to be used for landscaping and vehicular access and circulation only.	Yes

*Clause 4.10.8 - Light Industry zone*

Clause 4.10.8 provides for setback and landscaping requirements for developments within the Light Industry zone, unless otherwise specified in the East Rockingham Design Guidelines. PP3.3.8 has been addressed above.

*Clause 5.3 - Control of Advertisements*

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

Signage is discussed in the Policy section of this report under PP3.3.1, where it was concluded that the two proposed Pylon Signs are appropriate for their location and can be supported.

**g. Risk**

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

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

*Customer Service / Project management / Environment: High and Extreme Risks*

*Finance / Personal Health and Safety: Medium, High and Extreme Risks*

Nil

**Comments**

The City's primary concerns with this application relate to traffic generation and the implications for the operation of the Dixon Road/Day Road intersection. The City also has concerns about the functionality of the site plan layout, which are discussed in detail below.

Traffic Generation

The TIA submitted by the applicant indicates the existing use generates approximately 106 vehicle movements per day. This figure is similar with the 1997 Development Application, which anticipated the use would generate approximately 80 vehicle movements per day.

The TIA indicates the proposed development will generate light and heavy vehicle movements as follows:

- Approximately 3,286 daily light vehicle trips, with approximately 200 and 224 trips per AM and PM peak hours respectively;
- Approximately 470 daily heavy vehicle trips, with approximately 43 and 34 trips per AM and PM peak hours respectively; and

These figures suggest that in total, approximately 3,756 daily vehicle trips are expected to be generated, with approximately 243 and 258 trips per AM and PM peak hours respectively.

It is noted that the City does not concur with the traffic generation trip numbers indicated in TIA, as the reporting does not acknowledge the number of vehicle movements that will enter and leave the site.

The City considers that the proposed development would have a significant impact in terms of delays, queues and the degree of saturation on the intersection of Dixon Road/Day Road, especially the right turn movement from Day Road to Dixon Road during afternoon peak hour.

Impact of the proposed development is summarised in the following table:

	Level of Service (LoS)	Delays	Degree of Saturation
Existing	'F'	78.8 seconds	0.893
Proposed	'F'	107.6 seconds	0.975
Comment	LoS 'F' is the worst level of service possible.	28.8 seconds additional delay	a degree of saturation exceeding 1.0 would mean long queues on the approaches

The City is concerned that post-development, vehicle queuing length will extend up Day Road beyond the centreline of the light vehicle crossover, impacting on the performance of this vehicle crossover.

The main argument in the applicant's TIA is that there would not be a change in the intersection Level of Service after the proposed development, therefore the proposed development is justified.

The City does not concur with this contention because the worst Level of Service possible is 'F', therefore a comparison should be made on the actual numbers for delay times, queue length and degree of saturation to determine the impact of the proposed development.

In addition, the City is concerned that some of the assumptions adopted in the traffic modelling are not valid, and therefore changes to the traffic model will be required, which is more than likely to further exacerbate the poor performance of the intersection.

The City acknowledges that the Day Road/Dixon Road T-intersection currently performs poorly at peak traffic periods. Conceptual plans have been prepared by the City to construct a signalised four-way intersection in this location incorporating Darile Street, however, no funding or timing commitment currently exists. It is therefore impractical to consider a condition of approval requiring a financial contribution towards an intersection upgrade.

Further, it is considered that a condition of approval requiring the applicant to upgrade the intersection to a signalised intersection standard, based on the preliminary plans, would be unreasonable in terms of the Newbury principles (which is the planning test of the validity of conditions to be imposed by a planning authority).

#### Site Plan

There are a number of concerns for the City regarding the site plan layout which are unresolved, including the design of the car parking bays and the location of some car bays within the ORR reservation; the vehicle crossovers; the service area (loading bay) and accessibility by service vehicles; potential conflict between heavy and light vehicles using the eastern portion of the site which is designed for heavy vehicle refuelling, and concerns regarding vehicle circulation around the bowsters.



The applicant has not accounted for the loss of car parking bays within the ORR reservation portion of the site, which is required for road widening in the long term. The loss of these car bays exacerbates the existing car parking shortfall, which is likely to lead to an on-site parking problem for the site.

#### Conclusion

The traffic impacts of the development are considered significant, due to the scale and intensity of the proposed development.

The implications for the Day Road/Dixon Road intersection performance are significant. The development will exacerbate the poor existing intersection performance.

The Development Application is therefore recommended for refusal.

#### **Voting Requirements**

Simple Majority

#### **Officer Recommendation**

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Service Station Facility at Lot 10 (No. 115) Dixon Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel (MOJDAP) 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/21/01976 and the accompanying plans:

- Y Site Plan, Drawing No.3357 03, Rev 5, dated 11 June 2021;
- Y Floor Plans and Elevations - Shop, Drawing No. 3357 04, Rev 5, dated 11 June 2021;
- Y Floor Plans and Elevations - Commercial Canopy, Drawing No. 3357 05, Rev 3, dated 31 March 2021;
- Y Floor Plans and Elevations - Truck Canopy, Drawing No. 3357 06, Rev 5, dated 11 June 2021;
- Y Signage Plan and Schedule, Drawing No. 3357 07, Rev 5, dated 11 June 2021;
- Y 3D Views, Drawing No. 3357 08, Rev 5, dated 11 June 2021;
- Y Landscape Plan, Drawing No. 3357 9, Rev 5, dated 11 June 2021;

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 deemed provisions of the City of Rockingham Town Planning Scheme No.2, for the following reasons:

1. Traffic generated by the proposed development will adversely impact on the operation of Dixon Road/Day Road intersection, which currently has an unsatisfactory level of service, and will further exacerbate the effect on traffic flow and safety surrounding the site.
2. The development fails to provide for sufficient on-site car parking to cater for long term planning of the site. There are also unresolved concerns of the City regarding the functionality of the site plan layout.

#### **Committee Recommendation**

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Service Station Facility at Lot 10 (No. 115) Dixon Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel (MOJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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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 deemed provisions of the City of Rockingham Town Planning Scheme No.2, for the following reasons:

1. Traffic generated by the proposed development will adversely impact on the operation of Dixon Road/Day Road intersection, which currently has an unsatisfactory level of service, and will further exacerbate the effect on traffic flow and safety surrounding the site.
2. The development fails to provide for sufficient on-site car parking to cater for long term planning of the site. There are also unresolved concerns of the City regarding the functionality of the site plan layout.

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

#### Council Resolution

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Service Station Facility at Lot 10 (No. 115) Dixon Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel (MOJDAP) 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/21/01976 and the accompanying plans:

- Y Site Plan, Drawing No.3357 03, Rev 5, dated 11 June 2021;
- Y Floor Plans and Elevations - Shop, Drawing No. 3357 04, Rev 5, dated 11 June 2021;
- Y Floor Plans and Elevations - Commercial Canopy, Drawing No. 3357 05, Rev 3, dated 31 March 2021;
- Y Floor Plans and Elevations - Truck Canopy, Drawing No. 3357 06, Rev 5, dated 11 June 2021;
- Y Signage Plan and Schedule, Drawing No. 3357 07, Rev 5, dated 11 June 2021;
- Y 3D Views, Drawing No. 3357 08, Rev 5, dated 11 June 2021;
- Y Landscape Plan, Drawing No. 3357 9, Rev 5, dated 11 June 2021;

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 deemed provisions of the City of Rockingham Town Planning Scheme No.2, for the following reasons:

1. Traffic generated by the proposed development will adversely impact on the operation of Dixon Road/Day Road intersection, which currently has an unsatisfactory level of service, and will further exacerbate the effect on traffic flow and safety surrounding the site.
2. The development fails to provide for sufficient on-site car parking to cater for long term planning of the site. There are also unresolved concerns of the City regarding the functionality of the site plan layout.

**Carried en bloc**

<b>The Council's Reason for Varying the Committee's Recommendation</b>
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Not Applicable

## Planning and Development Services Statutory Planning Services



<b>Reference No &amp; Subject:</b>	<b>PD-024/21</b> <b>Proposed Landscape Operations Premises (Use Not Listed)</b>
File No:	DD020.2021.00000078.1
Applicant:	Site Planning and Design Pty Ltd
Owner:	Grove Construction Services Pty Ltd (Under Offer)
Author:	Mr Stephen Sullivan, Planning Officer
Other Contributors:	Mr Chris Parlane, A/Coordinator Statutory Planning Mr David Waller, A/Manager Statutory Planning
Date of Committee Meeting:	19 July 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 24 (No.20) Lloyd Road, Baldivis
Lot Area:	84,304 m <sup>2</sup>
LA Zoning:	Rural
MRS Zoning:	Rural
Attachments:	<ol style="list-style-type: none"> <li>1. Schedule of Submissions</li> <li>2. Planning Report from Applicant</li> <li>3. Supporting Statement from Operator</li> <li>4. Site Feature and Tree Survey</li> <li>5. Site and Soil Evaluation</li> <li>6. Revised Nutrient Management Plan</li> <li>7. Black Cockatoo Breeding Tree Survey</li> <li>8. Transport Impact Statement</li> <li>9. Bushfire Management Plan</li> <li>10. Legal Advice (Moharich and Moore)</li> <li>11. Revised Landscape Concept Plan (Sheet 104 Rev F)</li> <li>12. Landscape Visual Impact Assessment</li> <li>13. Environmental Noise Assessment</li> </ol>
Maps/Diagrams:	<ol style="list-style-type: none"> <li>1. Aerial View - Adjoining Properties</li> <li>2. Locality Map</li> <li>3. Aerial Photo</li> <li>4. Site Plan</li> </ol>

	<ol style="list-style-type: none"><li>5. Location of Existing Houses in Proximity to the Subject Site</li><li>6. Consultation Plan</li><li>7. Multi-Use Wetland</li><li>8. Photograph of the Common Boundary with No.34 Lloyd Road</li><li>9. Proposed Advertising and Traffic Directional Signs</li><li>10. Applicant's Land Use Context Plan</li></ol>
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### Purpose of Report

To consider an application for Development Approval for a Landscape Operations Premise (LD Total) at Lot 24 (No. 20) Lloyd Road, Baldivis (subject site).

### Background

LD Total is a company that specialises in landscape design, construction and maintenance which provides services based in the following locations:

1. Landscape Architecture and design, management and Administrative teams in Burswood;
2. Landscape Operation at Treeby Road, Anketell (City of Kwinana);
3. Irrigation Store (open for trade supplies), warehouse and yard in Wangara (which supplies irrigation equipment for LD Total's landscape projects).

LD Total has managed the landscaping operation based in Anketell for over twenty years, and due to encroaching urban development, is seeking to relocate these operations to the subject site.

### Details

#### Site Context

The subject site is 8.43ha in area and is situated on the eastern side of Lloyd Road, Baldivis.

Lloyd Road is a sealed rural cul-du-sac, extending approximately 300m north from a 90 degree bend in Doghill Road, approximately 650m east of St Albans Road.

The Lloyd Road cul-de-sac is connected to Wilford Road further to the north-west, by a 380m long, gated emergency bushfire access track.

Six properties have legal frontage to Lloyd Road, however, of these only three properties physically gain vehicle access from Lloyd Road. These include:

- Y Lot 24: the subject site, which contains a single dwelling, an assortment of outbuildings. There are mature trees along lot boundaries, while areas within the site have been parkland cleared. Two vehicle crossovers provide access to the site from Lloyd Road, located mid frontage and towards the southern boundary;
- Y Lot 477 (No.34) Lloyd Road: a 3.7ha property which accommodates two dwellings, adjoining the subject site to the north;
- Y Lot 4851 (No.33) Lloyd Road: a 2.01ha property with a single dwelling which is situated across Lloyd Road, to the northwest of the subject site.





#### 1. Aerial View - Adjoining Properties

The land is adjoined to the north-east and east by two large rural lots which contain no buildings.

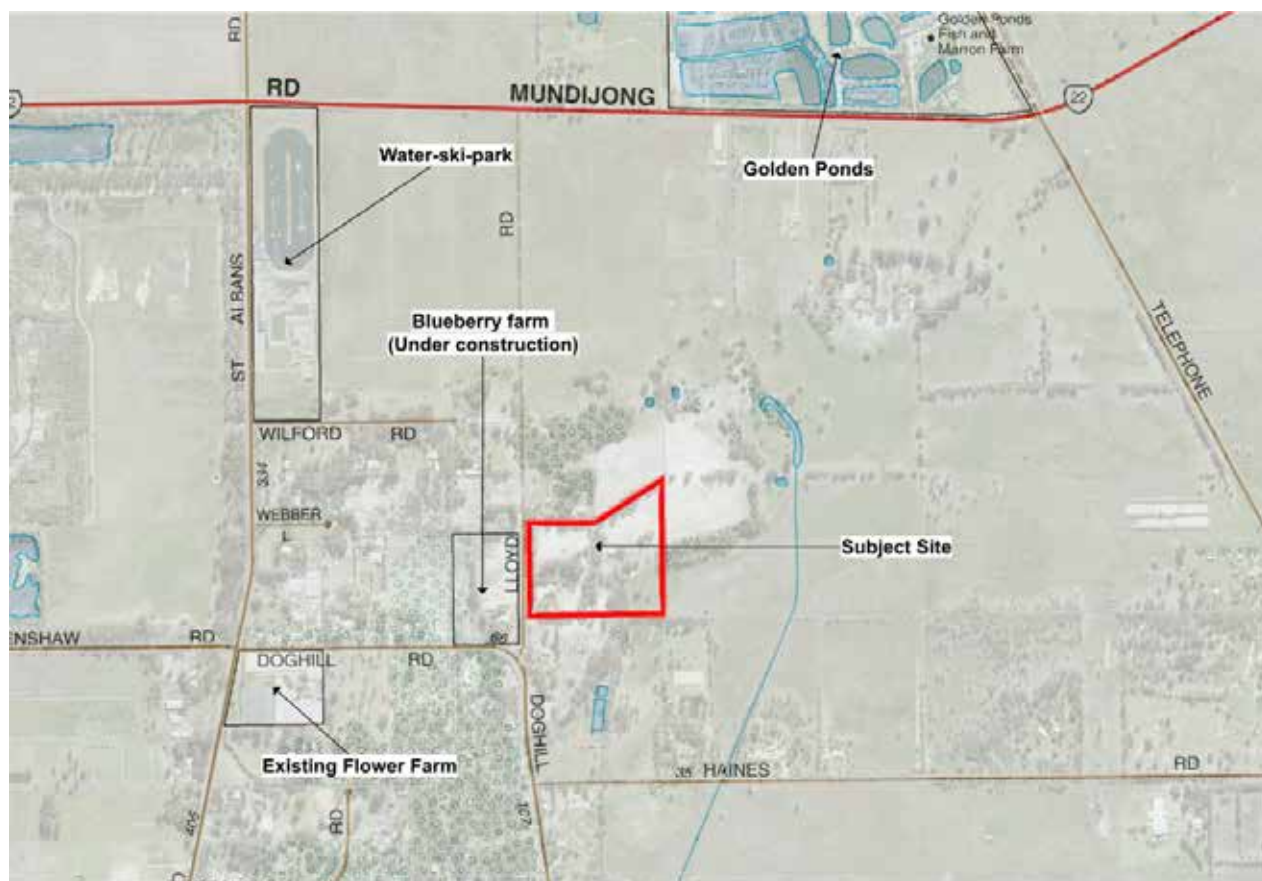
Adjoining the site to the south is Lot 13 (No.74) Lloyd Road, which contains a single dwelling and outbuildings and a horse healing business operates from the site.

The south-eastern boundary of the site adjoins Lot 100 (No.35) Haines Road, which is a Special Rural zoned property 9ha in area which contains a dwelling, various outbuildings and is used for equestrian purposes.

Opposite the site to the west is Lot 486 (No.66) Doghill Road, which has dual road frontage and contains a single dwelling. Lot 486 comprises an area of 4.03ha and has Development Approval to operate a blueberry farm, which is currently under construction. This site has also been used to operate a farm previously.

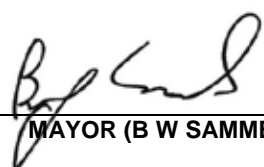
Beyond these properties the broader locality is characterised by:

- Ÿ A range of rural-residential and rural land holdings between the site and Mundijong Road to the north, including the cable water-ski park on the corner of St Albans and Mundijong Roads;
- Ÿ Rural-residential landholdings between the site and St Albans Road to the west. A commercial flower growing operation is located on the corner of St Albans Road and Doghill Road;
- Ÿ Rural-residential land holdings, orchards (agriculture-intensive uses) and a Rural Workshop are located to the south of the site west of Doghill Road;
- Ÿ Rural-residential and rural land holdings prevail to the south-east and east, between the site and Telephone Lane.



2. Locality Map

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)





3. Aerial Photo

#### Proposed Development

The application comprises the following:

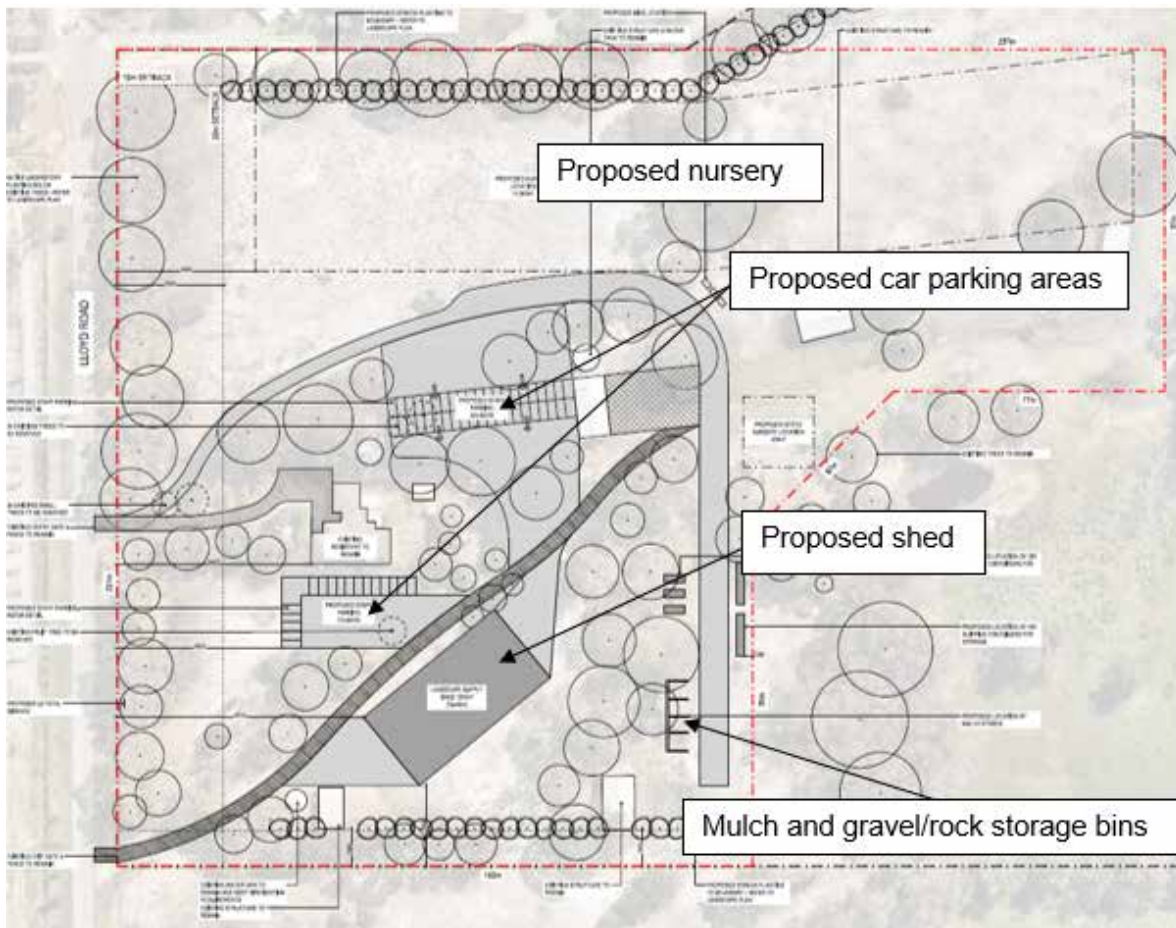
- A 1.19ha open air plant nursery, with no shade structures. Plants will be grown in pots for use in the business's landscaping operations off-site;
- A landscape equipment and vehicle shed 1,200m<sup>2</sup> in area, including provision for maintenance, staff amenities and administration;
- 59 staff parking bays and an internal access roads;
- Landscape materials storage, including bulk bins for gravel, stones and mulch and 5 shipping containers;
- Ancillary landscape equipment maintenance, administration and staff parking;
- Upgrading the existing internal access road and the two existing crossovers;
- Business and directional signage;
- Side boundary screen planting;
- The existing dwelling will remain tenanted;
- The landscaping operation will repurpose five existing rural sheds and three existing rainwater tanks. It is not proposed to utilise groundwater for the use.



Proposed hours of operation include 6:00am - 3:30pm (Monday - Friday). It is not proposed to operate during weekends or public holidays.

The application was submitted with the following reports:

- Planning Report;
- A Site and Soil Evaluation;
- A Nutrient Management Plan;
- Black Cockatoo Breeding Tree Survey;
- Transport Impact Statement;
- Bushfire Management Plan;
- Legal advice (Moharich and Moore);
- Landscape Concept Plan;
- Landscape Visual Impact Assessment; and
- Environmental Noise Assessment.



4. Site Plan of Proposed Development



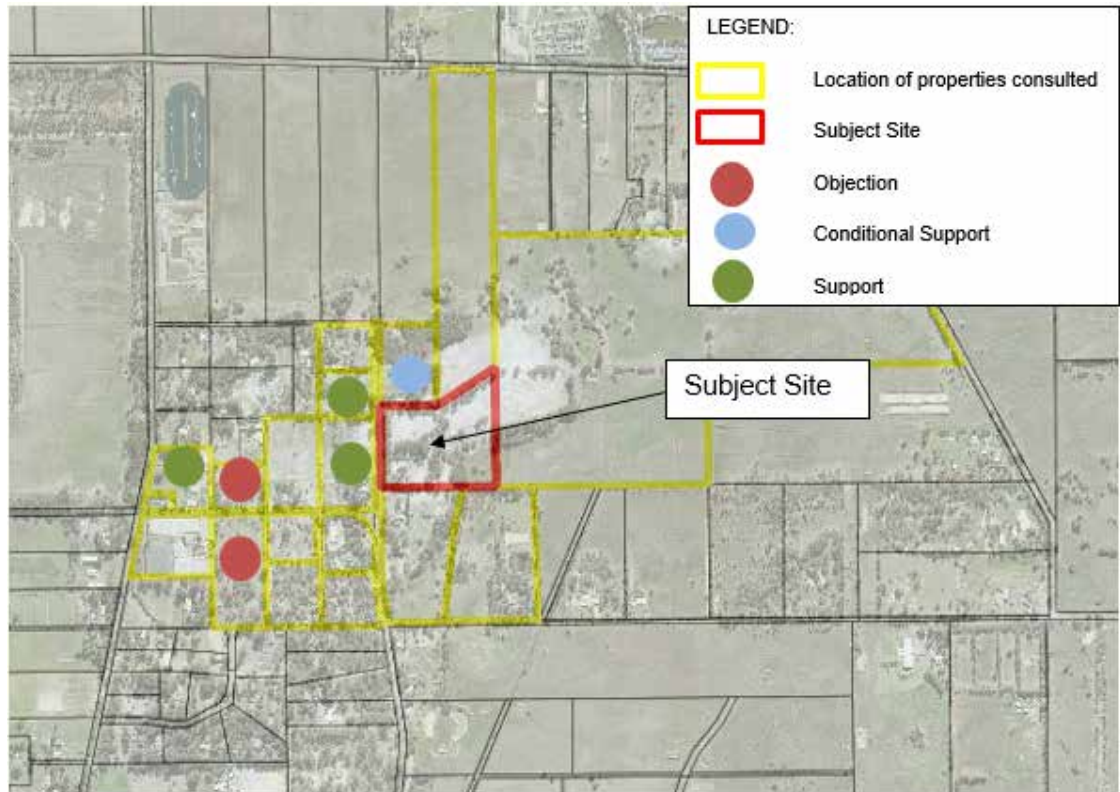
5. Location of Existing Houses in Proximity to the Subject Site

### Implications to Consider

**a. Consultation with the Community**

The City advertised the application for a 28 day period (until 8 June 2021) for public comment in accordance with the provisions of Clause 64 of the Deemed Provisions of the TPS2 which included the following:

- (i) A sign erected over the weekend of 8 May 2021 on the front verge of No.20 Lloyd Road inviting comment;
- (ii) Notification and public display of the application and supporting reports being provided on the City's website in the "Share Your Thoughts" section;
- (iii) A hard copy of the application and all supporting technical reports were available for public inspection at the City Administration Offices;
- (iv) Written notification of the application sent to surrounding property owners and occupiers seeking comment as shown in the Consultation Plan below.



#### 6. Consultation Plan

At the close of the public consultation period, a total of six submissions had been received, with one (1) late submission received after the close of the consultation period.

- Four (4) submissions were in support;
- Two (2) submissions either objected or raised concerns about the proposal; and
- One (1) Submission with conditional support.

One (1) submission was received some 7km away from the site in Baldvis.

A summary of the matters raised in the submissions follows:

Noise
<b><u>Submission:</u></b>
(i) <b>The proposed landscape supply yard will cause noise disturbance consistently throughout the hours of operation.</b>
<b><u>Applicant's Response:</u></b> <i>A preliminary Environmental Noise Assessment (ENA) has been prepared by Acoustic Engineering Solutions (AES) on the proposed landscape operation to determine whether or not the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 ('Noise Regs'). The Applicant would like to flag that the results are based on worst case scenario operations and meteorological conditions and were modelled for the five closest residential premises.</i> <i>The assessment included the operation of a Stihl Blower inside the shed, the running of air-conditioning units, delivery trucks on site, a Schaffer loading and unloading products and a vehicle door closing within staff carpark bay.</i> <i>The assessment concluded that full compliance is achieved for the proposed operations. Further, it is not anticipated that there would be consistent noise disturbance during hours of operation without a break in any case. For completeness, the Applicant has reverted to the Environmental Noise Assessment consultant on this specific submission however, and they have confirmed:</i>

**Noise (cont...)**

*"The assessments conclude full compliance. Noise in the property (35 Doghill Road) is complied with the regulations. During the day time, 30dB(A) noise may not be audible."*

*The Applicant has successfully operated from within a rural zone for over 20 years with no registered complaints logged with the City of Kwinana, noise or otherwise. The Applicant has also submitted letters from the current neighbours to this effect.*

City's Comment:

The acoustic assessment indicates that compliance with the Environmental Protection (Noise) Regulations (1997) (Noise Regulations) is achieved for the proposed development. The City has concerns that noise nuisance from vehicle movements into and out of the site, in the morning (50-60 staff between 6 - 7am), will be a significant noise contributor that has not been adequately addressed in the Acoustic Report. The Report is based only on a single delivery truck and single door closing that deals with noise generated by vehicles at the property. Furthermore, once vehicles have left or before entering the property then they are exempt from the Noise Regulations.

The City's main concern is the steady stream of traffic coming to and leaving the site during the early morning hours that are proposed and the associated vehicle noise on-site, which would create an undesirable impact on neighbours. It is considered that this early morning noise would not be in keeping with level of amenity currently experienced by residents in Lloyd Road. Shifting the start and finish times of operations at the subject site is therefore recommended.

Noise is further discussed in the Comments section of the report.

Recommendation:

**That the following condition be imposed in the event approval is granted:**

***The business hours of operation, including staff arrivals and departures and deliveries is restricted to the hours between 7:00am and 4:30pm Monday to Friday (excluding public holidays when the business is to be closed);***

Submission:

**(ii) Requests that no heavy machinery such as mulching machines be operated at the subject site.**

Applicant's Response:

*Agreed as per DA.*

City's Comment

The application states that it is not proposed to have a mulching machine operate from the site.

**Odours**

Submission:

**(i) The proposed use will involve 5 large open air mulch stores which may have an impact in terms of odour. The submission requests that a condition is imposed to minimise smells from the nursery component and the landscape supply material storage component of the plans.**

Applicant's Response:

*Although there are 5 mulch stores proposed, it is anticipated based on current operational models that only 1 to 2 of these bays will be used for the storage of mulch with others being used for the storage of rock and gravel.*

*Regardless, the mulch stores are subject to regular turnover preventing any stagnation or scouring of the mulch.*

City's Comment:

There is no composting component to the proposed development.

Mulch, sand and gravel will be stored within 5 outdoor storage bins, which are located over 200m from the nearest dwelling on the adjoining property to the north of the site.

It is intended for the stored mulch to be used in landscaping operations off-site, and as such, is unlikely to remain on site for long periods to enable an odour nuisance to be generated.



<b>Odours (cont...)</b>
Given the separation between the bin stores and the closest adjoining dwellings, and period of time that the mulch will be stored, the City considers the potential for an offensive odour being generated is low.
<b>Land Use</b>
<b><u>Submission:</u></b> (i) <b>The proposed landscape supply yard is not consistent with the Special Rural/Rural Residential nature of the site. The proposed use is bordering on "Light Industry" due to the major increase in traffic that is anticipated to be generated from this land use.</b>
<b><u>Applicant's Response:</u></b> <i>The Applicant disagrees that the proposal is bordering on, or suited to, a Light Industrial precinct, however appreciates the resident's concerns.</i> <i>The following is noted:</i> <i>Agriculture - Intensive: means the premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following:</i> (a) <i>the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;</i> (b) <i>the establishment and operation of plant or fruit nurseries;</i> (c) <i>the development of land for irrigated fodder production or irrigated pasture (including turf farms);</i> (d) <i>aquaculture</i> <i>Agriculture - Intensive is an X use in a Light Industry zone.</i> <i>The proposed 1.19ha open-air plant nursery would therefore be an 'X' use in a Light Industrial area. The nature of the hybrid set of activities proposed means that its only option in term of the area required to operate, is broadacre land.</i> <i>The Applicant also would like to highlight that land to the north of Mundijong Road and east of the site (fronting Telephone Lane) are identified as "Planning Investigation" in the South Metropolitan Peel Sub Regional Framework and have been classified for further planning investigation as part of the strategic reconsideration of land use in the sub-region. The majority of this land was previously identified in the WAPC's Economic and Employment Lands Strategy as the "North East Baldivis" precinct and the preferred site for future development in the South-west sub-region, which the Applicant understands seeks to explore opportunities for employment generating land.</i> <i>It remains the Applicant's belief, plus the opinion of top tier planning and environment lawyers Moharich and More, that the proposed use is in keeping with the objectives of the Rural zone considering the following:</i> <i>The proposed use:</i> <ul style="list-style-type: none"><li>- <i>Proposes activities in common with permissible land uses within the Rural zone; and</i></li><li>- <i>By reference to its proposed design and setbacks and existing vegetation to be retained, preserves the fundamental visual character and amenity in a way that some intensive agriculture land uses could not, as required by the Rural Land Strategy.</i></li></ul>
<b><u>City's Comment:</u></b> The appropriateness of the land use is discussed in the Legal and Statutory section of the report.
<b><u>Submission:</u></b> (ii) <b>Submissioner believes the proposed landscape supply yard would be better situated in a commercial area.</b>
<b><u>Applicant's Response:</u></b> <i>The respondent has identified the nature of other activities within the area being the commercial flower nursery and other business activities along Haines Road. The Applicant similarly highlighted these commercial-scale agriculture and commercial private recreation uses and development within the precinct.</i>

Land Use (cont...)
<p><i>"Intensive Agriculture", "Garden Centre" and "Landscape Supply Yard" are capable of being approved in the "Rural" zone, therefore it can be concluded that these activities have already been deemed to satisfy the objectives of the "Rural" zone. As noted in the DA, given the close association between the proposal and these land uses it is also reasonable to conclude that the objectives of the "Rural" zone are also achieved through this proposal. Furthermore, given that the proposed landscape operations on-site will not be open to the public in any wholesale or retail capacity it is also reasonable to conclude that the activities will have significantly less impact (particularly in relation to traffic and noise) than would be associated with a "Garden Centre" or "Landscape Supply Yard", where the business operators have no control over the volume or time of day of traffic movements by the general public.</i></p> <p><i>The Applicant has successfully operated from within a rural zone for 20 years plus with no registered complaints logged with the City of Kwinana, noise or otherwise. The Applicant has also submitted letters from the current neighbours to this effect.</i></p>
<p><u>City's Comment:</u></p> <p>The appropriateness of the site for this proposal is discussed in the Legal and Statutory section of the report and Comments section.</p>
Visual Amenity
<p><u>Submission:</u></p> <p>(i) That screen trees be planted along the northern boundary with their property and for no flood lighting to be directed towards the northern boundary as it would shine into their property and home at 34 Lloyd Road.</p>
<p><u>Applicant's Response:</u></p> <p>Agreed.</p>
<p><u>City's Comment:</u></p> <p>It is the applicant's intention to plant additional trees along the boundaries of the site.</p> <p>The effects of flood lighting can be addressed through a condition, should approval be granted.</p> <p>In conjunction with the existing established vegetation around the boundaries of the site, the City considers the visual impact of proposed development to be minor.</p>
<p><u>Recommendation:</u></p> <p><b>That the following conditions be imposed in the event approval is granted:</b></p> <p><b><i>Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the Obtrusive Effects of Outdoor Lighting.</i></b></p> <p><b><i>Prior to occupation of the development screen planting is to be planted along the northern boundary of the site to the satisfaction of the City.</i></b></p>
Hours of Operation
<p><u>Submission:</u></p> <p>(i) Requests that the hours of operation be restricted to Monday to Friday between approximately 6.00am and 3.30pm with no traffic or deliveries on Public Holidays or Weekends (of course, with the exception of an onsite nursery staff member outside these hours).</p>
<p><u>Applicant's Response:</u></p> <p>Agreed as per DA.</p>
<p><u>City's Comment:</u></p> <p>Refer to the Comments section of the report where operating hours are discussed.</p>

Traffic
<b><u>Submission:</u></b> <b>(i) Concerned with the increase of vehicle movements to avoid the creation of dust when in use.</b>
<b><u>Applicant's Response:</u></b> Agreed as per DA. <i>LD Total remains committed to working with the neighbouring occupiers to ensure a mutually respectful relationship is established and maintained, as has been the case at the previous operations premises at Anketell.</i>
<b><u>City's Comment:</u></b> Access drive-ways and parking areas are proposed to be sealed by the Operator. This is standard condition of approval and is recommended in the event approval is granted.
<b><u>Recommendation:</u></b> <b>That the following condition be imposed in the event approval is granted:</b> <b><i>The car parking spaces and driveway must:</i></b> <b>(i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking;</b> <b>(ii) be approved by the City of Rockingham prior to applying for a Building Permit;</b> <b>(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and comply with the above requirements for the duration of the development</b>
<b><u>Submission:</u></b> <b>(ii) Further local commercialisation of the area will create unacceptable levels of traffic, noise, and wear and tear along Doghill Road.</b>
<b><u>Applicant's Response:</u></b> <i>A 19m semi is a "as of right vehicle" and legally currently has access to the site via the road network as it is currently constructed. The development does not propose any design vehicles that are larger than those already approved and permitted on this road network and therefore does not trigger any upgrades to the intersections of St Albans Road / Doghill Road or Doghill Road / Lloyd Road. It is noted as below however that resurfacing works are proposed to the boundary of the St Albans Road and Doghill Road intersection.</i> <i>The Applicant is happy to work with the City of Rockingham and the surrounding neighbours to progress traffic calming devices if deemed required or beneficial.</i> <i>The Applicant requests that the City of Rockingham advises if there are any planned roadworks as part of the City's 2020/2021 Roadworks Program (or subsequent programs) for Doghill Road.</i> <i>The Applicant notes a budget provision of \$257,297 for St Albans Road - Road resurfacing (Mundijong Road to Bertenshaw Road) proposed for 2022/2023 in the City of Rockingham Business Plan, 2021/2022 – 2030/2031, Released April 2021.</i> <i>A further provision of \$154,522 has also been made for Bertenshaw Road - Road resurfacing (St Albans Road to Cobby Lane) for 2022/2023.</i> <i>The Applicant would be open to having discussions with City of Rockingham on providing a contribution should works be extended for Doghill Road section St Albans Road to Lloyd Road.</i> <i>The Applicant would like to reiterate the nature of the out of peak hour operational hours and highlight the premises is not operational at weekends (unlike publicly open facilities). Subject to Covid-19 guidelines, staff will also be encouraged to carpool where possible, and the Applicant would like to advise this is a well-maintained fleet of vehicles.</i>
<b><u>City Comment</u></b> <b><i>Road Upgrading Works</i></b> The resurfacing of the section of St Albans Road, between Mundijong Road to Bertenshaw Road, is included in the draft 5 Year Road Renewal program 2021/22 to 2025/26.

**Traffic (cont...)**

Bertenshaw Road resurfacing, between St Albans to Cobby Lane, was completed in May this year and it is not in the draft Road Renewal Program.

Doghill Road has not been identified for resurfacing in the current or draft 5 Year program.

The City's Land Development and Infrastructure Team has advised that some localised pavement widening is required at the intersections of St Albans/Doghill Road, Lloyd/Doghill Road and Hines Road/Doghill Road to accommodate the 19m long vehicles. Therefore, it is proposed that a condition of approval be imposed requiring the applicant to widen the pavement at these three intersections.

*Traffic*

The Traffic Impact Statement (TIS) submitted by the applicant, assessed that there were 20-50 existing vehicle trips per day (VPD) along Lloyd Road. The proposed development would increase that number of VPD to 200-250 (91 vehicle trips into the site and 91 vehicle trips leaving the site (including light vehicles with trailers).

The proposal includes one 42 car bay parking area located approximately 95 to 100m from the common boundary with the residential dwellings located at No. 34 Lloyd Road. There will also be up to 3 deliveries per day (with the delivery trucks being up to semi-trailer size, 19m long).

The TIS indicates that the road system can accommodate the additional number of vehicular trips to be generated by the proposed development. The City agrees with the assessment, however, the impact on amenity due to noise when vehicles leave and enter the property early in the morning raises concerns.

As the Rural zoning provides for a range of uses and the types of business that exist in the area, it is considered that that the proposal is not out of character for the locality. Further, the use is similar to a Landscape Supply Yard or Plant Nursery, both of which are uses permissible in the Rural zone.

**Recommendation**

**That the following condition be imposed in the event approval is granted:**

***Prior to occupation of the development, the road pavements at the intersections of St Albans/Doghill Road, Lloyd/Doghill Road and Hines/Doghill Road are to be widened to the satisfaction of the City to accommodate the 19m long service vehicles.***

***Plans and information detailing the design and construction of the road widenings are to be submitted and approved by the City, prior to the issue of a Building Permit.***

**b. Consultation with Government Agencies**

**Department of Water and Environmental Regulation - Summarised**

**Submission**

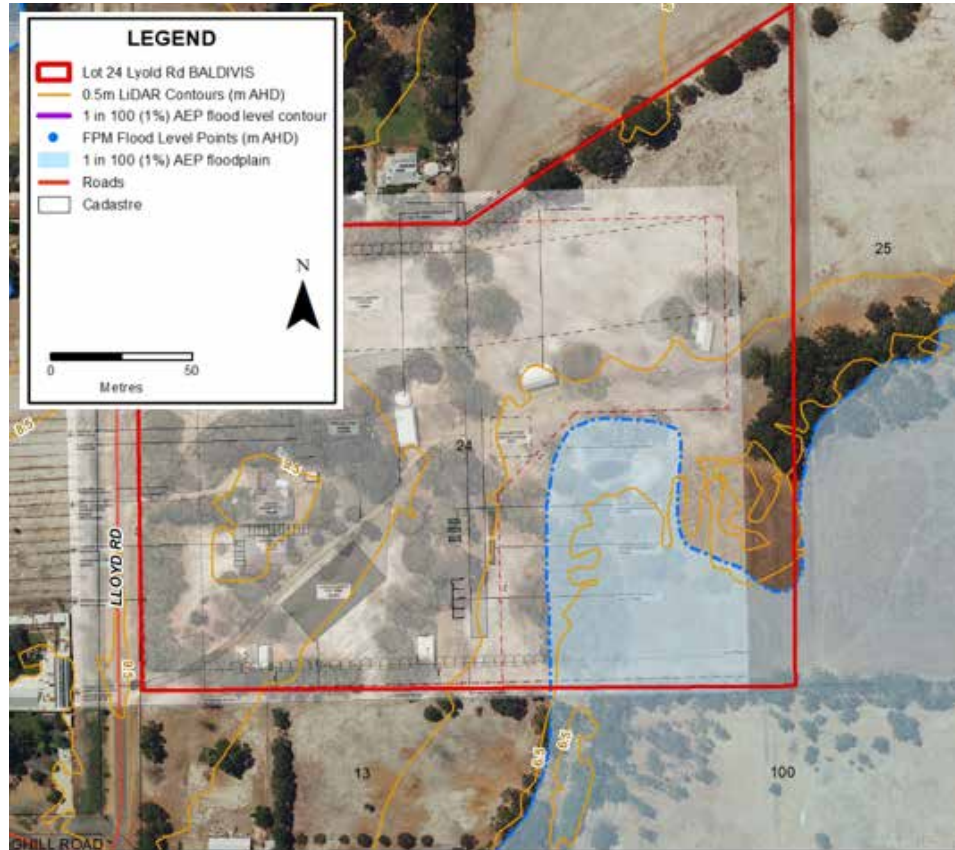
The Department has identified that the proposed landscape supply yard has the potential for impact on environment and water resource management. In principle the Department does not object to the proposal, however, provides the following informative advice to the applicant:

- *Native Vegetation:* Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption.
- *Acid Sulphate Soils:* Acid Sulphate Soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. DWER advises that a model ASS related condition is not considered necessary in this instance, however, it is recommended that the applicant refer to the Department's acid sulphate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
- *Floodplain Management:* The Department provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. The North-East Baldivis Flood Study shows that the proportion of the lot is subject to flooding during major events with the 1% Annual Exceedance Probability (AEP) flood level expected to be 7.0m AHD.



**Department of Water and Environmental Regulation - Summarised (cont...)**

It is recommended that any proposed development be located outside of the 1% AEP and at a minimum habitable floor level of 500mm above the estimate flood level (i.e., 7.5m AHD) to ensure adequate flood protection. It is also recommended that any proposed development located within the flood plain will be assessed on its merits on a case-by-case basis. It should be noted that this advice is related to major flooding only and other planning issues such as local stormwater drainage, and environmental and ecological considerations, may also need to be addressed.



- **Wastewater Management:** This site is located within a 'sewerage sensitive area' as identified in the Government Sewerage Policy. If the site is unable to connect to a reticulated sewerage scheme, on-site effluent disposal shall utilise secondary treatment systems with nutrient removal for any new buildings and amenities. Please note the requirements for separation to water resources including 1.5m to the maximum groundwater level (MGL)
- **Water Licensing:** Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from either the superficial or confined aquifers, is subject to licensing by the Department.
- **Peel Harvey Coastal Plain Catchment:** As the proposal is located within the Peel-Harvey catchment, the proposed nursery should incorporate best management practices outlined in the *Water Quality Protection Note No.90: Organic Material – Storage and Recycling*, and include the following:
  - Nursery operations shall be contained on impermeable surfaces to prevent the leaching of nutrients and contaminants into the groundwater. Gravel, rolled limestone or forestry by-products over plastic film may be used for walking paths and under plant benches.
  - Any wastes should be contained in a purpose-built, weatherproof storage container, skip or on an impermeable sheltered surface until removed off-site to an authorised waste disposal facility.

**Department of Water and Environmental Regulation - Summarised (cont...)**

- Water according to the plant development requirements, seasonal evaporation losses, variations in plant water needs and the water-holding capacity of the potting media.
- Any runoff may drain towards a setting pond for reuse or recycling, or into vegetated swales. Wastewater and clean stormwater should be kept separate. Uncontaminated stormwater should be managed as recommended in the *Stormwater Management Manual for Western Australia*.
- Nursery operators should minimise nutrient losses by only applying fertiliser amounts required by the plant at various stages of its development cycle and adopting measures to reduce leaching.
- Pesticides, fertilisers, manures and soil amendment materials should be stored on impermeable bunded surfaces that are weatherproof and exclude stormwater runoff from other areas.

Y *Drainage:* A stormwater management plan is to be prepared for the site in accordance with the *Stormwater Management Manual for Western Australia* and *Decision process for the stormwater management in Western Australia* that demonstrates the appropriate management of small, minor and major rainfall events.

City Response:

*Native Vegetation:*

The proposal entails the removal of some native vegetation, which may require approval under section 51C of the *Environmental Protection Act 1986*. Removal of vegetation on-site is limited to four (4) small Red Capped Gum Trees. The City has recommended that the removal of the gum trees be off-set with planting as a condition of approval. Further comment on vegetation is provided under the Rural Land Strategy section under the Policy heading.

*Acid Sulphate Soils*

The risk of encountering acid sulphate soils is low. The Department's advice is noted.

*Floodplain Management*

The south-eastern corner of the site is potentially subject to 1 in 100 year flooding. No development is proposed within this area

*Wastewater Management:*

Effluent disposal will be managed through an appropriate condition, in the event approval is granted.

*Water licensing:*

It is not proposed to rely on the groundwater resource for this proposal. Rainfall and roof runoff will be the primary means of water supply. Water is proposed to be trucked onto the site if required.

*Peel Harvey Coastal Plain Catchment:*

A Nutrient Management Plan has been submitted, which the City is satisfied that it will ensure that nutrient runoff from the proposed development will not adversely impact on the Peel Harvey catchment.

*Drainage:*

A condition is recommended in the event approval is granted to require a stormwater management plan to be prepared and implemented

*Rural Drains:*

The Department was supportive of the proposal and referenced the Section 70A Notification on the title of the subject site, as an Advice Note which refers to the following:

*The Department of Water advises that the site is served by a rural drainage system designed to remove storm-water run off within three days, with the exception of those low lying areas where the contours make this impossible. However, there may be instances where there is a period of inundation in excess of three day.*

**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 3.1.1 - Rural Land Strategy (RLS)

The City's Rural Land Strategy (RLS) provides the basis for land use planning in the rural area of the municipality. In particular, it provides Council with a framework for the 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 'Policy Areas' which are further divided into Planning Precincts. The subject land is situated in Policy Area 2 - Baldivis East. The eastern side of Lloyd Road is within Precinct Area 2A - Baldivis (East) (which the subject site is located) and the western side of Lloyd Road is located within Precinct Area 1B (Doghill) of the RLS.

The primary objective for this Planning Unit is to protect the multiple overlapping ecological values and linkages from the adverse impacts of development. These areas of environmental significance are fundamental to the remaining visual character and amenity of the area and their ongoing preservation is a key strategic objective of the RLS.

The Strategic Intent for both Planning Precincts 2A and 1B are as follows:

- To minimise the loss of remnant vegetation associated with development and bushfire risk mitigation; particularly the Guildford and Dardanup Complexes.
- To avoid potential adverse impacts upon CCWs, REWs, PECs, associated vegetation and buffers.
- To avoid potential adverse impacts upon the Bush Forever sites, the Peel Main Drain and Serpentine River.
- To protect and enhance visual character and amenity.
- To prevent land use planning proposals which will result in an extreme Bushfire Hazard Level (BHL) and/or BAL-40 (very high risk) or BAL-Flame Zone (extreme risk)

The impacts on the land of the proposed development is akin to that of Intensive Agriculture, Garden Centre or Landscape Supply Yard (which are uses that can be considered in the Rural zone) according to the City's *Rural Land Strategy* (RLS). The interpretation of these uses in TPS2 is as follows:

*Landscape Supply Yard "means premises used for the storage and sale in bulk of sand, soil, stone, gravel, mulch, woodchips, wood, paving slabs, limestone blocks and other such materials."*

*Agriculture Intensive "means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following:*

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;*
- (b) the establishment and operation of plant or fruit nurseries;*
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);*
- (d) aquaculture."*

*Garden Centre "means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens."*

It is therefore appropriate to apply the same policy provisions to this application that would be applied to any proposals seeking approval for these type of uses.

#### *Amenity*

Rural Amenity is defined within the RLS as meaning:

*"A standard of residential amenity that is rural in nature, which may include impacts from primary production. May also include biodiversity conservation, natural resource management, some public purposes and protection of landscapes and views."*

The impact on rural amenity of Lloyd Road is discussed in the Comments and Statutory and Legal sections of the report.

#### *Native Vegetation Clearing*

Trees located outside of the proposed development area are to be retained throughout the course of the development, other than the removal of four (4) Eucalypt trees, which are located within the proposed car parking area or internal road. To offset tree removal it is recommended the applicant plant eight saplings of Flooded Gum (*Eucalyptus rudis*) and/or Swamp Paperbark (*Melaleuca raphiophylla*) in the southeast corner of the lot to enhance the function of the Multiple Use Wetland.

#### *Wetland*

The site includes a Multi-Use Wetland (MUW) on the southeastern boundary of the site, as per the Department of Biodiversity, Conservation and Attraction's (DoBCA's) *Geomorphic Wetlands, Swan Coastal Plain* dataset. The location of the wetland is shown below in the Figure below.



7. Location of the Multi-Use Wetland (highlighted yellow)

The extent of the development within the site is located outside the MUW.

#### *Land Capability*

The City's RLS describes the Pinjarra soil-landscape systems over the property as having a "Fair" capability for annual horticulture. For land with a "Fair" land capability, moderate physical limitations may significantly affect productive land use and careful planning and conservation measures are required to avoid land degradation (Wells & King 1989). The proposal is therefore feasible in light of the multiple management plans attached to the application. It is proposed that the growing of plants will be in pots rather than the plants being grown directly in the soil. The soils within the pots will be much more nutrient retentive, reducing nutrients leaching directly into the sandy soils below. Further, vegetated swales will be established to capture any nutrient run-off.

### *Wastewater*

The discharge loading rates for the development are to be in accordance with Supplement to Regulation 29 and Schedule 9 of the Health Regulations 1974. As the site is located in a Sewage Sensitive Area, a Secondary Treatment System comprising of an ATU and surface irrigation or leach drains can be used to manage wastewater on-site.

### *Irrigation*

Irrigation is to be sourced by harvesting rainfall from the nursery and landscape supply sheds and storing the water in rainwater tanks. Consequently, the use of groundwater bores is not proposed. As such, the development is not constrained by the availability of water and a license is not required to draw water from the environment under the *Rights in Water and Irrigation Act 1914*.

The proposal is considered to satisfy the requirements of the RLS.

### State Planning Policy 2.5 - Rural Planning (SPP2.5)

SPP2.5 seeks to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.

SPP2.5 seeks to protect and preserve rural land and the Policy recommends that future land uses must be appropriately planned in a strategy or scheme and only be supported where development ensures retention and protection for biodiversity protection, natural resource management and protection of valued landscapes and views. The proposal is considered to generally comply with SPP 2.5 as the environmental values of the property are appropriately protected and the development is appropriately screened.

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

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

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

Dwellings are considered a sensitive land use under the Guidance Statement. The separation distance recommended by the Guidance Statement for Nurseries is a 100m separation distance to sensitive land uses, due to noise. 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 closest dwellings are located at Lot 477 (No.34) Lloyd Road, Baldvis and are between 30m-40m from the edge of the open nursery portion the development. The subject site is already screened by a row of significant trees, further screen planting and the applicant has provided an Acoustic Report (i.e. site specific study) which indicates that the activities on the site would comply with the Environmental Protection (Noise) Regulations (1997). The City considers that the nursery part of the operation will not have a significant impact on neighbours, however, vehicle traffic when staff arrive and business vehicles depart, early in the morning, is a concern due to the impact on the quiet amenity of residents in Lloyd Road. The impact on amenity is discussed in detail in the Comments section of the report.





8. Photo of Common Boundary of No.34 Lloyd Road

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

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

The 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.*
- Y *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*
- Y *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.*
- Y *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, the applicant has submitted a Bushfire Management Plan (BMP), as per the requirements of SPP3.7.

Guidelines for Planning in Bushfire Prone Areas (GfPBPA)

The Department of Planning, Lands and Heritage's GfPBPA provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7.

The BMP indicates that the site is compliant with the SPP3.7 and GfPBPA.

The assessment does not propose the removal of any vegetation for the establishment of an Asset Protection Zone around buildings and the site will be maintained in a Low Threat state. The Bushfire Attack Level (BAL) rating identified in the BMP are within acceptable standards and supported by the City.

To enable a second access point to the subject site, in the case of an emergency, the BMP report indicates that the existing Fire Access Way (FAW) linking the northern end of Lloyd Road and the eastern end of Willford Road would be used as an Emergency Access Way (EAW).

Under the GfPBPA, an EAW requires a trafficable surface of 6.0m minimum and 4m height clearance to allow for passing vehicles in both directions. The FAW currently has a trafficable surface of only 4m wide and five (5) trees and would require to be removed or pruned to achieve the EAW standards.

To meet the requirements of SPP3.7, a condition is recommended that the FAW be upgraded to an EAW standard and to offset the loss of the five trees further planning of ten (10) trees is to be undertaken in the Multiple Use Wetland.

Environmental Protection (Peel Inlet – Harvey Estuary) Policy and Statement of Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment

The purpose of these Policies is to ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage and prevent land uses likely to result in excessive nutrient export into the drainage system. The Estuary currently receives 70-100% more phosphorous per year from the Peel-Harvey Coastal Plain Catchment than it can assimilate, resulting in excessive seasonal growth in algae which degrades the estuarine system and creates a serious public nuisance. Agricultural pursuits and keeping of livestock can exacerbate the problem by exporting increased nutrient runoff into the Catchment.

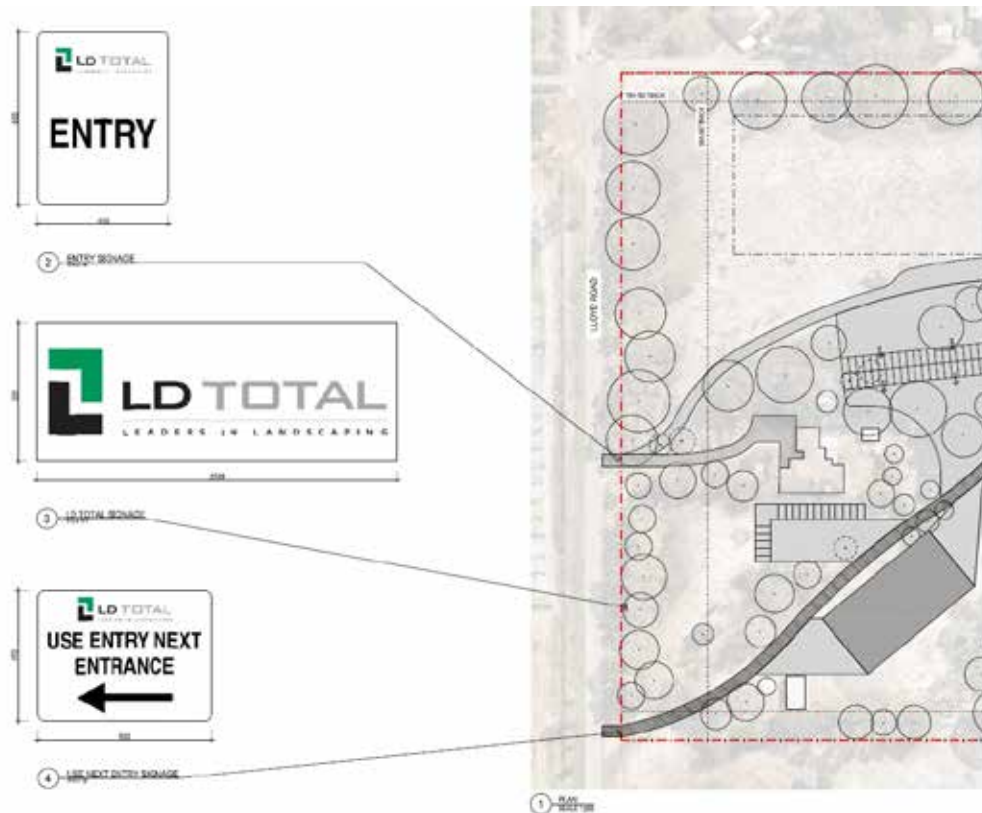
The applicant's Revised Nutrient Management Plan (NMP), provided in support of the application, outlines a number of management measures that will be implemented to prevent nutrient leaching. Nutrient management practices will include using slow-release fertilisers that are applied to the root zone, concrete hardstand areas beneath the bulk supply bins, vegetated swales to treat and infiltrate stormwater runoff, and a professionally designed and maintained irrigation system to provide water to match the plant water requirements.

The City supports the Revised Nutrient Management Plan and management practices proposed to be implemented across the development. Nutrient application rates will not exceed those prescribed by the Department of Water and Environment Regulation (DWER) and the Department of Primary Industries and Regional Development (DPIRD).

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

The applicant seeks approval for two directional traffic sign at each of the crossover locations and a business advertising sign. The maximum size of a Rural Business sign permitted in PP3.3.1 is 4m<sup>2</sup>. The applicant's proposed advertising sign is approximately 2.5 m<sup>2</sup> (0.955m high x 2.5m length) and is compliant.





#### 9. Proposed Advertising and Direction Signs

e. **Financial**

Nil

f. **Legal and Statutory**

Planning Regulations

As the proposal was proposed to be treated as a "Use Not Listed", the application was required to be advertised as a Complex Application in accordance with Clause 64(1)(b)(i) of the Deemed Provisions of the TPS2. The details of advertising are set out in the Consultation with the Community section.

Town Planning Scheme No.2

Zoning and Permissibility

The site is zoned Rural in TPS2. The proposed land use does not neatly fit within one particular Land-Use Classification provided in TPS2. Landscape Supply Yard, Garden Centre and Agriculture Intensive are all uses that can be considered in the Rural zone.

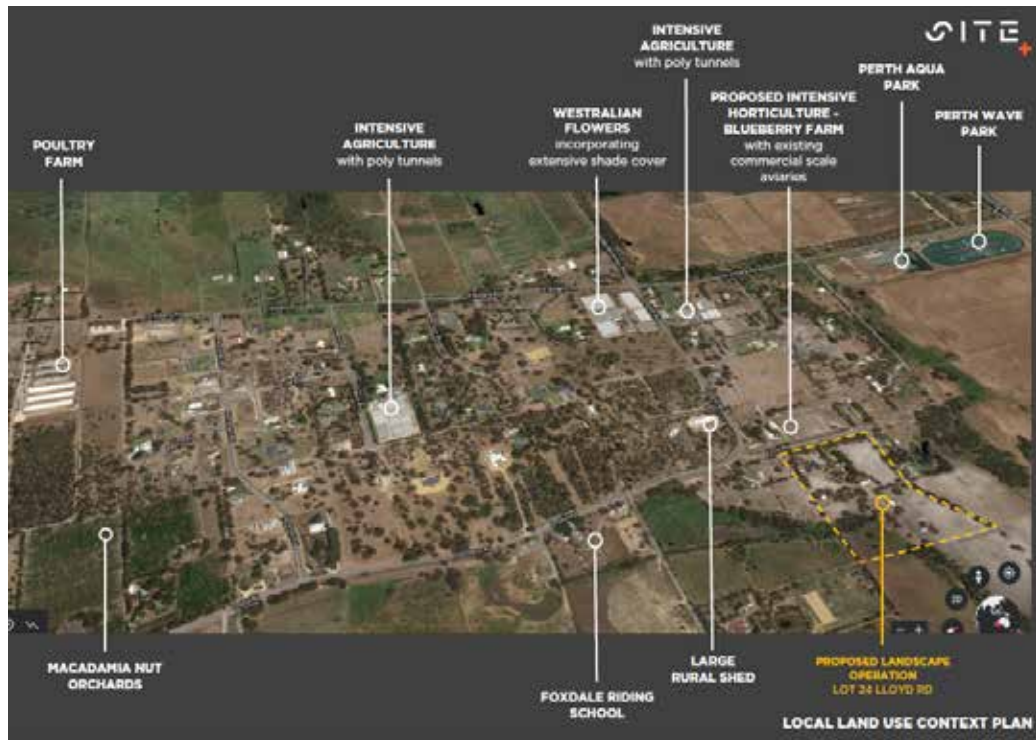
Where a land use does not reasonably fit within any land use classification listed within TPS2, Clause 3.2.4 of TPS2 states the following:

*"If the use of land for a particular purpose is not specifically mentioned in the Zoning Table, and cannot reasonably be determined as falling within the interpretation of one of the Use Classes, the Local Government may:*

- (a) determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted;*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the particular zone and thereafter follow the advertising procedures of Clause 64 of the deemed provision in considering an application for development approval;*
- (c) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted."*

The objective for the Rural Zone is set out in Clause 4.11.1 of TPS2 and states the following:

*"The objective of the Rural Zone is to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Local Government may adopt from time to time as a guide to future development within the Zone."*



#### 10. Applicant's Land-Use Context Plan

The development site is located in a cul-de-sac. There is very little traffic that uses this street, as the road only serves four dwellings (including the dwelling on the subject site). There are two rural residential properties to the north of the site, vacant land to the east and two properties to the south that undertake horse activities. The land to the west contains a dwelling with a field to the rear, which is being developed as a low intensive blueberry farm.

The broader area has a range of activities such as the Cable Ski Park, Golden Ponds, a Church on Haines Road and a Landscape Supply Yard on Doghill Road north of Mundijong Road, to name a few. The greater range of uses are primarily a result of the mixed Rural and Special Rural zonings and are considered to contribute to a differing character of the area and residents of Lloyd Road.

When considering the character of the locality more broadly and the ranges of uses that are permitted in the Rural zone, the proposal is considered acceptable against the objectives of the Rural zone. The impact on the amenity is further discussed in the Comments section of the report.

#### General Provisions

General Provisions provide for development standards relating to the development of Rural zoned land. The relevant provisions are outlined below and considered in relation to the proposed development.

#### Setbacks

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 access ways.

The development is compliant with the setbacks set out in the standards prescribed within the Rural Zone provisions of TPS2.

Car parking

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. As the use is treated as a "Use Not Listed" there is no car parking ratio prescribed in Table 2, Clause 4.15.1.4 (a) of requires the car parking spaces to be determined having regard to:

- (i) the nature of the proposed development;
- (ii) the number of Employees likely to be employed on the site;
- (iii) the anticipated demand for parking; and
- (iv) the orderly and proper planning of the locality.

The applicant proposes fifty-nine (59) on-site car parking spaces for staff. It is proposed that work vehicles and plant equipment will be stored within the proposed new 1,200 m<sup>2</sup> shed. Based on the stated number of staff and contractors coming to the site, it is expected that the parking demand for staff will be satisfied on-site

**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 proposal raises three main issues that need to be considered in determining the application. These relate to traffic impacts, impacts on amenity and the appropriateness of the use, having regard to the objectives of the Rural zone.

The Traffic Impact Statement submitted by the applicant, assessed that there were 20-50 existing vehicle trips per day (VPD) along Lloyd Road. The proposed development would increase that number of VPD to 200-250 (91 vehicle trips into the site and 91 vehicle trips leaving the site (including light vehicles with trailers). This would include 50-60 vehicles arriving between the hours of 6:00am and 7:00am and then staff leaving the site in work vehicles with trailers to go to work sites.

The establishment of the proposed land use within the cul-de-sac will increase the level of traffic to, within and from the site, substantially between the early hours of 6:00am to 7:00am (Monday to Fridays, excluding public holidays). This would not normally be anticipated in such an environment, especially during this early morning period and is therefore considered likely to have a significant impact on amenity of resident in terms of noise. The early morning traffic impact is also not considered to be consistent with the Strategic Intent for Planning Policy area 2A and 1B of the RLS, which seeks to protect and enhance the amenity of the area.

To address this noise concern, it is recommend that the business hours of operation be amended so that the business operations commence at 7:00am in lieu of the proposed 6:00am. It is considered that if the early start time was modified, to align more with the Noise Regulations, then this would be more appropriate in protecting the amenity of the residents, especially in Lloyd Road and those in close proximity to the subject site.

TPS2 also requires the Council to consider the compatibility of a use or development within its setting. It is considered that the combined uses would not have a detrimental impact on the amenity of the locality. The development is appropriately screened and most noise generating activities would be limited to morning starts and afternoon finish times.

On the basis that the proposal is generally compatible with its rural setting and the RLS, provided the early morning start time is addressed, the proposal is recommended for approval subject to conditions.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **APPROVES** the proposed use of Lot 24 (No.20) Lloyd Road as a Landscape Operation Premise, subject to conditions.

1. The development must be carried out in accordance with the terms of the application as approved herein and attached enclosed:
  - Overall Plan - Sheet 101 LD Total;
  - General Arrangement Plan - Sheet 102 LD Total;
  - Location Plan - Sheet 103 LD Total;
  - Revised Landscape Plan - Sheet 104 LD Total Rev F, received by the City on the 20 May 2021;
  - Staff Carpark Layout - Sheet 901 LD Total; and
  - Signage Plan - Sheet 105 LD Total

save that, in the event of an inconsistency between the approved plans and requirement of the conditions set out below, the requirement of the conditions shall prevail.

2. The development must be designed and all works must be carried out in accordance with the:
  - (i) Revised Nutrient Management Plan prepared by 360 Environmental, dated May 2021, and received by the City on the 18 May 2021, for the duration of development.
  - (ii) The Bushfire Management Plan prepared by Eco Logical and dated 17 February 2021 and received by the City on 18 March 2021.
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering 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.
4. The business hours of operation, including staff arrivals and departures and deliveries is restricted to the hours between 7:00am and 4.30pm Monday to Friday (excluding public holidays when the business is to be closed);
5. To offset the removal of four Eucalypt trees on-site and trees to upgrade the Emergency Access Way, the applicant is to plant eighteen (18) saplings of Flooded Gum (*Eucalyptus rudis*) and/or Swamp Paperbark (*Melaleuca raphiophylla*) in the southeast corner of the lot to enhance the function of the Multiple Use Wetland;
6. Measures are taken to ensure the identification and protection of any native vegetation on-site that is not impacted on by developmental works, prior to commencement of developmental works. Trees located outside of the proposed development area are to be retained and protected throughout the course of the development.
7. Prior to occupation of the development, screen landscaping is to be planted along the northern and southern boundaries of the site to the satisfaction of the City. Details of the species to be used in the screening landscaping is to be approved by the City, prior to planting occurring. The screen landscaping must thereafter be maintained in good condition to the satisfaction of the City for the duration of the development.

8. Prior to occupation of the development, the road pavement at the intersections of St Albans/Doghill Road, Lloyd/Doghill Road and Hines Road/Doghill Road are to be widened at the cost of LD Total to the satisfaction of the City, to accommodate the 19m long service vehicles.  
  
Plans and information detailing the design and construction of the road widening is to be submitted and approved by the City, prior to the issue of a Building Permit and the road works commencing.
9. Prior to occupation of the development, the Fire Access track linking Lloyd Road to Wilford Road must be upgraded to an Emergency Access Way standard in accordance with the Department for Planning, Land and Heritage's Guidelines for Planning in Bushfire Prone Areas (Edition 3).
10. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site
11. The car parking spaces and driveway must:
  - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking;
  - (ii) be approved by the City of Rockingham prior to applying for a Building Permit;
  - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and comply with the above requirements for the duration of the development
12. Prior to the occupation of the proposed landscape supply premises, the proposed private internal driveway as shown on the site plan must be constructed in accordance with the following requirements:
  - (i) minimum trafficable surface of 4 metres;
  - (ii) minimum horizontal clearance of 6 metres;
  - (iii) minimum vertical clearance of 4.5 metres;
  - (iv) maximum grade over 50 metres or less of 1 in 10;
  - (v) minimum weight capacity of 15 tonnes;
  - (vi) maximum crossfall of 1 in 33;
  - (vii) minimum inner radius of curves of 8.5 metres;
  - (viii) turn around area for 3.4 Urban Tanker series fire appliance as shown on the plan;
  - (ix) passing bays located every 200 metres, having a minimum length of 20 metres and minimum width of 2 metres; and
  - (x) all weather surface (i.e. compacted gravel, limestone or sealed).

The private driveway must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development
13. Prior to occupation of the Landscape Operation Premise, a water tank with a minimum capacity of 10,000 litres, reserved solely for the purpose of firefighting, must be installed on-site. The tank must:
  - (i) be sited above ground and constructed of concrete or metal;
  - (ii) be fitted with both a 55mm cam-lock fitting with a full-flow valve and a 125mm Storz coupling with a full-flow valve;
  - (iii) have all above ground water pipes constructed of non-corrodible and non-combustible materials;
  - (iv) have a hardstand turn around area, suitable for a 3.4 Urban Tanker fire appliance, provided within 3 metres of the water tank; and



- (v) be readily identifiable from the building or appropriate signage be provided pointing to the location of the water supply. If the water tank has a tank stand, that stand must be constructed of non-combustible materials and heat shielding of the stand must be provided. The water tank must be maintained in accordance with these requirements and be in working condition for the duration of the development.
- 14. Prior to applying for a building permit, the applicant is to submit an Application to Construct or Install an Apparatus for the Treatment of Sewage for the proposed development ensuring system requirements as identified in the Site and Soil Evaluation report are implemented.
- 15. Prior to the occupation of the development, a wash down area must be constructed to the satisfaction of the City of Rockingham. The wash down area must be constructed of hard-stand, bunded, graded, roofed and be serviced by an oil water separator suitable for on-site wastewater discharge. Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.
- 16. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting.
- 17. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering 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.
- 18. Existing 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.

Advice Notes:

- 1. The proposal entails the removal of some native vegetation, which may require approval under section 51C of the *Environmental Protection Act 1986*. The applicant will be informed of the department's advice, in the event approval is granted.
- 2. All works in the road reserve, including construction of the new crossovers and other works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
- 3. The applicant is advised that the Department of Water advises that the site is served by a rural drainage system designed to remove storm-water run off within three days, with the exception of those low lying areas where the contours make this impossible. However, there may be instances where there is a period of inundation in excess of three days.
- 4. The applicant refer to the Department of Waters acid sulphate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
- 5. In relation to Conditions 14 and 15, the applicant to liaise with the City's Health Services in this regard.
- 6. The applicant is responsible for protecting any existing City streetscape assets, including along Lloyd Road and Doghill Road, during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of City of Rockingham. It is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.

**Committee Recommendation**

That Council **APPROVES** the proposed use of Lot 24 (No.20) Lloyd Road as a Landscape Operation Premise, subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and attached enclosed:
  - Overall Plan - Sheet 101 LD Total;
  - General Arrangement Plan - Sheet 102 LD Total;
  - Location Plan - Sheet 103 LD Total;
  - Revised Landscape Plan - Sheet 104 LD Total Rev F, received by the City on the 20 May 2021;
  - Staff Carpark Layout - Sheet 901 LD Total; and
  - Signage Plan - Sheet 105 LD Total

save that, in the event of an inconsistency between the approved plans and requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. The development must be designed and all works must be carried out in accordance with the:
  - (i) Revised Nutrient Management Plan prepared by 360 Environmental, dated May 2021, and received by the City on the 18 May 2021, for the duration of development.
  - (ii) The Bushfire Management Plan prepared by Eco Logical and dated 17 February 2021 and received by the City on 18 March 2021.
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering 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.
4. The business hours of operation, including staff arrivals and departures and deliveries is restricted to the hours between **6:00am** and **4:00pm** Monday to Friday (excluding public holidays when the business is to be closed); **provided that arrivals are staged as follows:**
  - **No more than 9 staff vehicles to arrive between 6:00am and 6:30am**
  - **No more than an additional 18 staff vehicles to arrive between 6:30am and 7:00am.**
5. To offset the removal of four Eucalypt trees on-site and trees to upgrade the Emergency Access Way, the applicant is to plant eighteen (18) saplings of Flooded Gum (*Eucalyptus rudis*) and/or Swamp Paperbark (*Melaleuca raphiophylla*) in the southeast corner of the lot to enhance the function of the Multiple Use Wetland;
6. Measures are taken to ensure the identification and protection of any native vegetation on-site that is not impacted on by developmental works, prior to commencement of developmental works. Trees located outside of the proposed development area are to be retained and protected throughout the course of the development.
7. Prior to occupation of the development, screen landscaping is to be planted along the northern and southern boundaries of the site to the satisfaction of the City. Details of the species to be used in the screening landscaping is to be approved by the City, prior to planting occurring. The screen landscaping must thereafter be maintained in good condition to the satisfaction of the City for the duration of the development.
8. Prior to occupation of the development, the road pavement at the intersections of St Albans/Doghill Road ~~and Lloyd/Doghill Road and Hines Road/Doghill Road~~ are to be widened at the cost of LD Total to the satisfaction of the City, to accommodate the 19m long service vehicles.



Plans and information detailing the design and construction of the road widening is to be submitted and approved by the City, prior to the issue of a Building Permit and the road works commencing.

9. Prior to occupation of the development, the Fire Access track linking Lloyd Road to Wilford Road must be upgraded to an Emergency Access Way standard in accordance with the Department for Planning, Land and Heritage's Guidelines for Planning in Bushfire Prone Areas (Edition 3).
10. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site
11. The car parking spaces and driveway must:
  - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking;
  - (ii) be approved by the City of Rockingham prior to applying for a Building Permit;
  - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and comply with the above requirements for the duration of the development
12. Prior to the occupation of the proposed landscape supply premises, the proposed private internal driveway as shown on the site plan must be constructed in accordance with the following requirements:
  - (i) minimum trafficable surface of 4 metres;
  - (ii) minimum horizontal clearance of 6 metres;
  - (iii) minimum vertical clearance of 4.5 metres;
  - (iv) maximum grade over 50 metres or less of 1 in 10;
  - (v) minimum weight capacity of 15 tonnes;
  - (vi) maximum crossfall of 1 in 33;
  - (vii) minimum inner radius of curves of 8.5 metres;
  - (viii) turn around area for 3.4 Urban Tanker series fire appliance as shown on the plan;
  - (ix) passing bays located every 200 metres, having a minimum length of 20 metres and minimum width of 2 metres; and
  - (x) all weather surface (i.e. compacted gravel, limestone or sealed).

The private driveway must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development

13. Prior to occupation of the Landscape Operation Premise, a water tank with a minimum capacity of 10,000 litres, reserved solely for the purpose of firefighting, must be installed on-site. The tank must:
  - (i) be sited above ground and constructed of concrete or metal;
  - (ii) be fitted with both a 55mm cam-lock fitting with a full-flow valve and a 125mm Storz coupling with a full-flow valve;
  - (iii) have all above ground water pipes constructed of non-corrodible and non-combustible materials;
  - (iv) have a hardstand turn around area, suitable for a 3.4 Urban Tanker fire appliance, provided within 3 metres of the water tank; and
  - (v) be readily identifiable from the building or appropriate signage be provided pointing to the location of the water supply. If the water tank has a tank stand, that stand must be constructed of non-combustible materials and heat shielding of the stand must be provided. The water tank must be maintained in accordance with these requirements and be in working condition for the duration of the development.

14. Prior to applying for a building permit, the applicant is to submit an Application to Construct or Install an Apparatus for the Treatment of Sewage for the proposed development ensuring system requirements as identified in the Site and Soil Evaluation report are implemented.
15. Prior to the occupation of the development, a wash down area must be constructed to the satisfaction of the City of Rockingham. The wash down area must be constructed of hard-stand, bunded, graded, roofed and be serviced by an oil water separator suitable for on-site wastewater discharge. Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.
16. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting.
- ~~17. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering 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.~~
17. Existing 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.

Advice Notes:

1. The proposal entails the removal of some native vegetation, which may require approval under section 51C of the *Environmental Protection Act 1986*. The applicant will be informed of the department's advice, in the event approval is granted.
2. All works in the road reserve, including construction of the new crossovers and other works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
3. The applicant is advised that the Department of Water advises that the site is served by a rural drainage system designed to remove storm-water run off within three days, with the exception of those low lying areas where the contours make this impossible. However, there may be instances where there is a period of inundation in excess of three days.
4. The applicant refer to the Department of Waters acid sulphate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
5. In relation to Conditions 14 and 15, the applicant to liaise with the City's Health Services in this regard.
6. The applicant is responsible for protecting any existing City streetscape assets, including along Lloyd Road and Doghill Road, during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of City of Rockingham. It is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.

Committee Voting (Carried) - 5/0

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

Condition 4: The hours of operation were changed by the Committee upon consideration of the additional information provided by the applicant.

Condition 8: The upgrade of Hines Road/Doghill Road was deleted by the Committee as it was not considered to be necessary (*supported by Officers*).

Condition 17: This condition was deleted by the Committee as it was duplicated by Condition 3 (*supported by Officers*).

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

Not Applicable

### Council Resolution

#### Moved Cr Jones, seconded Cr Edwards:

That Council **APPROVES** the proposed use of Lot 24 (No.20) Lloyd Road as a Landscape Operation Premise, subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and attached enclosed:
  - Overall Plan - Sheet 101 LD Total;
  - General Arrangement Plan - Sheet 102 LD Total;
  - Location Plan - Sheet 103 LD Total;
  - Revised Landscape Plan - Sheet 104 LD Total Rev F, received by the City on the 20 May 2021;
  - Staff Carpark Layout - Sheet 901 LD Total; and
  - Signage Plan - Sheet 105 LD Totalsave that, in the event of an inconsistency between the approved plans and requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. The development must be designed and all works must be carried out in accordance with the:
  - (i) Revised Nutrient Management Plan prepared by 360 Environmental, dated May 2021, and received by the City on the 18 May 2021, for the duration of development.
  - (ii) The Bushfire Management Plan prepared by Eco Logical and dated 17 February 2021 and received by the City on 18 March 2021.
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6. Measures are taken to ensure the identification and protection of any native vegetation on-site that is not impacted on by developmental works, prior to commencement of developmental works. Trees located outside of the proposed development area are to be retained and protected throughout the course of the development.

7. Prior to occupation of the development, screen landscaping is to be planted along the northern and southern boundaries of the site to the satisfaction of the City. Details of the species to be used in the screening landscaping is to be approved by the City, prior to planting occurring. The screen landscaping must thereafter be maintained in good condition to the satisfaction of the City for the duration of the development.
8. Prior to occupation of the development, the road pavement at the intersections of St Albans/Doghill Road and Lloyd/Doghill Road are to be widened at the cost of LD Total to the satisfaction of the City, to accommodate the 19m long service vehicles.  
  
Plans and information detailing the design and construction of the road widening is to be submitted and approved by the City, prior to the issue of a Building Permit and the road works commencing.
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Advice Notes:

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Carried – 9/0

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

Not Applicable

## Engineering and Parks Services Asset Services



<b>Reference No &amp; Subject:</b>	<b>EP-014/21</b> <b>Strategic Asset Management Plan</b>
File No:	CPM/198
Applicant:	
Owner:	
Author:	Ms Louise Walter, Coordinator Strategic Asset Management
Other Contributors:	Mr Tony Bailey, Acting Manager Asset Services
Date of Committee Meeting:	19 July 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	1. Asset Management Framework 2. Strategic Asset Management Plan
Maps/Diagrams:	

### Purpose of Report

For Council to approve advertising the Strategic Asset Management Plan for the purpose of public comment.

### Background

The Strategic Asset Management Plan (SAMP) (Attachment 2) is a new Community Plan Strategy providing high level direction on asset management practices across the City. It forms part of the Asset Management Framework (Attachment 1) and consists of:

- Council Policy - Asset Management (approved August 2020; updated in accordance with the Policy Framework) - sets out the principles and requirements for undertaking asset management across the organisation;
- SAMP (subject of this report; updated every 3 years) - specifies the high level, long term objectives and action plan for managing the City's assets these are driven by and consistent with the Strategic Community Plan;

- Asset Management Plan (updated annually) - outlines the asset activities to be undertaken to deliver services in the most cost effective way;
- Five Year Programs (updated annually) - specific work included in the Corporate Business Plan.

This SAMP has been developed in line with international industry standards which have changed and improved significantly in recent years. The SAMP accommodates the core document users and their associated level of knowledge in asset management. It is also written in a manner to 'set the scene' for asset management in the City. This initial version of the SAMP is likely to be more comprehensive than future SAMPs as the City's asset management maturity increases over time.

## Details

The City is responsible for delivering a large number of services to the community, many of which require the acquisition, operation, maintenance, renewal and disposal of a wide range of physical infrastructure assets.

The total cost to manage these assets and deliver the associated services is estimated to be \$586m over the next ten years. With the financial position of the City changing over the past year due to COVID-19, it is more important than ever to adopt a strategy that creates consistent and effective asset management outcomes.

The purpose of asset management is to deliver services to the community in the most cost effective manner to meet a defined level of service for both current and future generations. The key challenge is to achieve a balance between risk, cost and performance while maintaining long-term financial sustainability for the community. This balance is made more complex in a high growth area like the City where there is growing demand for services because when the City commits to new assets, it is also committing to fund their future operations, maintenance and renewal activities.

The SAMP defines the 'system' of activities, objectives, processes, tools, resources and people to ensure transparent and consistent asset management processes are in place. This is essential to deliver infrastructure services in the most cost effective way while still meeting the needs of current and future generations in an ever changing environment. This system is known as the Asset Management System and is designed to consider strategic issues and integrate with existing City business functions, processes and legislative requirements.

An assessment of the City's Asset Management System shows the City is making very good progress in a number of asset management practice areas. Deciding the direction and level of asset management performance is a key strategic decision as it can be very costly to perform at a very advanced level and may not always be appropriate for an organisation. This SAMP provides that direction.

As detailed in the SAMP, the key areas of the Asset Management System to be further developed as a priority are:

- **Optimised Decision Making** - to ensure decisions about infrastructure and associated services are consistent, transparent and based on robust information. Decision making criteria will ensure works are undertaken at the most optimal time in an asset's life and treated in the most appropriate and sustainable way. This allows competing projects to be compared and prioritised.
- **Education and Integration** - to educate all those within the Asset Management System of their responsibilities and the City's asset management requirements and to ensure all asset management activities are integrated with other City Plans, Strategies and processes.
- **Levels of Service** - these define the standards to which the City's services are delivered. They look at, for example:
  - how often and to what extent maintenance and operations are undertaken;
  - where infrastructure assets are provided; and
  - the standard of assets to be provided, for example, where the City uses higher specification assets.

Establishing levels of service and understanding cost is key to aligning asset needs with long term financial planning and ensuring financial sustainability.



- **Asset Management and Lifecycle Management Plans** - the SAMP sets out strategies which provide direction on how operations, maintenance, asset renewal and creation activities will be undertaken. These Plans translate these strategies into actions and document when and how activities will be undertaken and to what standard. They will define all the associated processes, roles and responsibilities.

A key asset management principle is that of continuous improvement. The SAMP Improvement Plan provides direction for asset management practices across the City for its three-year duration. The performance of the Asset Management System will then be reassessed and the SAMP reviewed and updated, creating a cycle of continuous improvement.

### Implications to Consider

**a. Consultation with the Community**

Should the Officer recommendation be supported, the draft Strategic Asset Management Plan will be advertised for community consultation.

**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 Aspirations and Strategic Objectives contained in the Strategic Community Plan 2019-2029:

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

**Strategic Objective:** *Accessibility - Ensure that the City's infrastructure and services are accessible to seniors and people with a disability.*

**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 - Ensure that the City's infrastructure and services are accessible to seniors and people with a disability.*

**Strategic Objective:** *Climate Change Adaptation - Acknowledge and understand the impacts of climate change, and identify actions to mitigate and adapt to those impacts.*

**Strategic Objective:** *Preservation and Management of Bushland and Coastal Reserves - Encourage the sustainable management and use of the City's bushland and coastal reserves.*

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

**Aspiration 4:** *Deliver Quality Leadership and Business Expertise*

**Strategic Objective:** *Strategic and Sustainable Financial Planning - Undertake long-term resource planning and allocation, with prioritised spending on core services, infrastructure development and asset management.*

**Strategic Objective:** *Management of Current Assets - Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.*

**d. Policy**

Preparation of the draft SAMP has been informed by the Council Policy - Asset Management.

**e. Financial**

Approximately \$500 for advertising which is already allocated in the budget.

**f. Legal and Statutory**

Nil

**g. Risk**

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

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

*Customer Service / Project management / Environment: High and Extreme Risks*

*Finance / Personal Health and Safety: Medium, High and Extreme Risks*

Nil

**Comments**

Significant industry advances have been made in asset management knowledge and practice over the past six years. This presented the opportunity for the City to revisit its approach to asset management culminating in a new asset management framework being developed. The adoption of a new Council Policy - Asset Management in August 2020 was the first step in implementing the new framework.

Preparation of the SAMP is another step to ensure an effective 'system' is in place that adopts best practice and ensures cost effective service delivery to the community whilst strengthening the long-term financial sustainability of the City.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the Strategic Asset Management Plan for the purpose of public comment.

**Committee Recommendation**

That Council **APPROVES** the Strategic Asset Management Plan for the purpose of public comment.

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

**Council Resolution**

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

That Council **APPROVES** the Strategic Asset Management Plan for the purpose of public comment.

**Carried – 9/0**

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

Not Applicable

## Corporate and Community Development Committee

### Corporate Services Financial Services



<b>Reference No &amp; Subject:</b>	<b>CS-019/21</b>	<b>Material Variance Level for the 2021/2022 Statements of Financial Activity</b>
File No:	FLM/327	
Proponent/s:		
Author:	Mr Allan Moles, Manager Financial Services	
Other Contributors:		
Date of Committee Meeting:	20 July 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

### Purpose of Report

To adopt the materiality level for variances required to be reported in the 2021/2022 Statement of Financial Activity.

### Background

The City is required to prepare a Statement of Financial Activity for each month which includes, in part, details of the budgeted and actual revenue/expenditure to the end of the relevant month and "material" variances between the budget and actual.

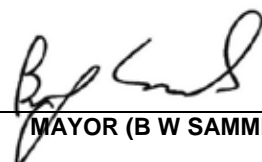
Each year, Council is required to adopt the level considered "material" for the purposes of reporting these variances.

The adopted material variance level since 2009/2010 has been \$250,000.

### Details

The Australian Accounting Standards state that "material means that information which if omitted, misstated or not disclosed has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by the management or governing body of the entity".

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

In the context of the City, which is an entity with a total budgeted expenditure of over \$289 million and total budgeted revenue of \$209 million, the material variance level of \$250,000 is acceptable.

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) 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.*

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 requires a local government to adopt a percentage or value calculated in accordance with the Australian Accounting Standards to be used in statement of financial activity for the reporting of financial variances.

**g. Risk**

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

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

*Customer Service / Project management / Environment : High and Extreme Risks*

*Finance / Personal Health and Safety : Medium, High and Extreme Risks*

Nil

### Comments

The City has been using a material variance value of \$250,000 since 2009/2010. This value is still considered acceptable.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ADOPTS** \$250,000 as the value to be used in the Statement of Financial Activity for reporting material variances for the 2021/2022 financial year.

### Committee Recommendation

That Council **ADOPTS** \$250,000 as the value to be used in the Statement of Financial Activity for reporting material variances for the 2021/2022 financial year.

Committee Voting (Carried) – 4/0

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

Not Applicable

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

Not Applicable

### Council Resolution

**Moved Cr Stewart, seconded Cr Buchan:**

That Council **ADOPTS** \$250,000 as the value to be used in the Statement of Financial Activity for reporting material variances for the 2021/2022 financial year.

**Carried – 9/0**

### The Council's Reason for Varying the Committee's Recommendation

Not Applicable

## General Management Services Governance and Councillor Support



<b>Reference No &amp; Subject:</b>	<b>GM-023/21</b>	<b>Fencing Amendment Local Law 2021 and Fencing Local Law 2020 Undertakings (Absolute Majority)</b>
File No:	LWE/67	
Proponent/s:		
Author:	Ms Jelette Edwards, Governance Coordinator	
Other Contributors:	Ms Erica King, Manager Health and Building Services	
Date of Committee Meeting:	20 July 2021	
Previously before Council:	23 February 2021 (GM-007/21), 27 October 2020 (GM-024/20)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Legislative	
Site:		
Lot Area:		
Attachments:	1. City of Rockingham Fencing Amendment Local Law 2021 2. City of Rockingham Fencing Local Law 2020 with marked up changes	
Maps/Diagrams:		

### Purpose of Report

To amend the City's Fencing Local Law 2020, correct typographical errors, minor formatting errors and year in the title as requested via undertakings by the Joint Standing Committee on Delegated Legislation (JSCDL).

The purpose and effect of the City of Rockingham Fencing Amendment Local Law 2021:

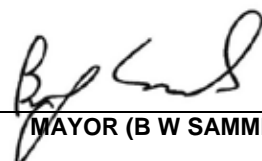
**Purpose:** The purpose of this local law is amend provisions in the City of Rockingham Fencing Local Law 2020 to provide clarity on what constitutes a 'sufficient fence' for the purposes of the Dividing Fences Act 1961 and to state the materials to be used and safety measures to be undertaken in relation to some types of fencing.

**Effect:** City of Rockingham Fencing Local Law 2020 will be amended to provide a more clear definition of a 'sufficient fence' as stipulated in the local law and its other provisions. And delete references to Australian Standards and amend the year of the local law to match the year it was published in the Government Gazette.

### Background

The City of Rockingham Fencing Local Law 2020 was adopted by Council on 23 February 2021. It was published in the Government Gazette on 26 March 2021 and came into effect 14 days after publication.

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

As part of the process to make these local laws into law, the City is required to make a submission to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). The JSCDL oversees subsidiary legislation such as Regulations and local laws.

The JSCDL wrote to the City on 17 June 2021 requesting minor amendments to be made to the City's Fencing Local Law 2020.

The local law remains operational, although the City will undertake [see proposed resolution 4] not to enforce the local law contrary to undertaking number 1.

- (a) Correct the typographical error and other errors in clauses 1.5; 2.6(3)(1) and 6.1.
- (b) Delete either clause 2.7(2) or clause 4.1(1)(b)
- (c) Ensure the title of the local law reflects the year in which it was made.

## Details

The following amendments will be made to the City of Rockingham Fencing Local Law 2020:

- The title will change to City of Rockingham Fencing Local law ~~2020~~ 2021
- Clause 1.5 Terms used – definition AS/NZS will be deleted.  
~~AS/NZS means an Australian Standard published by the Standards Association of Australia and as amended from time to time;~~
- Clause 2.6(3) Maintenance of fences will be amended -
  - (3) ~~Repairs to estate boundary fence—~~  
~~(1)~~ An owners or occupier of a lot adjacent to an estate boundary fence must, where that fence is damaged, dilapidated or in need of repair, ensure that –

Will now read as -

- (3) An owner or occupier of a lot adjacent to an estate boundary fence must, where that fence is damaged, dilapidated or in need of repair, ensure that –
- Clause 2.7(2) to be deleted and delete subclause (1) numbering.
- Clause 3.1(2)(c) Tennis court fencing - to be amended to delete wording following specification.
  - (c) the fence is constructed of chain link fabric mesh and is 50mm x 2.5mm poly-vinyl chloride coated or galvanised, and is erected in accordance with the manufacturer's specification, ~~or if there is no applicable manufacturer's specification, in accordance with industry best practice for that type of fence. and any applicable Australian Standard, or if there is no applicable specification or Australian Standard, in accordance with industry best practice for that type of fence.~~
- Clause 4.1(1)(b) Requirement for a permit - to be amended to the following:
  - (b) have a fence constructed wholly or partly of barbed or razor wire ~~or material with spiked or jagged projections~~ on that lot ~~(unless it is a sufficient fence) —~~
- Delete Clause 4.1(3)(b) and amend clause 4.1(3) and renumber –
  - (3) A permit to have and use an electrified fence on a lot cannot be issued –
    - (a) if the lot is, or abuts, a residential lot; ~~and~~  
~~(b) unless the fence will comply with AS/NZS 3014:2003 Electrical installations— Electric Fences as amended from time to time; and~~  
~~(be)~~ unless the fence is rendered inoperable during the hours of business operations, if any, on the lot.
- Delete word 'to' in 6.1(a)(b)(c) Objection and review rights to read as –
  - (a) ~~to~~ refuse an application for a permit;



- (b) ~~to~~ impose or vary a condition of a permit; or
- (c) ~~to~~ revoke a permit.
- Delete clause 1(b)(ii) in Schedule 1 – A Sufficient Fence on a Residential or Special Residential Lot and renumber—
  - (b) in the case of a front fence—
    - (i) is 1.2m or less in height; or;
    - ~~(ii) is between 1.2m and 1.8m in height; and is an open fence above 1.2m; and~~
    - (ii) ~~iii~~ if the fence is a side boundary fence that uniformly slopes down from no more than 1.8m to no more than 1.2m in height over a maximum distance of 1.5m from the start of the front set back from the building to the front of the lot;

### Implications to Consider

#### a. Consultation with the Community

The process to make a local law is set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The results of the community consultation and feedback from the Minister(s) are to be considered by Council before it makes the local law.

The purpose and effect of the local law is:

**Purpose:** The purpose of this local law is amend provisions in the City of Rockingham Fencing Local Law 2020 to provide clarity on what constitutes a 'sufficient fence' for the purposes of the Dividing Fences Act 1961 and to state the materials to be used and safety measures to be undertaken in relation to some types of fencing.

**Effect:** City of Rockingham Fencing Local Law 2020 will be amended to provide a more clear definition of a 'sufficient fence' as stipulated in the local law and its other provisions. And delete references to Australian Standards and amend the year of the local law to match the year it was published in the Government Gazette.

#### b. Consultation with Government Agencies

As part of the process, local governments are required to send a copy of proposed local law to the Minister for Local Government. In addition, in relation to this local law a copy is to be sent to the Minister for Commerce as well, being the Minister responsible for the Dividing Fences Act 1961.

#### c. Strategic

##### Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the 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.*

#### d. Policy

The City of Rockingham Fencing Amendment Local Law 2021 to be read in conjunction with the City's relevant Planning Policies and Town Planning Scheme No. 2.

#### e. Financial

Funds have been allocated in the budget for costs associated with drafting, advertising and eventual Gazettal of the proposed local law.

**f. Legal and Statutory**

Section 3.12 of the Local Government Act 1995 (the Act) is the procedure for making local laws.

Section 3.12(2) of the Act provides that - at a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Section 3.12(3) of the Act provides that –

- (3) The local government is to —
  - (a) give Statewide public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
  - and
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Absolute majority required.*

**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 JSCDL does not review local laws before they become operational. Once they become operational, it may disallow local laws or (as in the present case) require them to be amended.

The amendments required by the JSCDL consist of typographical amendments and deletion of information to provide a more clear reading of specific clauses and will be undertaken.

Clause 2.7(2) has been deleted, and 'spiked or jagged projections' has been included in 4.1(1)(b). The reason for this is so that 'spiked or jagged projections' is not interpreted as barbed or razor wire, and therefore doubling up on two offence types of the same offence.

Clause 3.1(2)(c) states that if tennis court fencing is to be erected in accordance with the manufacturers specifications, or in the absence of the specifications then in accordance with industry best practice for that type of fence. This is to ensure there is an ability for the City to determine the suitability of the fencing installation against set criteria.

During the review of these changes the following further changes were found and will be made along with the required changes.

- Deletion of all references to Standards Australia to make the local law more accessible. Tennis court fencing compliance will be captured through the requirement to erect in accordance with manufacturers specifications. Electric fences require a permit, and compliance with AS/NZS 3014:2003 can be checked by City officers through the permit process.
- Clause 1(b)(ii) of Schedule 1 to be deleted. Since the introduction of the Fencing Local Law 2020, this clause has caused confusion within the City due to misinterpretation. The provisions for a sufficient front fence should be as per Schedule 1(1)(b)(i) at 1.2m or less, and then at the side boundary allow to taper as per Schedule 1(1)(b)(iii). Schedule 1(1)(b)(ii) has led to applications that are not consistent with the City's front fence position due to misinterpretation, and the request to delete this clause to provide a clear and consistent front fence approval process.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
  - (a) It is proposed to make a Fencing Amendment Local Law 2021, and a summary of its purpose and effect;
  - (b) Copies of the proposed Amendment local law may be inspected at the City's offices;
  - (c) Submissions about the proposed Amendment local law may be made to the City within a period of not less than 6 weeks after the notice is given;
2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy of the proposed local law to any person requesting it;
3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it;
4. **RESOLVES** to undertake to the Joint Standing Committee on Delegated Legislation that the City will:
  - (1) Within six months, amend the local law to:
    - (a) Correct the typographical error and other errors in clauses 1.5; 2.6(3)(1) and 6.1.
    - (b) Delete either clause 2.7(2) or clause 4.1(1)(b)
    - (c) Ensure the title of the local law reflects the year in which it was made.
  - (2) Provide clarification about the reference to 'sufficient fence' in clause 4.1(1)(b).
  - (3) Provide information on how the Australian standards can be accessed by residents free of charge.
  - (4) Until the local law is amended, the City will not enforce the local law contrary to undertaking 1.
  - (5) Ensure all consequential amendments arising from the undertaking will be made.
  - (6) Where the local law is publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

### Committee Recommendation

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
  - (a) It is proposed to make a Fencing Amendment Local Law 2021, and a summary of its purpose and effect;
  - (b) Copies of the proposed Amendment local law may be inspected at the City's offices;
  - (c) Submissions about the proposed Amendment local law may be made to the City within a period of not less than 6 weeks after the notice is given;
2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy of the proposed local law to any person requesting it;
3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it;
4. **RESOLVES** to undertake to the Joint Standing Committee on Delegated Legislation that the City will:
  - (1) Within six months, amend the local law to:
    - (a) Correct the typographical error and other errors in clauses 1.5; 2.6(3)(1) and 6.1.
    - (b) Delete either clause 2.7(2) or clause 4.1(1)(b)
    - (c) Ensure the title of the local law reflects the year in which it was made.
  - (2) Provide clarification about the reference to 'sufficient fence' in clause 4.1(1)(b).
  - (3) Provide information on how the Australian standards can be accessed by residents free of charge.
  - (4) Until the local law is amended, the City will not enforce the local law contrary to undertaking 1.
  - (5) Ensure all consequential amendments arising from the undertaking will be made.
  - (6) Where the local law is publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

Committee Voting (Carried) – 4/0

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

Not Applicable

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

Not Applicable

### Council Resolution

**Moved Cr Stewart, seconded Cr Edwards:**

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
  - (a) It is proposed to make a Fencing Amendment Local Law 2021, and a summary of its purpose and effect;
  - (b) Copies of the proposed Amendment local law may be inspected at the City's offices;


- (c) Submissions about the proposed Amendment local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy of the proposed local law to any person requesting it;
- 3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it;
- 4. **RESOLVES** to undertake to the Joint Standing Committee on Delegated Legislation that the City will:
  - (1) Within six months, amend the local law to:
    - (a) Correct the typographical error and other errors in clauses 1.5; 2.6(3)(1) and 6.1.
    - (b) Delete either clause 2.7(2) or clause 4.1(1)(b)
    - (c) Ensure the title of the local law reflects the year in which it was made.
  - (2) Provide clarification about the reference to 'sufficient fence' in clause 4.1(1)(b).
  - (3) Provide information on how the Australian standards can be accessed by residents free of charge.
  - (4) Until the local law is amended, the City will not enforce the local law contrary to undertaking 1.
  - (5) Ensure all consequential amendments arising from the undertaking will be made.
  - (6) Where the local law is publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

**Carried by Absolute Majority – 9/0**

<b>The Council's Reason for Varying the Committee's Recommendation</b>
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Not Applicable

**6:47pm** *Having earlier declared a Financial Interest in Item CD-012/21 Community Grants Program applications Round One 2021/2022 (Inspire Community Services) and (Reclink Australia), Cr Edwards departed the Chambers.*

Community Development Community Capacity Building Community Grants Program Committee			
<b>Reference No &amp; Subject:</b>	<b>CD-012/21</b>	<b>Community Grants Program applications Round One 2021/2022</b>	
<b>File No:</b>	GRS/48-05		
<b>Proponent/s:</b>			
<b>Author:</b>	Ms Emma Youd, Community Development Officer		
<b>Other Contributors:</b>	Ms Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building Ms Julia Dick, Collaborative Manager Community Capacity Building Mr Gary Rogers, Manager Community Infrastructure and Planning Ms Mary-Jane Rigby, Manager Community Safety and Support Services Ms Kasey Sheridan, Community Infrastructure Project Officer		
<b>Date of Committee Meeting:</b>	20 July 2021		
<b>Previously before Council:</b>			
<b>Disclosure of Interest:</b>	<p>Cr Sammels declared an Impartiality Interest in item CD-012/21 Community Grants Program applications Round One 2021/2022 (The Cruising Yacht Club), as detailed in Regulation 22 of the Local Government (Model of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995, as he is Vice Patron of the Cruising Yacht Club.</p> <p>Cr Edwards declared a Financial Interest in item CD-012/21 Community Grants Program applications Round One 2021/2022 (Inspire Community Services), as per Sections 5.60A and 5.65 of the Local Government Act 1995, as her business 'Anytime Fitness' has sponsored Inspire Radio and advertise on the radio channel.</p> <p>Cr Buchanan declared an Impartiality Interest in item CD-012/21 Community Grants Program applications Round One 2021/2022 (The Perth Diocesan trading as the Anglican Parish of Warnbro), as detailed in Regulation 22 of the Local Government (Model of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995, as he was previously a work colleague with Fr David Lord of St Brendan's Parish.</p> <p>Cr Edwards declared a Financial Interest in item CD-012/21 Community Grants Program applications Round One 2021/2022 (Reclink Australia), as per Sections 5.60A and 5.65 of the Local Government Act 1995, as Reclink utilises the facilities of her business 'Anytime Fitness' for their programs.</p>		

<b>Disclosure of Interest: (cont.)</b>	<p>Cr Edwards declared an Impartiality Interest in item CD-012/21 Community Grants Program applications Round One 2021/2022 (WA Water Ski Association), as detailed in Regulation 22 of the Local Government (Model of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995 as she has a friendship with the applicant (WA Water Ski Association).</p> <p>Cr Buchan declared an Impartiality Interest in item CD-012/21 Community Grants Program applications Round One 2021/2022 (The Rockingham Regional Environment Centre Inc.), as detailed in Regulation 22 of the Local Government (Model of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995 as she has a family membership with Naragebup Environment Centre.</p> <p>Cr Stewart declared an Impartiality Interest in item CD-012/21 Community Grants Program applications Round One 2021/2022 (Rockingham District Historical Society), as detailed in Regulation 22 of the Local Government (Model of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995 as she is Patron of the Rockingham Museum.</p>
<b>Nature of Council's Role in this Matter:</b>	Executive
<b>Site:</b>	
<b>Lot Area:</b>	
<b>Attachments:</b>	Minutes of the Community Grants Program Committee meeting held on 17 June 2021
<b>Maps/Diagrams:</b>	

### Purpose of Report

For Council to approve the recommendations in relation to the Community Grants Program 2021/2022 round one applications.

### Background

The Community Grants Program (CGP) objective is:

"To provide financial assistance to community groups and individuals that will build capacity within the community, stimulate volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits."

The CGP has five key areas comprising Minor Grants (Travel Subsidy Grants, Youth Encouragement Grants, General Grants), Major Grants, Major Events Sponsorship, City Property Grants (Leased/Licensed Property Grants, Maintenance and Rates Subsidy), and Community Infrastructure Grants (Infrastructure Planning Grants and Infrastructure Capital Grants).

The City is committed to supporting incorporated not-for-profit organisations/associations, or those limited by guarantee (e.g. community groups and clubs) to assist with the delivery of programs, projects and events that benefit the Rockingham community. Major Grants, Major Event Sponsorship and Community Infrastructure Grants are advertised three times per year and presented to Council for approval.

Applications for round one were invited from the community and closed 4.30pm Friday, 7 May 2021.



## Details

A total of 22 applications were received in round one of the CGP 2021/2022, all grants were eligible within the grant criteria and three applications withdrew. The three withdrawn applications were not assessed.

The remainder were classified into the following categories:

- Major Event Sponsorship – two applications
- Major Grants – 15 applications
- Community Infrastructure Grants – two applications

## Implications to Consider

### a. Consultation with the Community

Nil

### b. Consultation with Government Agencies

Nil

### c. Strategic

#### Community Plan

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

**Aspiration 1:** *Actively Pursue Tourism and Economic Development*

**Strategic Objective:** *Coastal destination: Promote the City as the premier metropolitan coastal tourism destination*

*Investment Attraction: Attract local and international investment to the City to contribute to the local economy.*

*Attractions and events: Seek to host iconic community events and attractions that will entice residents and visitors throughout the year.*

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

**Strategic Objective:** *Community Capacity Building: Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport, culture and the arts.*

### d. Policy

The CGP operates in line with the CGP Policy and the Governance and Meeting Framework Policy.

### e. Financial

Should Council approve the Committee's recommendation for the Major Grants and the Major Events Sponsorship, there will be \$414,015.40, remaining of an allocated 2021/2022 budget of \$600,000. It should be noted that this balance changes on a daily basis due to the General, Travel and Youth Encouragement grant requests.

Should Council approve the Committee's recommendation for the Community Infrastructure Grants, there will be \$170,562.00 remaining of an allocated 2021/2022 budget of \$182,052.

### f. Legal and Statutory

Not Applicable

**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**

Officers based their recommendations for funding on the following assessment criteria, as adopted by Council:

- Good description of short term and/or long term community benefits
- Alignment with City strategies
- Amount of community involvement in the program/event:
  - (Demonstrates types of community members involved)
  - (Community impact – time / number of people / what get out of it)
- Amount of volunteer involvement in program/event
- Recognition for the City
- Financial capacity of applicant to deliver the event
- Partnerships with other groups and/or consultation
- Other funding sources
- Capacity of program/event to grow and become sustainable in future
- Major events – short term and/or long term economic benefits
- Major events – attraction of overnight stays
- Governance and management of applicant organisation
- Project justification
- Financial commitment (applicants dollar contribution / reason why not included)
- Project planning
- Design (CIG only)

There are four recommendations from the Community Grants Program Committee that differ from the Officer's recommendations that was presented to the Community Grants Program Committee:

**Item F. Inspire Radio – Youth**

The Officer did not recommend support of the marketing as no quotes or breakdown of the budget was provided with the grant application. The Committee felt that quotes could not be provided for Facebook marketing due to the way Facebook marketing is managed. The Committee recommended the inclusion of an additional \$3,000 for the marketing and promotion to the successful grant. This is an increase to the Officer's recommendation of \$3,000.

**Item L. Rockingham and Districts Garden Club Incorporated – Vision21 Implementation of a Digital Presence Strategy**

The Officer recommended a contribution to printing (to the value of \$500) instead of the purchasing of the EPSON ET16600 A3 Printer/Scanner. The Committee felt the additional amount required to provide the printer/scanner above the amount to support the printing was building the capacity of the group and better value for money in the long run. The Committee recommended to not fund the printing costs at \$500, but instead to fund the EPSON ET16600 A3 Printer/Scanner at \$1,695.27. This is an increase to the Officer's recommendation of \$1,195.27.

**Item M. Secret Harbour Pirates District Teeball and Baseball Association – Teeball and Baseball Summer Season Programme**

In line with the grant guidelines, and precedents set during the last grant round for supporting safety items to assist clubs who are experiencing financial hardship during the pandemic, the Officer recommended only the support for the purchasing of the helmets as these are a safety item. The other items within the grant application, the Officer deemed as essential infrastructure and therefore did not recommend funding them. The Committee identified that due to the financial position of the club and the requirement of the base boards and bats for the club to function, they recommended

support of these items too. The Committee did not recommend to support the equipment bags, as these are luxury items and there are different methods that can be used for carrying equipment, over purchasing special equipment bags. The Committee recommended the inclusion of the Bats x20 (\$1,636) and the Base sets x2 (\$89). This is an increase to the Officer's recommendation of \$1,725.

**Item O. Western Australian Water Ski Association – Tournament Division** – Australian National Water Ski Championships

The Committee recommended to include an additional condition to the Western Australian Water Ski Association's Grant Conditions. It has been recommended that the Western Australian Water Ski Association – Tournament Division provide an opportunity for the Mayor to speak at the event.

**Voting Requirements**

Simple Majority

**Advisory Committee Recommendation**

That Council:

1. **APPROVES** the allocation of funds for Major Event Sponsorship, Major Grants and Community Infrastructure Grants under the 2021/2022 Community Grants Program (CGP) Round One, subject to any listed additional conditions:

	Major Event Sponsorship	Amount Requested (\$)	Committee Recommendation (\$)
A.	<b>The Cruising Yacht Club of WA</b> The Cockburn Sound Regatta <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"><li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li><li>Your organisation is to provide an opportunity for the City of Rockingham Mayor to speak at the event.</li><li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li></ul>	\$20,000.00 for three years	\$14,950.00 for three years 2021, 2022 & 2023
B.	<b>Lions Club of Rockingham</b> Rockingham Community Fair <b>Additional Grant Requirements</b> <ul style="list-style-type: none"><li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li><li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li><li>Please note your organisation will be required to obtain an outdoor event approval from the City of Rockingham. A copy of this approval (letter and certificate of approval only) must be attached to the acquittal.</li><li>Provide accessible ramps to both stages.</li></ul>	\$20,000.00 (2021; subsequently \$17,500.00 year two 2022; \$15,000.00 year three 2023)	\$20,000.00 (2021 year one and subsequently \$17,500.00 year two 2022; \$15,000.00 year three 2023)

	Major Grants	Amount Requested (\$)	Committee Recommendation (\$)
C.	<b>Black Swan Health</b> Freo Street Doctor  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Black Swan Health Ltd. To provide a statement detailing key service provision statistics at conclusion of financial year for 2020-21 and 2021-22 financial years. Statement to detail basic data for Rockingham clinic of FSD including numbers of clients seen, key issues, demographic data and % of clients experiencing key vulnerabilities incl homelessness over the past two years</li> <li>Black Swan Health Ltd. To work with/provide information to the City of Rockingham to promote to local GP's the opportunity to work with Black Swan to increase the footprint of the FSD service in Rockingham.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$10,000.00	\$10,000.00
D.	<b>Cancer Patients Foundation</b> Look Good Feel Better  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$4,000.00	\$4,000.00
E.	<b>Home Hub by Hygge Community Life Limited</b> House the Community – Rockingham Event Series  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Need to provide detailed program to the City and complete any required event applications.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> </ul>	\$10,000.00	\$8,750.00
F.	<b>Inspire Community Services</b> Youth  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 throughout the delivery of the program.</li> </ul>	\$9,700.00	\$6,700.00

	Major Grants	Amount Requested (\$)	Committee Recommendation (\$)
G.	<b>Lions Club of Baldvis</b> Baldvis Lions Twilight Markets  <b>Additional Grant Requirements</b> <ul style="list-style-type: none"> <li>Please note your organisation will be required to obtain an outdoor event approval from the City of Rockingham. A copy of this approval (letter and certificate of approval only) must be attached to the acquittal.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> </ul>	\$9,990.00	\$9,714.00
H.	<b>Ngala Community Services</b> Young Parents Program (NAPPY) & Happy Interactive Program for Parents and Youngsters (HIPPY)	\$9,700.00	\$8,200.00
I.	<b>The Perth Diocesan Trading as the Anglican Parish of Warnbro</b> St Brendan's Homeless Respite  <b>Additional Grant Requirements</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your activities.</li> </ul>	\$10,000.00	\$10,000.00
J.	<b>Reclink Australia</b> Reclink Rockingham Programs Expansion Project  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li> </ul>	\$9,947.00	\$9,947.00
K.	<b>River of Life Christian City Church Ltd - T/A Awaken City</b> Awaken Youth Workshops  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li> </ul>	\$8,801.00	\$3,200.00
L.	<b>Rockingham and Districts Garden Club Incorporated</b> Vision21 Implementation of a Digital Presence Strategy	\$8,477.20	\$3,185.60

	Major Grants	Amount Requested (\$)	Committee Recommendation (\$)
M.	<b>Secret Harbour Pirates District Teeball and Baseball Association</b> Teeball and Baseball Summer Season Programme	\$6,268.00	\$4,632.00
N.	<b>Servants of United Love Incorporated</b> Outgoing Soul Soup Patrol & Repurposing of Furniture  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your activities.</li> </ul>	\$9,000.00	\$9,000.00
O.	<b>Western Australian Water Ski Association - Tournament Division</b> Australian National Water Ski Championships  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Please continue to liaise with City's Health Services as your organisation may be required to obtain an outdoor event approval from the City of Rockingham.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for the City of Rockingham Mayor to speak at the event.</li> </ul>	\$10,000.00	\$10,000.00

	Community Infrastructure Grants	Amount Requested (\$)	Committee Recommendation (\$)
P.	<b>Rockingham District Historical Society</b> Window security screens  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>All lessor consent conditions are to be met as listed</li> <li>Frames are white to match the window frames and the mesh is black.</li> </ul>	\$1,205.00	\$1,205.00
Q.	<b>Baldivis Equestrian and Pony Club</b> Water Tank Project  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>All lessor consent conditions are to be met as listed</li> <li>Consultation with chosen supplier and Parks Services Team prior to the installation of tanks and associated infrastructure.</li> </ul>	\$10,285.00	\$10,285.00

2. That Council **NOT APPROVES** the allocation of funds for the Major Grants under the 2021/2022 CGP Round One:

	Major Grants	Amount Requested (\$)	Committee Recommendation (\$)
R.	<b>Port Kennedy Soccer Club</b> Purchase of Lighting Towers for Training	\$10,000.00	\$0.00
S.	<b>The Rockingham Regional Environment Centre Inc.</b> Naragebup Festival 2021	\$4,448.80	\$0.00

**Officer Recommendation if Different to Advisory Committee Recommendation**

Nil

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

Nil

**Committee Recommendation**

That Council:

1. **APPROVES** the allocation of funds for Major Event Sponsorship, Major Grants and Community Infrastructure Grants under the 2021/2022 Community Grants Program (CGP) Round One, subject to any listed additional conditions:

	Major Event Sponsorship	Amount Requested (\$)	Committee Recommendation (\$)
A.	<b>The Cruising Yacht Club of WA</b> The Cockburn Sound Regatta <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"><li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li><li>Your organisation is to provide an opportunity for the City of Rockingham Mayor to speak at the event.</li><li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li></ul>	\$20,000.00 for three years	\$14,950.00 for three years 2021, 2022 & 2023



	Major Event Sponsorship	Amount Requested (\$)	Committee Recommendation (\$)
B.	<b>Lions Club of Rockingham</b> Rockingham Community Fair <b>Additional Grant Requirements</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li> <li>Please note your organisation will be required to obtain an outdoor event approval from the City of Rockingham. A copy of this approval (letter and certificate of approval only) must be attached to the acquittal.</li> <li>Provide accessible ramps to both stages.</li> </ul>	\$20,000.00 (2021; subsequently \$17,500.00 year two 2022; \$15,000.00 year three 2023)	\$20,000.00 (2021 year one and subsequently \$17,500.00 year two 2022; \$15,000.00 year three 2023)

	Major Grants	Amount Requested (\$)	Committee Recommendation (\$)
C.	<b>Black Swan Health</b> Freo Street Doctor <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Black Swan Health Ltd. To provide a statement detailing key service provision statistics at conclusion of financial year for 2020-21 and 2021-22 financial years. Statement to detail basic data for Rockingham clinic of FSD including numbers of clients seen, key issues, demographic data and % of clients experiencing key vulnerabilities incl homelessness over the past two years</li> <li>Black Swan Health Ltd. To work with/provide information to the City of Rockingham to promote to local GP's the opportunity to work with Black Swan to increase the footprint of the FSD service in Rockingham.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$10,000.00	\$10,000.00
D.	<b>Cancer Patients Foundation</b> Look Good Feel Better <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$4,000.00	\$4,000.00

	Major Grants	Amount Requested (\$)	Committee Recommendation (\$)
E.	<b>Home Hub by Hygge Community Life Limited</b> House the Community – Rockingham Event Series  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Need to provide detailed program to the City and complete any required event applications.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> </ul>	\$10,000.00	\$8,750.00
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G.	<b>Lions Club of Baldivis</b> Baldivis Lions Twilight Markets  <b>Additional Grant Requirements</b> <ul style="list-style-type: none"> <li>Please note your organisation will be required to obtain an outdoor event approval from the City of Rockingham. A copy of this approval (letter and certificate of approval only) must be attached to the acquittal.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> </ul>	\$9,990.00	\$9,714.00
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J.	<b>Reclink Australia</b> Reclink Rockingham Programs Expansion Project  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li> </ul>	\$9,947.00	\$9,947.00

	Major Grants	Amount Requested (\$)	Committee Recommendation (\$)
K.	<b>River of Life Christian City Church Ltd - T/A Awaken City</b> Awaken Youth Workshops <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your event.</li> </ul>	\$8,801.00	\$3,200.00
L.	<b>Rockingham and Districts Garden Club Incorporated</b> Vision21 Implementation of a Digital Presence Strategy	\$8,477.20	\$3,185.60
M.	<b>Secret Harbour Pirates District Teeball and Baseball Association</b> Teeball and Baseball Summer Season Programme	\$6,268.00	\$4,632.00
N.	<b>Servants of United Love Incorporated</b> Outgoing Soul Soup Patrol & Repurposing of Furniture <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19 at the time of your activities.</li> </ul>	\$9,000.00	\$9,000.00
O.	<b>Western Australian Water Ski Association - Tournament Division</b> Australian National Water Ski Championships <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Please continue to liaise with City's Health Services as your organisation may be required to obtain an outdoor event approval from the City of Rockingham.</li> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program/event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for the City of Rockingham Mayor to speak at the event.</li> </ul>	\$10,000.00	\$10,000.00

	Community Infrastructure Grants	Amount Requested (\$)	Committee Recommendation (\$)
P.	<b>Rockingham District Historical Society</b> Window security screens  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>· All lessor consent conditions are to be met as listed</li> <li>· Frames are white to match the window frames and the mesh is black.</li> </ul>	\$1,205.00	\$1,205.00
Q.	<b>Baldivis Equestrian and Pony Club</b> Water Tank Project  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>· All lessor consent conditions are to be met as listed</li> <li>· Consultation with chosen supplier and Parks Services Team prior to the installation of tanks and associated infrastructure.</li> </ul>	\$10,285.00	\$10,285.00

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S.	<b>The Rockingham Regional Environment Centre Inc.</b> Naragebup Festival 2021	\$4,448.80	\$0.00

Committee Voting (Carried) – 4/0

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

Not Applicable

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

Not Applicable

### Council Resolution

**Moved Cr Stewart, seconded Cr Buchanan:**

That Council:

1. **APPROVES** the allocation of funds for Major Event Sponsorship, Major Grants and Community Infrastructure Grants under the 2021/2022 Community Grants Program (CGP) Round One, subject to any listed additional conditions:

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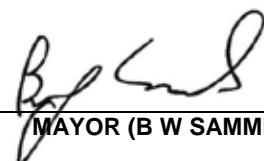
Carried – 8/0

### The Council's Reason for Varying the Committee's Recommendation

Not Applicable

6:48pm Cr Edwards rejoined the meeting.

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

## Community Development Community Capacity Building



<b>Reference No &amp; Subject:</b>	CD-013/21	<b>Tender T21/22-09 – Provision of goods and services for the management, coordination, supply and delivery of the 2021/2022 Christmas Festival Events, the 2021/2022 New Year's Eve Events and 2022/2023 Australia Day Events</b>
<b>File No:</b>	T21/22-09	
<b>Proponent/s:</b>		
<b>Author:</b>	Ms Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building	
<b>Other Contributors:</b>	Ms Julia Dick, Collaborative Manager Community Capacity Building Ms Donna Cochrane, Coordinator Cultural Development and Arts Mr Bruce Foster, Coordinator Procurement Services	
<b>Date of Committee Meeting:</b>	20 July 2021	
<b>Previously before Council:</b>		
<b>Disclosure of Interest:</b>		
<b>Nature of Council's Role in this Matter:</b>	Executive	
<b>Site:</b>		
<b>Lot Area:</b>		
<b>Attachments:</b>		
<b>Maps/Diagrams:</b>		

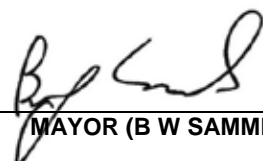
### Purpose of Report

Provide Council with details of the tender/s received for Tender T21/22-09 – Provision of goods and services for the management, coordination, supply and delivery of the 2021/2022 Christmas Festival Events, the 2021/2022 New Year's Eve Events and the 2022/2023 Australia Day Events, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

Tender T21/22-09 – Provision of goods and services for the management, coordination, supply and delivery of the 2021/2022 Christmas Festival Events, the 2021/2022 New Year's Eve Events and the 2022/2023 Australia Day Events was advertised in the West Australian on Saturday, 12 June 2021. The Tender closed at 2.00pm, Wednesday, 30 June 2021 and was publicly opened immediately after the closing time.

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

## Details

The type of works to be undertaken under the Contract shall include:

- To manage, coordinate, supply and deliver the;
  - 2021/2022 Christmas Festival Events which will include a Street Parade, Santa, a stage program, entertainment and children's activities;
  - 2021/2022 New Year's Eve Events which will include a National Headline Act, extensive stage program, entertainment, children's activities and two firework displays; and
  - 2022/2023 Australia Day Events which will include a stage program, entertainment, children's activities and a fireworks display.

The period of the contract shall be from the date of award until 24 February 2023.

A panel comprising of Donna Cochrane, Coordinator Cultural Development and the Arts, Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building and Michael Holland, Director Community Development undertook tender assessment evaluations.

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

Assessment Criteria	Level of Service	Understanding Tender Requirements	Tendered Price/s	Total Weighted Scores
Max. Points	40 Pts	30 Pts	30 Pts	100 Pts
Street Hassle Events	37.08	27.33	30.0	94.41

Please note that because Street Hassle Events was the only tenderer, it was therefore considered the cheapest and therefore received maximum points (30 pts) for its tendered price score.

## Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

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

**Aspiration 1:** *Actively Pursue Tourism and Economic Development*

**Strategic Objective:** *Attractions and events - Seek to host iconic community events and attractions that will entice residents and visitors throughout the year.*

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

**Strategic Objective:** *Community capacity building - Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport, culture and the arts.*

**Strategic Objective:** *Aboriginal heritage and inclusion - Strengthen relationships with Aboriginal people which foster mutual respect and support, and cultural awareness.*

**d. Policy**

In accordance with the City's Purchasing Policy, for purchases above \$250,000, 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**

The tender submission from Street Hassle Events included a submitted price of \$581,306 for 2021/2022 and \$586,246 for 2022/2023.

An amount of \$505,000 is allocated in the 2021/2022 budget. Following the tender process, the budget is \$76,306 less than what is required to deliver the events. If Council is supportive of the contract costs, an adjustment to the budget will be made in the September 2021 quarterly budget review to reflect the additional costs required (\$76,306).

The 2022/23 budget will reflect the costs for the 2022/23 events tender, which will be set as part of the City's Team Planning process to be undertaken in October 2021.

**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 \$250,000 unless sub regulation (2) states otherwise'.*

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 20.

*Variation of requirements before entry into contract*

(1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

(2) *If —*

(a) *the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or*

(b) *the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,*

*that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.*

(3) *In subregulation (1) —*

**minor variation** *means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.*

**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

Only one submission was received and assessed in response to the Request for Tender (RFT) T21/22-09 - Provision of goods and services for the management, coordination, supply and delivery of the 2021/2022 Christmas Festival Events, the 2021/2022 New Year's Eve Events and 2022/2023 Australia Day Events.

That the City only received one tender submission is perhaps reflective of the impact that the COVID pandemic has had within the Events Industry in two ways. Primarily, the loss of income over the past 12 months has had a detrimental effect on the number of event providers able to tender. Secondly, the manner in which contracted event providers had to change the way events were to be provided (usually smaller in scope at the last minute for less income and/or the last minute cancellation of events with a consequential income loss) has left many event providers less inclined to tender for large events.

The submission from Street Hassle Events was compliant with all tender requirements, however the amounts quoted of \$581,306 for 2021/2022 (and \$586,246 for 2022/2023) are in excess of the City's budget of \$505,000 by \$76,306 for 2021/2022. The amount for the 2022/2023 budget will be set as part of the City's Team Planning process to be undertaken in October 2021.

A review of the submitted schedule of rates indicates events providers are now coping with an increase in costs associated with key infrastructure, emergency service costs, traffic control, attracting entertainers and bands at all levels (local, state and national), COVID event planning requirements, and the inclusion of WA Police Major Events Police Officers for events over 5,000 patrons. The music industry, as well as all businesses associated with events have been significantly impacted by the COVID-19 pandemic which has made them increase costs within these areas which is reflected in the tender.

Noting the budget issue there are three options according to tender legislation:

1. The City can decide to not award the Tender based on the figure quoted, develop an adjusted scope and advertise an RFT again. This is unachievable as it would significantly and adversely impact the timeline required for delivery of the events, due to the booking requirements for infrastructure, headline acts and events support services (first aid, security, etc).
2. Seek endorsement to award the Tender and to increase the budget at the September 2021 quarterly budget review for provision of the Christmas Festival, New Year's Eve and Australia Day to \$582,000 for the 2021/22 financial year, recognising the significantly increased costs facing events providers due to the impact of the COVID pandemic across the previous events season.
3. Award the Tender, noting the budget issue and recommending that the City negotiates a change in scope through a minor variation to reduce the agreed amount post awarding of the tender, 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 20. While 'minor' is not defined in financial terms within the legislation, 10% of the quoted price is considered reasonable. This option would mean key items such as Australia Day fireworks, entertainers and the quality of bands would be reduced significantly to accommodate the reduction.

Street Hassle Events has been the successful tenderer of the City's Christmas Festival, New Year's Eve and Australia Day events in previous years. It has successfully delivered all three events in accordance with the tender requirements in an effective and efficient manner, demonstrating adaptability in our current changing times. Street Hassle Events is also a local event company.

COVID-19 issues have had an impact on the events industry as a whole, but following consideration of the submission and, in accordance with the tender criteria, Street Hassle Events demonstrated a capacity to complete the works and is considered to represent best value to the City. Street Hassle Events is therefore recommended as the preferred tenderer, for the full amount and scope of service listed in its tender (option 2 listed above).

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ACCEPTS** the tender submitted from Street Hassle Events, Unit 3 of 25 Blackburn Drive, Port Kennedy for Tender T21/22-09 – Provision of goods and services for the management, coordination, supply and delivery of the 2021/2022 Christmas Festival Events, the 2021/2022 New Year's Eve Events and the 2022/2023 Australia Day Events for the amounts of \$581,306 for 2021/2022 and \$586,246 for 2022/2023.

### Committee Recommendation

That Council **ACCEPTS** the tender submitted from Street Hassle Events, Unit 3 of 25 Blackburn Drive, Port Kennedy for Tender T21/22-09 – Provision of goods and services for the management, coordination, supply and delivery of the 2021/2022 Christmas Festival Events, the 2021/2022 New Year's Eve Events and the 2022/2023 Australia Day Events for the amounts of \$581,306 for 2021/2022 and \$586,246 for 2022/2023.

Committee Voting (Carried) – 4/0

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

Not Applicable

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

Not Applicable

### Council Resolution

**Moved Cr Stewart, seconded Cr Liley:**

That Council **ACCEPTS** the tender submitted from Street Hassle Events, Unit 3 of 25 Blackburn Drive, Port Kennedy for Tender T21/22-09 – Provision of goods and services for the management, coordination, supply and delivery of the 2021/2022 Christmas Festival Events, the 2021/2022 New Year's Eve Events and the 2022/2023 Australia Day Events for the amounts of \$581,306 for 2021/2022 and \$586,246 for 2022/2023.

Carried – 9/0

### The Council's Reason for Varying the Committee's Recommendation

Not Applicable

## Community Development Economic Development and Tourism



<b>Reference No &amp; Subject:</b>	<b>CD-014/21</b>	<b>Rockingham Beach Cup 2021 – Request for Iconic Event funding</b>
<b>File No:</b>	ECD/19-04	
<b>Proponent/s:</b>	Rotary Club of Palm Beach WA Inc.	
<b>Author:</b>	Mr Scott Jarvis, Manager Economic Development and Tourism	
<b>Other Contributors:</b>	Mr Michael Holland, Director Community Development Mrs Jade Salpietro, Tourism Development Officer	
<b>Date of Committee Meeting:</b>	20 July 2021	
<b>Previously before Council:</b>		
<b>Disclosure of Interest:</b>		
<b>Nature of Council's Role in this Matter:</b>	Executive	
<b>Site:</b>		
<b>Lot Area:</b>		
<b>Attachments:</b>		
<b>Maps/Diagrams:</b>		

### Purpose of Report

For Council to consider providing Iconic Event Sponsorship funding to the Rotary Club of Palm Beach WA Inc. (RCPB) for the running of the 2021 Rockingham Beach Cup (RBC).

### Background

At the Council Meeting of 28 July 2020, Council approved funding to the RCPB (through the Iconic Event Sponsorship budget) of \$175,000 for the 2020 Rockingham Beach Cup and associated events. As the 2020 event was cancelled prior to 31 July 2020, a total \$13,000 for Professional Event Management (including preparation of comprehensive Risk Mitigation Plan) was paid to the RBC, in accordance with Council approval and non-refundable to the City.

The event has been successfully run on three occasions, 2016, 2017 and 2019. The event did not occur in 2018 due to the Rockingham Foreshore redevelopment works, or in 2020 due to State Government COVID-19 restrictions, which made the event financially unsustainable.

In 2019, Council approved a total of \$156,000 funding to the RCPB for the running of the 2019 Rockingham Beach Cup and associated events. Council also committed an amount of \$8,000 for the City to coordinate a Socio-Economic Impact Assessment for the 2019 RBC.

RBC's held in 2016 and 2017 were provided with \$36,000 annual funding by Council through the Community Grants Program.



## Details

The RBC is an event owned and run by the RCPB, a local community service group based in the City of Rockingham. The RBC has been planned, managed and run by the RCPB with assistance from local business owners and local not-for-profit organisations, and supported by local volunteers.

Data collected as part of the 2019 Rockingham Beach Cup Socio-Economic Impact Assessment conducted by Lucid Economics indicated the event attracted an estimated 16,000 people to the Rockingham foreshore over the course of the weekend for the race and community festival, plus a further 1,250 paying ticket holders for the race day.

The RBC's recognition and positioning as an iconic event for 2021 and beyond is even more significant as it could be the only beach horse racing event in Australia this year, with the Mackay Airport Beach Horse Racing Festival in Queensland unlikely to proceed in 2021.

It is important to acknowledge that the PBRC has secured a partnership with Seven West Media in 2021, which will contribute \$85,000 in contra advertising, resulting in an increase in total marketing spend of over 200%. This partnership also includes naming rights sponsorship, with this year's event rebranded and marketed as the Channel 7 Rockingham Beach Cup. The involvement by Seven West Media is testament to the uniqueness and profile of the RBC and represents a rare opportunity for Rockingham to be associated with this prominent media brand.

The RCPB application for Iconic Event Sponsorship seeks commitment for total funding of \$175,000 for the 2021 RBC and associated events. The funding proposal submitted includes allocations for Professional Event Management, Social Media and Marketing, Event Launch, Community Festival and Horse Racing.

The RCPB has scheduled the 2021 RBC for Saturday 13<sup>th</sup> and Sunday 14<sup>th</sup> November.

The RCPB submission and scheduling is structured in Three Phases – Event Start Up, Event Tender and Event Delivery. This approach has been taken to provide financial protections given the current COVID-19 restrictions. It is acknowledged that the potential for outbreaks of COVID-19 in 2021 could impact on securing approvals and the staging of COVID safe large social gathering in Western Australia.

- *Phase I – Event Start Up (1 July 2021 - 31 July 2021) - \$5,000*
- *Phase II – Event Tender (1 August 2021 - 30 September 2021) - \$35,000*
- *Phase III – Event Delivery (1 November – 14 November) - \$135,000*

### **Breakdown of 2021 Iconic Event Sponsorship Submission – Funding Request**

Event Activities	Amount
<b>Phase I – Event Start Up (1 July 2021 - 31 July 2021)</b>	
<b>Event Start Up</b> - Professional Event Management - Including review of Comprehensive COVID and Risk Mitigation Plan	\$3,000
<b>Marketing</b> - Social Media Campaign	\$2,000
<b>Total</b>	<b>\$5,000</b>
<b>Phase II – Event Tender (1 August 2021 - 30 September 2021)</b>	
<b>Professional Event Management</b>	\$10,000
<b>Service Provider Tenders</b> - Issue Tenders/Secure Services – staging, fencing, ticketing, parking security.	\$20,000
<b>Marketing</b> - Beach Marquee Roof Signage	\$5,000
<b>Total</b>	<b>\$35,000</b>

Event Activities	Amount
<b>Phase III – Event Delivery (1 November 2021 – 14 November 2021)</b>	
<b>Professional Event Management</b>	\$40,000
<b>Marketing</b> - 4 Week Radio Campaign in lead up to the event, including onsite activation.	\$30,000
<b>Event Launch</b> - Sponsored by COR at a Pop-Up Bar at the look-out on Rockingham Foreshore - Media, Sponsors, Travel Industry & Horse Racing Industry – 150 guests	\$5,000
<b>Community Festival</b> - Free carnival style event targeted towards families. Live entertainment, food trucks, children's and youth activities.	\$15,000
<b>Community Festival</b> - Carnival style event, interactive and passive entertainment, stage program.	\$20,000
<b>Sunday Horse Racing and Community Festival/ Markets Stage II</b>	\$25,000
<b>Total</b>	<b>\$135,000</b>
<b>Grand Total</b>	<b>\$175,000</b>

There are significant milestone dates, which should be noted and considered by Council, where the City will lose increasing amounts of sponsorship funding if the 2021 event is cancelled due to COVID-19 restrictions or lockdowns.

**Analysis of maximum total funding loss to City of Rockingham due to Event Cancellation.**

- Event cancelled prior to 30 July 2021 = \$5,000
- Event cancelled on or prior to 30 September 2021 = \$32,000
- Event cancelled on or prior to 14 October 2021 = \$110,000
- Event cancelled after 14 October 2021 = \$175,000

Decisions on the scheduling and cancellation of the event due to COVID-19 restrictions or lockdowns will be made by RCPB after full consultation with the City. If the City advises RCPB that it considers that the event should be cancelled due to issues associated with COVID-19, the City's liability from the date upon which that advice was given, will be determined as if the event had been cancelled on that date.

The RBC is an established event, which provides significant direct economic stimulus to the Rockingham regional economy, demonstrated in the 2019 RBC Socio-Economic Impact Assessment conducted by Lucid Economics.

**RBC 2019 - Economic Benefits**

- Attracted over 16,000 attendees, including over 7,000 visitors to Rockingham
- Injected a total of \$1.3 million into the local economy, including \$597,907 in visitor expenditure
- Of the 7,000 visitors (those who came from outside the Rockingham local government area) to the event, 966 stayed overnight in the Rockingham region.

The event was very successful in attracting leisure visitors, with 43% of all attendees coming from outside the City. The event received very favourable feedback from attendees, with 89% of attendees citing they were 'very satisfied' or 'satisfied' with the event, and 73% of attendees planning to attend the event next year.

Visitors from outside Rockingham generated a total net increase of \$580,000 in Gross Regional Product (GRP) and seven jobs (full-time equivalent positions) in the local economy. When expenditure from the local residents is included, the total economic contribution of the event generated \$1.3 million in GRP terms and a total of 13 jobs (directly and indirectly).

The 2019 RBC delivered a return on investment (ROI) of 8.3 to 1.0, meaning that for every dollar of funding (\$154,000) provided by the City, there was \$8.30 of attendee expenditure.

### ***RBC 2019 - Social Impact Assessment***

The social impact assessment was carried out using the Australian Bureau of Statistics (ABS) eight aspects of community wellbeing and in a likelihood and consequence framework. The assessment found that the event impacts four of the eight aspects of community wellbeing:

Family and Community: the event provides an enjoyable opportunity for social interaction, networking, community pride and local community cohesion. The range of activities on the day allows community members (and visitors) to interact and create / enjoy relationships.

Employment: the event supported a total of 13 jobs in the local economy, both direct and indirectly (including both the residential and visitor expenditure).

Economic Resources: the event provided a \$1.3 million injection into the local economy, which would have benefited many local businesses.

Culture and Leisure: the event provides a significant opportunity for recreation and leisure activities. The event has also become a signature event for Rockingham, boosting and supporting the community's unique culture.

Other additional benefits are identified below.

### ***RBC 2019 - Additional Benefits***

Beyond the quantifiable economic benefits presented above, there were other economic benefits:

- Raising the profile of Rockingham as a tourist destination: the event received a range of media coverage before, during and after the event that boosted the profile of Rockingham in terms of its coastal amenity and offering as a tourism destination. Additionally, many visitors were attracted to the event and would be able to indirectly promote the area through word of mouth and discussions with their friends and families about their time in Rockingham.
- Inducing repeat visitation: based on their experience, some visitors may be enticed to return to Rockingham in the future, creating future visitation, expenditure and economic benefits.
- Small business sustainability: the event injected a total of \$1.3 million into local businesses, which benefited greatly from this increase in revenue. With another large injection of revenue guaranteed as part of supporting this event in 2021, small business sustainability would be bolstered, especially after COVID-19. In addition, the event creates employment opportunities for casual workers.

### ***RBC 2019 – Main Opportunity Identified***

During the incept survey conducted as part of the Economic and Social Impact Study for the 2019 RBC, many attendees mentioned that they were not well informed regarding the event and did not see any of the promotional materials used to market the event. Increasing the marketing spend to promote this event across the broader Perth Metropolitan region would see an increase in the proportion and number of visitors to future events.

Based on the above data, the RBC 2021 has the potential to positively impact the Rockingham economy by \$1.3M if the event drew the same crowd numbers as 2019. However, there is potential to significantly increase the economic benefit to the Rockingham Region if more pre-event marketing is conducted across the Perth Metropolitan area and South West region to attract more visitors from outside the Rockingham region.

It is recommended that funding be provided for 2021 to ensure the RBC has the professional event management and marketing support it needs to continue to grow and develop as an iconic event in Rockingham. The City's support, in addition to media sponsorship from Seven West Media, is an opportunity to elevate attendance, profile and exposure for both RBC and Rockingham in general.

### ***2021 Measurement commitment***

The RCPB application states one of their outcomes from the 2021 RBC is to increase tourism through increased intrastate day-trippers and overnight stays. The PBRC have advised they will measure this through an impact survey, to be conducted by volunteer TAFE and university students during the event.

It is recommended that as a requirement of City funding, this data will be formulated into a post event report provided to the City, along with methodology, raw data and direct outcomes.

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

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

**Aspiration 1:** *Actively pursue Tourism and Economic Development*

**Strategic Objective:** *Marketing and Promotion – Develop and implement effective marketing approaches to promote the City as a destination of choice for the local community, visitors, investors and businesses.*

*Attractions and Events – Seek to host iconic community events and attractions that will entice residents and visitors throughout the year.*

Tourism Destination Strategy 2019-2024

**Strategic Objective:** *Events Activation (entertainment destination) “Support and promote third party events – RBC horse race, kitesurfing championship etc.”*

Economic Development Strategy 2020-2025

**Action Item 7.1.2.6** *Allocate annual dedicated funding for Iconic Events which promote economic development and tourism development outcomes.*

**d. Policy**

Nil

**e. Financial**

An allocation of \$300,000 for Iconic Events (Economic Development and Tourism) has been included as part of the City's 2021/2022 budget.

**f. Legal and Statutory**

Nil

**g. Risk**

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

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

*Customer Service / Project management / Environment : High and Extreme Risks*

*Finance / Personal Health and Safety : Medium, High and Extreme Risks*

Nil

### Comments

The RBC aligns with the City's Strategic Community Plan, Tourism Destination Strategy and new Economic Development Strategy.

- Strategic Community Plan - Aspiration 1 states “*Actively Pursue Tourism and Economic Development*”. One of the strategic objectives under this aspiration is “Attractions and events: Seek to host iconic community events and attractions that will entice residents and visitors throughout the year”.
- Tourism Destination Strategy 2019-2024 identified Events Activation (entertainment destination) as one of its six Key Strategic Objectives. One of the actions specified in the strategy was to “Support and promote third party events – RBC horse race, kitesurfing championship etc.”

- Economic Development Strategy 2020-2025 identified that the Rockingham Beach Cup was seen as an important tourism event for the City and one that brings considerable visitation, creating a unique Rockingham experience that profiles the Rockingham foreshore. This event supports tourism growth and economic development, as well as contributes meaningfully to changing the perception of Rockingham. Action Item 7.1.2.6 of the strategy specifies, "Allocate annual dedicated funding for Iconic Events which promote economic development and tourism development outcomes".

The impact of COVID-19 on international and interstate travel, and the restrictions on state borders closures has resulted in West Australians being encouraged to explore their own backyard, support local businesses and buy local, and to come "Rediscover Rockingham".

Given Tourism WA's and Destination Perth's push for people to explore and holiday in WA, the 2021 RBC provides a unique economic and tourism marketing opportunity for the City to leverage additional media support and coverage for this unique and iconic event.

With lockdowns and restrictions currently fluctuating across Perth and Peel, and across wider WA and Australia, the 2021 RBC could be one of the few major events to run in Perth (and WA) in the second half of 2021, which could give the City and the event the opportunity for a much higher media and promotional profile than normal. It is hoped that with an increase in people in WA getting vaccinated that this might decrease 'lockdowns'.

It is proposed to support the request from the RCPB for the 2021 RBC and provide an allocation of \$175,000 as outlined in the table below.

Event Activities	Amount Requested	Amount Recommended
<b>Phase I – Event Start Up (1 July 2021 - 31 July 2021)</b>		
<b>Event Start Up</b> - Professional Event Management - Including review of Comprehensive COVID and Risk Mitigation Plan	\$3,000	\$3,000
<b>Marketing</b> - Social Media Campaign	\$2,000	\$2,000
<b>Total</b>	<b>\$5,000</b>	<b>\$5,000</b>
<b>Phase II – Event Tender (1 August 2021 - 30 September 2021)</b>		
<b>Professional Event Management</b>	\$10,000	\$10,000
<b>Service Provider Tenders</b> - Issue Tenders/Secure Services – staging, fencing, ticketing, parking security.	\$20,000	\$20,000
<b>Marketing</b> - Beach Marquee Roof Signage	\$5,000	\$5,000
<b>Total</b>	<b>\$35,000</b>	<b>\$35,000</b>
<b>Phase III – Event Delivery (1 November 2021 – 14 November 2021)</b>		
<b>Professional Event Management</b>	\$40,000	\$40,000
<b>Marketing</b> - 4 Week Radio Campaign in lead up to the event, including onsite activation.	\$30,000	\$30,000
<b>Event Launch</b> - Sponsored by COR at a Pop-Up Bar at the look-out on Rockingham Foreshore - Media, Sponsors, Travel Industry & Horse Racing Industry – 150 guests	\$5,000	\$5,000
<b>Community Festival</b> - Free carnival style event targeted towards families. Live entertainment, food trucks, children's and youth activities.	\$15,000	\$15,000
<b>Community Festival</b> - Carnival style event, interactive and passive entertainment, stage program.	\$20,000	\$20,000
<b>Sunday Horse Racing and Community Festival/ Markets Stage II</b>	\$25,000	\$25,000
<b>Total</b>	<b>\$135,000</b>	<b>\$135,000</b>
<b>Grand Total</b>	<b>\$175,000</b>	<b>\$175,000</b>

There are significant milestone dates, which should be noted and considered by Council, where the City will lose increasing amounts of sponsorship funding if the event is cancelled due to COVID-19 lockdown, and the RBC does not go ahead in 2021.

- Event cancelled prior to 30 July 2021 = \$5,000
- Event cancelled on or prior to 30 September 2021 = \$32,000
- Event cancelled on or prior to 14 October 2021 = \$110,000
- Event cancelled after 14 October 2021 = \$175,000

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council:

1. **APPROVES** the Iconic Event funding to the Rotary Club of Palm Beach WA Inc., for the amount of \$175,000, for the hosting and running of the Rockingham Beach Cup and associated events on Saturday 13 and Sunday 14 November 2021.
2. **ACCEPTS** the following schedule of dates and funding potential losses that could occur should the event be cancelled due to any COVID-19 restrictions or lockdowns:
  - Event cancelled prior to 30 July 2021 = \$5,000
  - Event cancelled on or prior to 30 September 2021 = \$32,000
  - Event cancelled on or prior to 14 October 2021 = \$110,000
  - Event cancelled after 14 October 2021 = \$175,000,provided that if the Chief Executive Officer of the City advises the Rotary Club of Palm Beach WA Inc., that he considers that the event should be cancelled due to issues associated with COVID-19, the City's liability from the date upon which that advice was given, will be determined as if the event had been cancelled on that date.
3. **REQUIRES** the Rotary Club of Palm Beach WA Inc. provide a post event report, which identifies all specific event activities undertaken and outcomes as part of the Iconic Event funding with the City, together with an attendance and tourism impact report.

### Committee Recommendation

That Council:

1. **APPROVES** the Iconic Event funding to the Rotary Club of Palm Beach WA Inc., for the amount of \$175,000, for the hosting and running of the Rockingham Beach Cup and associated events on Saturday 13 and Sunday 14 November 2021.
2. **ACCEPTS** the following schedule of dates and funding potential losses that could occur should the event be cancelled due to any COVID-19 restrictions or lockdowns:
  - Event cancelled prior to 30 July 2021 = \$5,000
  - Event cancelled on or prior to 30 September 2021 = \$32,000
  - Event cancelled on or prior to 14 October 2021 = \$110,000
  - Event cancelled after 14 October 2021 = \$175,000,provided that if the Chief Executive Officer of the City advises the Rotary Club of Palm Beach WA Inc., that he considers that the event should be cancelled due to issues associated with COVID-19, the City's liability from the date upon which that advice was given, will be determined as if the event had been cancelled on that date.
3. **REQUIRES** the Rotary Club of Palm Beach WA Inc. provide a post event report, which identifies all specific event activities undertaken and outcomes as part of the Iconic Event funding with the City, together with an attendance and tourism impact report.

Committee Voting (Carried) – 4/0



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

Not Applicable

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

Not Applicable

### Council Resolution

**Moved Cr Stewart, seconded Cr Buchanan:**

That Council:

1. **APPROVES** the Iconic Event funding to the Rotary Club of Palm Beach WA Inc., for the amount of \$175,000, for the hosting and running of the Rockingham Beach Cup and associated events on Saturday 13 and Sunday 14 November 2021.
2. **ACCEPTS** the following schedule of dates and funding potential losses that could occur should the event be cancelled due to any COVID-19 restrictions or lockdowns:
  - Event cancelled prior to 30 July 2021 = \$5,000
  - Event cancelled on or prior to 30 September 2021 = \$32,000
  - Event cancelled on or prior to 14 October 2021 = \$110,000
  - Event cancelled after 14 October 2021 = \$175,000,provided that if the Chief Executive Officer of the City advises the Rotary Club of Palm Beach WA Inc., that he considers that the event should be cancelled due to issues associated with COVID-19, the City's liability from the date upon which that advice was given, will be determined as if the event had been cancelled on that date.
3. **REQUIRES** the Rotary Club of Palm Beach WA Inc. provide a post event report, which identifies all specific event activities undertaken and outcomes as part of the Iconic Event funding with the City, together with an attendance and tourism impact report.

**Carried – 9/0**

### The Council's Reason for Varying the Committee's Recommendation

Not Applicable



<b>14.</b>	<b>Receipt of Information Bulletin</b>
	<p><b>Moved Cr Buchan, seconded Cr Davies:</b></p> <p>That Council <b>RECEIVES</b> the Information Bulletin as follows:</p> <ol style="list-style-type: none"><li>1. Planning and Development Services Bulletin – July 2021.</li><li>2. Engineering and Parks Services Bulletin – July 2021.</li><li>3. Corporate and General Management Services Bulletin - July 2021.</li><li>4. Community Development Bulletin – July 2021.</li></ol> <p style="text-align: right;"><b>Carried – 9/0</b></p>

**15. Report of Mayor**

**City of Rockingham  
Mayor's Report**



<b>Reference No &amp; Subject:</b>	<b>MR-007/21</b>	<b>Meetings and Functions Attended by the Mayor and Deputy Mayor</b>
File No:	GOV/85	
Proponent/s:	City of Rockingham	
Author:	Cr Barry Sammels, Mayor	
Other Contributors:	Cr Deb Hamblin, Deputy Mayor	
Date of Council Meeting:	27 July 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	

**Purpose of Report**

To advise on the meetings and functions attended by the Mayor and Deputy Mayor during the period 23 June 2021 to 27 July 2021.

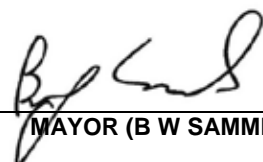
**Background**

Nil

**Details**

Date	Meeting/Function
23 June 2021	Opening of Rockingham Jobs Fair – attended by Deputy Mayor Deb Hamblin
24 June 2021	Your Move Leadership Lab Program for Local Schools – attended by Deputy Mayor Deb Hamblin
28 June 2021	Promotion for St Patrick's Assertive Outreach Program Radio Interview for Tertiary Scholarship Scheme South Metropolitan Zone virtual meeting – attended by Deputy Mayor Deb Hamblin
7 July 2021	Interview with The West Australian's <i>The West Live</i> radio show/podcast concerning charity bins in Baldivis
8 July 2021	City Safe Advisory Committee
9 July 2021	NAIDOC Flag Raising event – attended by Deputy Mayor Deb Hamblin Meeting and tour hosted by Future Battery Industries CRC and Magellan Power
10 July 2021	Lions Club of Rockingham Changeover Lunch

Confirmed at a Council meeting held  
on Tuesday 24 August 2021

  
MAYOR (B W SAMMELS)

Date	Meeting/Function
13 July 2021	Promotion for Subsidy Scheme Councillor Engagement Session
14 July 2021	<i>Meeting with Safety Bay Bowling Club – attended by Deputy Mayor Deb Hamblin</i> Volunteer Celebration Advisory and Emergency Services
19 July 2021	Planning and Engineering Services Committee
20 July 2021	Interview with Inspire Radio
21 July 2021	<i>Launch of WA's Inaugural Draft 20 Year State Infrastructure Strategy – attended by Deputy Mayor Deb Hamblin</i> <i>Rockingham Kwinana Chamber of Commerce Business After-Hours – attended by Deputy Mayor Deb Hamblin</i>
22 July 2021	Strategic Planning for Global Friendship Committee
23 July 2021	Secret Harbour Surf Life Saving Club Sponsors' Day <i>Farewell to Vice Chancellor of Murdoch University – attended by Deputy Mayor Deb Hamblin</i>
26 July 2021	<i>Probus presentation – attended by Deputy Mayor Deb Hamblin</i>
27 July 2021	Behaviour Complaints Committee Council Meeting

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Nil

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Nil

**g. Risk**

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

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

*Customer Service / Project management / Environment : High and Extreme Risks*

*Finance / Personal Health and Safety : Medium, High and Extreme Risks*

Nil

### Comments

Nil

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **RECEIVES** the Mayor's Report for the period 23 June 2021 to 27 July 2021.

### Council Resolution

**Moved Cr Stewart, seconded Cr Davies:**

That Council **RECEIVES** the Mayor's Report for the period 23 June 2021 to 27 July 2021.

**Carried – 9/0**

### The Council's Reason for Varying the Officer's Recommendation

Not Applicable

<b>16.</b>	<b>Reports of Councillors</b>
	<p><b>16.1 Cr Sammels – 2021 Lawyer of the Year</b></p> <p>On behalf of Council the Mayor extended congratulations to the City's Senior Legal Officer, Mr Peter Le on being named 2021 Lawyer of the Year by the Law Society of Western Australia.</p>
<b>17.</b>	<b>Reports of Officers</b>
	Nil
<b>18.</b>	<b>Addendum Agenda</b>
	Nil
<b>19.</b>	<b>Motions of which Previous Notice has been given</b>
	Nil
<b>20.</b>	<b>Notices of Motion for Consideration at the Following Meeting</b>
	<p><b>6:49pm The Mayor identified one Notice of Motion for consideration at the August 2021 Council meeting.</b></p> <p>In accordance with Clause 3.9 of the City of Rockingham Standing Orders, Cr Davies has submitted the following Notice of Motion for consideration at the August 2021 meeting:</p> <p><i>"That Council <b>DIRECTS</b> the CEO to make an application to Main Roads WA to reduce the speed limit on Stakehill Road, Baldivis, and that such application be treated as a matter of utmost urgency, given the local residents' concerns regarding traffic safety."</i></p>
<b>21.</b>	<b>Questions by Members of which Due Notice has been given</b>
	Nil
<b>22.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision of the Council</b>
	Nil
<b>23.</b>	<b>Matters Behind Closed Doors</b>
	Nil
<b>24.</b>	<b>Date and Time of Next Meeting</b>
	The next Ordinary Council meeting for the City of Rockingham will be held on <b>Tuesday 24 August 2021</b> commencing at 6:00pm in the Council Chambers, Civic Boulevard, Rockingham.
<b>25.</b>	<b>Closure</b>
	There being no further business, the Mayor thanked those persons present for attending the Council Meeting, and declared the meeting closed at <b>6:50pm</b> .