



City of Rockingham

MINUTES

Planning and Engineering Services Committee Meeting

Held on Monday 4 October 2021 at 4:00pm
City of Rockingham Boardroom




**City of Rockingham
Planning and Engineering Services
Committee Minutes
Monday 4 October 2021**



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<p>City of Rockingham</p> <p>Planning and Engineering Services</p> <p>Committee Minutes</p> <p>Monday 4 October 2021 - Council Boardroom</p>		
1.	Declaration of Opening	
	<p>The Chairperson declared the Planning and Engineering Services Committee meeting open at 4:00pm, welcomed all present, and referred to the Acknowledgement of Country.</p>	
2.	Record of Attendance/Apologies/Approved Leave of Absence	
2.1	Councillors	
	Cr Mark Jones	Chairperson
	Cr Hayley Edwards	
	Cr Barry Sammels (Mayor)	
	Cr Lorna Buchan	
2.2	Executive	
	Mr Michael Parker	Chief Executive Officer
	Mr Bob Jeans	Director Planning and Development Services
	Mr Peter Doherty	Director Legal Services and General Counsel
	Mr Sam Assaad	Director Engineering and Parks Services
	Mr Brett Ashby	Manager Strategic Planning and Environment
	Mr James Henson	Manager Land and Development Infrastructure
	Mr Mike Ross	Manager Statutory Planning
	Ms Erica King	Manager Health and Building Services
	Mr David Caporn	Manager Compliance and Emergency Liaison
	Mr Manoj Barua	Manager Technical Services
	Mr Tony Bailey	Manager Operations and Fleet Services
	Mr Adam Johnston	Manager Parks Services
	Ms Jelette Edwards	A/Manager Governance and Councillor Support
	Ms Melinda Wellburn	EA to Director Planning and Development Services
2.3	Members of the Gallery:	2
2.4	Apologies:	
	Cr Deb Hamblin (Deputy Mayor)	
2.5	Approved Leave of Absence:	Nil
3.	Responses to Previous Public Questions Taken on Notice	
3.1	Ms Bianca Sandri, Urbanista Planning - PD-032/21 - Reconsideration of Holiday House	
	<p>At the Planning and Engineering Services Committee meeting held on 13 September 2021, Ms Sandri asked the following question that was taken on notice and the Director Planning and Development Services provided a response in a letter dated 20 September 2021 as follows:</p>	

	<p><u>Question</u></p> <p>1. Is the Council aware that this application would resolve all issues as it:</p> <p> ÿ reduces the capacity of the house from 12 adults to 4 adults</p> <p> ÿ although the number of people has been reduced the bond has been increased</p> <p> ÿ a new minimum night stay of two nights</p> <p> ÿ a professional operator and local manager who lives in the area will undertake the operations and management of the holiday house</p> <p> ÿ the number of bedrooms has been reduced from 6 to 3</p> <p> ÿ noise monitors will be placed around the property to obtain factual data</p> <p><u>Response</u></p> <p><i>The application changes are noted. The revised application will be considered at the Ordinary meeting of Council on the 21st September 2021.</i></p>
4.	Public Question Time
	<p>4:01pm The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions.</p> <p>There were none.</p>
5.	Confirmation of Minutes of the Previous Meeting
	<p>Moved Cr Sammels, seconded Cr Edwards:</p> <p>That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee meeting held on 13 September 2021, as a true and accurate record.</p> <p style="text-align: right;">Committee Voting (Carried) - 4/0</p>
6.	Matters Arising from the Previous Minutes
	Nil
7.	Announcement by the Presiding Person without Discussion
	<p>4:02pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.</p>
8.	Declarations of Members and Officers Interests
	<p>4:02pm The Chairperson asked if there were any interests to declare.</p> <p>There were none.</p>
9.	Petitions/Deputations/Presentations/Submissions
	Nil
10.	Matters for which the Meeting may be Closed
	Nil

11.	<p>Bulletin Items</p> <p>Planning and Development Services Information Bulletin - October 2021</p> <p>Health Services</p> <ol style="list-style-type: none">1. Health Services Team Overview2. Human Resource Update3. Project Status Reports<ol style="list-style-type: none">3.1 FoodSafe3.2 Industrial and Commercial Waste Monitoring3.3 Mosquito Control Program3.4 Environmental Waters Sampling3.5 Food Sampling4. Information Items<ol style="list-style-type: none">4.1 Food Recalls4.2 Food Premises Inspections4.3 Public Building Inspections4.4 Outdoor Event Approvals4.5 Permit Approvals4.6 Complaint - Information4.7 Noise Complaints - Detailed Information4.8 Health Approvals4.9 Septic Tank Applications4.10 Demolitions4.11 Swimming Pool and Drinking Water Samples4.12 Rabbit Processing4.13 Hairdressing and Skin Penetration Premises4.14 Caravan Park Inspections4.15 Bookings for Halls and Reserves <p>Building Services</p> <ol style="list-style-type: none">1. Building Services Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ol style="list-style-type: none">4.1 Monthly Building Permit Approvals - (All Building Types)4.2 Other Permits4.3 Monthly Caravan Park Site Approvals <p>Compliance and Emergency Liaison</p> <ol style="list-style-type: none">1. Compliance and Emergency Liaison Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ol style="list-style-type: none">4.1 Ranger Services Action Reports4.2 Building and Development Compliance4.3 Fire Prevention - CRMs - September 20214.4 SmartWatch Key Result Areas <p>Strategic Planning and Environment</p> <ol style="list-style-type: none">1. Strategic Planning and Environment Team Overview2. Human Resource Update3. Project Status Reports<ol style="list-style-type: none">3.1 Local Planning Strategy and New Town Planning Scheme3.2 Local Commercial Strategy Review
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	<ul style="list-style-type: none">3.3 Sustainable Transport Strategy3.4 Greening Plan3.5 Lake Richmond Management Plan Implementation - Thrombolite Study3.6 Karnup District Structure Plan3.7 Foreshore Management Plan4. Information Items<ul style="list-style-type: none">4.1 Structure Plan Assessment Status <p>Land and Development Infrastructure</p> <ul style="list-style-type: none">1. Land and Development Infrastructure Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Managed Aquifer Recharge (MAR) - Feasibility Study4. Information Items<ul style="list-style-type: none">4.1 Referrals4.2 Delegated Land and Development Infrastructure Assets Approvals4.3 Handover of Subdivisional Roads4.4 Delegated Subdivision Engineering and Public Open Space Practical Completions4.5 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works <p>Statutory Planning</p> <ul style="list-style-type: none">1. Statutory Planning Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Review of Planning Policy 3.3.1 - Control of Advertisements3.2 Review of Planning Policy 3.3.21 - Heritage Conservation and Development and Website Heritage Information Sheet3.3 Proposed Planning Policy 3.3.26 - Guidelines to Establishing a Heritage List3.4 Proposed Planning Policy 7.5 - Heritage Incentives4. Information Items<ul style="list-style-type: none">4.1 Subdivision/Development Approval and Refusals by the WAPC4.2 Notifications and Gazettals4.3 Subdivision Clearances4.4 Subdivision Survey Approvals4.5 Subdivision Lot Production4.6 Delegated Development Approvals4.7 Delegated Development Refusals4.8 Delegated Building Envelope Variations4.9 Subdivision/Amalgamation Approved4.10 Strata Plans4.11 Subdivision/Amalgamation Refused <p>Planning and Development Directorate</p> <ul style="list-style-type: none">1. Planning and Development Directorate Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Rockingham Strategic Metropolitan Centre Local Planning Framework Review3.2 Design Review Panel4. Information Items <p>Advisory Committee Minutes</p>
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Committee Recommendation

Moved Cr Sammels, seconded Cr Buchan:

That Councillors acknowledge having read the Planning Services Information Bulletin - October 2021 and the content be accepted.

Committee Voting (Carried) - 4/0

<p>Engineering and Parks Services Information Bulletin - October 2021</p> <p>Engineering and Parks Services Directorate</p> <ol style="list-style-type: none">1. Engineering and Parks Services Directorate Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ol style="list-style-type: none">4.1 Bushfire Risk <p>Asset Services</p> <ol style="list-style-type: none">1. Asset Services Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ol style="list-style-type: none">4.1 Asset Maintenance Team4.2 Asset Maintenance - Buildings4.3 Asset Maintenance - Reserves4.4 Strategic Asset Management <p>Infrastructure Project Delivery</p> <ol style="list-style-type: none">1. Infrastructure Project Delivery Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ol style="list-style-type: none">4.1 Animal Pound Refurbishment - Ventilation Improvement Increased Cat Accommodation4.2 Bus Shelter Replacements4.3 Bramstone Reserve Lighting Upgrades, Secret Harbour4.4 Council Avenue/Contest Parade/Kitson Street, Rockingham - Extend Right Turn Pocket4.5 Ennis Avenue (Patterson Road to Dixon Road), Rockingham - Construct Red Asphalt Shared Path4.6 Lark Hill Sporting Complex Rugby Club Building Refurbishments, Port Kennedy4.7 Lark Hill Sporting Complex Hockey Turf Replacement, Port Kennedy4.8 La Palma Reserve Lighting Replacement, Secret Harbour4.9 Maroubra Reserve Lighting Replacement, Secret Harbour4.10 Mike Barnett Sports Complex - Floodlighting, Shelters & Court Resurfacing4.11 Mundijong Road (Telephone Lane to Duckpond Road), Baldivis - Realignment Upgrade4.12 Murdoch Drive / Coffey Street, Singleton - Drainage Upgrade4.13 Playground Replacements 2021/20224.14 Playground Rubber Softfall Replacements 2021/20224.15 Point Peron Boat Launching Facility, Peron - Construct Carpark Extension4.16 Refurbishment of Public Toilets - various locations4.17 Replacement of Public Toilets - various locations4.18 Rockingham Arts Centre improvements

- 4.19 Rockingham Aquatic Centre LED Sign
- 4.20 Rockingham Aquatic Centre Shaded Family Seating Area
- 4.21 Rockingham Council Administration Building - Disability Compliance Upgrades and Refurbishments to Toilets
- 4.22 Safety Bay Bowling Club, Safety Bay - Structural repairs
- 4.23 Safety Bay Library Refurbishment
- 4.24 Safety Bay Tennis Club - Replace Picnic Settings/Shelters including Concrete Hardstands
- 4.25 Safety Bay Tennis Club - Fence replacement
- 4.26 Secret Harbour - Street Lighting Upgrade
- 4.27 Singleton Volunteer Fire Brigade, Golden Bay - Meeting Room Extension
- 4.28 Shoalwater Reserve - Construction of Activity Node
- 4.29 Warnbro Sound Avenue/Axminster Street, Warnbro - Drainage Upgrade

Parks Services

- 1. Parks Services Team Overview
- 2. Human Resource Update
- 3. Project Status Reports
 - 3.1 Communities Environment Program Projects
- 4. Information Items
 - 4.1 Delegated Public Open Space Handovers
 - 4.2 CRM Statistics
 - 4.3 Contract Management - Requests for Quote and Tender
 - 4.4 Weed Management
 - 4.5 Reserve Maintenance
 - 4.6 Natural Area Maintenance
 - 4.7 Bushfire Mitigation
 - 4.8 Streetscape Maintenance
 - 4.9 Irrigation Maintenance
 - 4.10 Tree Maintenance
 - 4.11 Greening Plan 2017

Engineering Services

- 1. Engineering Services Team Overview
- 2. Human Resource Update
- 3. Project Status Reports
 - 3.1 Boat Ramp Strategy
 - 3.2 Bent Street Dredge Material - Environmental Study
 - 3.3 Coastal Sediment Management Plan and Beach Renourishment
 - 3.4 Footpath Defect Inspection
 - 3.5 Rockingham Future Traffic Modelling
- 4. Information Items
 - 4.1 Delegated Authority for Temporary Thoroughfare Closure
 - 4.2 Delegated Authority for approval of Directional Signage
 - 4.3 Delegated Authority for approval of Heavy Haulage
 - 4.4 Authorised Traffic Management Plans for Works on City Controlled Roads
 - 4.5 Civil Works Program 2021/2022
 - 4.6 Civil Maintenance Program 2021/2022
 - 4.7 Road Rehabilitation & Renewal Programs 2021/2022
 - 4.8 Drainage Renewal Program Municipal Works 2021/2022
 - 4.9 Footpath Renewal Program Municipal Works 2021/2022
 - 4.10 Carpark Renewal Program Municipal Works 2021/2022
 - 4.11 Litter and Street Sweeping Program 2021/2022

	<ul style="list-style-type: none">4.12 Graffiti Program 2021/20224.13 Delegated Authority for the payment of crossover subsidies4.14 Third Party Works within the City4.15 Asset Inspections4.16 Verge Treatment Applications4.17 Verge Issues4.18 Coastal Capital Projects4.19 Coastal Infrastructure Management <p>Advisory Committee Minutes</p>
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Committee Recommendation

Moved Cr Sammels, seconded Cr Buchan:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin - October 2021 and the content be accepted.

Committee Voting (Carried) - 4/0

12. Agenda Items

Planning and Development Services

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-033/21 Joint Development Assessment Panel Application - Proposed Fast Food Outlet
File No:	DD020.2021.00000230.001
Applicant:	Planning Solutions Pty Ltd
Owner:	MGP Baldivis Pty Ltd
Author:	Mr David Banovic, Senior Projects Officer
Other Contributors:	Mr Eric Anderson, Planning Officer Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	4 October 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 1 (No.364) Baldivis Road, Baldivis
Lot Area:	4.0432ha
LA Zoning:	Development
MRS Zoning:	Urban
Attachments:	Responsible Authority Report
Maps/Diagrams:	<ol style="list-style-type: none">1. Location Plan2. Aerial Photograph of the Subject Site3. Structure Plan Map (Extract)4. Structure Plan - Advertised Commercial Concept Plan5. Approved Subdivision Plan6. Approved Local Development Plan (Plan Extract)7. Proposed Site Plan8. Perspective of Development When Viewed from the Corner of Baldivis Road and Fifty Road

	<ol style="list-style-type: none">9. Perspective of Development When Viewed Internally Facing Baldivis Road10. Perspective of Development When Viewed Internally Facing Fifty Road11. Building When Viewed from Baldivis Road (Eastern Elevation)12. Building When Viewed Internally (Western Elevation)13. Building When Viewed from Fifty Road (Northern Elevation)14. Building When Viewed Internally (Southern Elevation)15. Additional Trees Recommended for Planting and Retention16. Signage Plan Variations
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Purpose of Report

To provide a recommendation to the Metro Outer Joint Development Assessment Panel (MOJDAP) on an Application for a Fast Food Outlet on a portion of Lot 1 (No.364) Baldivis Road, Baldivis.

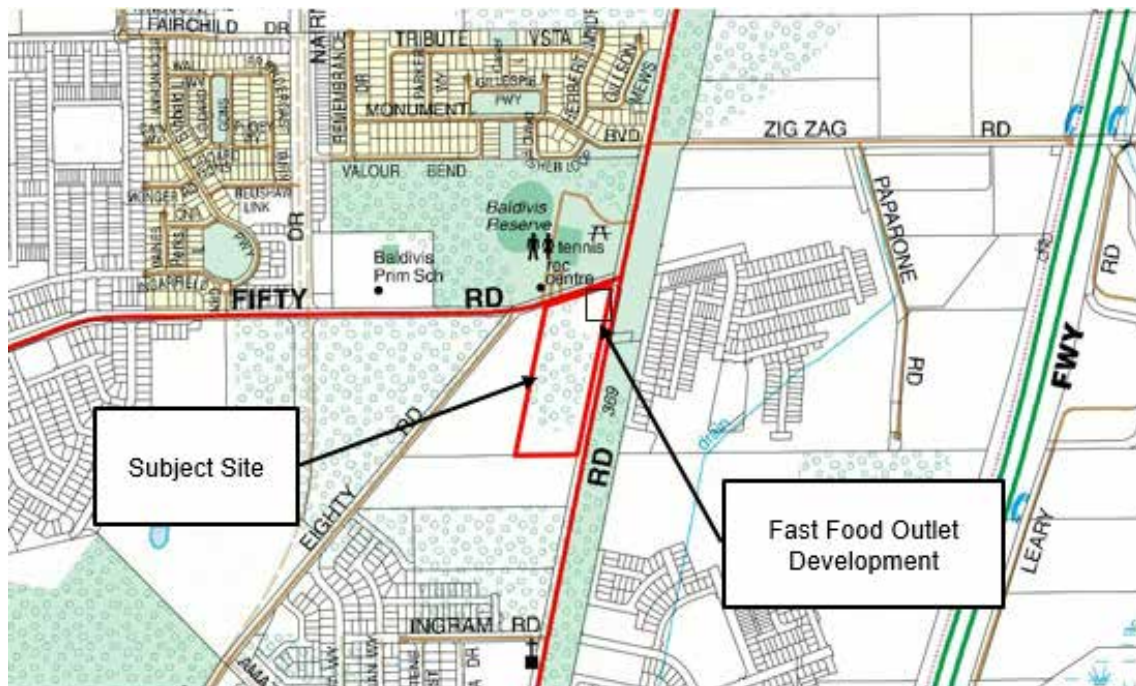
Background

Site Context

The subject site is approximately 4.04 hectares and currently contains a Single Dwelling.

The subject site is bounded by Fifty Road to the north, rural properties to the west, a poultry farm to the south and Baldivis Road to the east. The property to the west and further on the opposite side of Eighty Road are zoned for future urban development.

Directly to the north, on the opposite side of Fifty Road, is Baldivis Reserve which includes a small oval, tennis courts, recreation centre and bushland. Approximately 250m to the north-west of the opposite side of Fifty Road is the Baldivis Primary School.



1. Location Plan



2. Aerial Photograph of the Subject Site

Planning Proposals

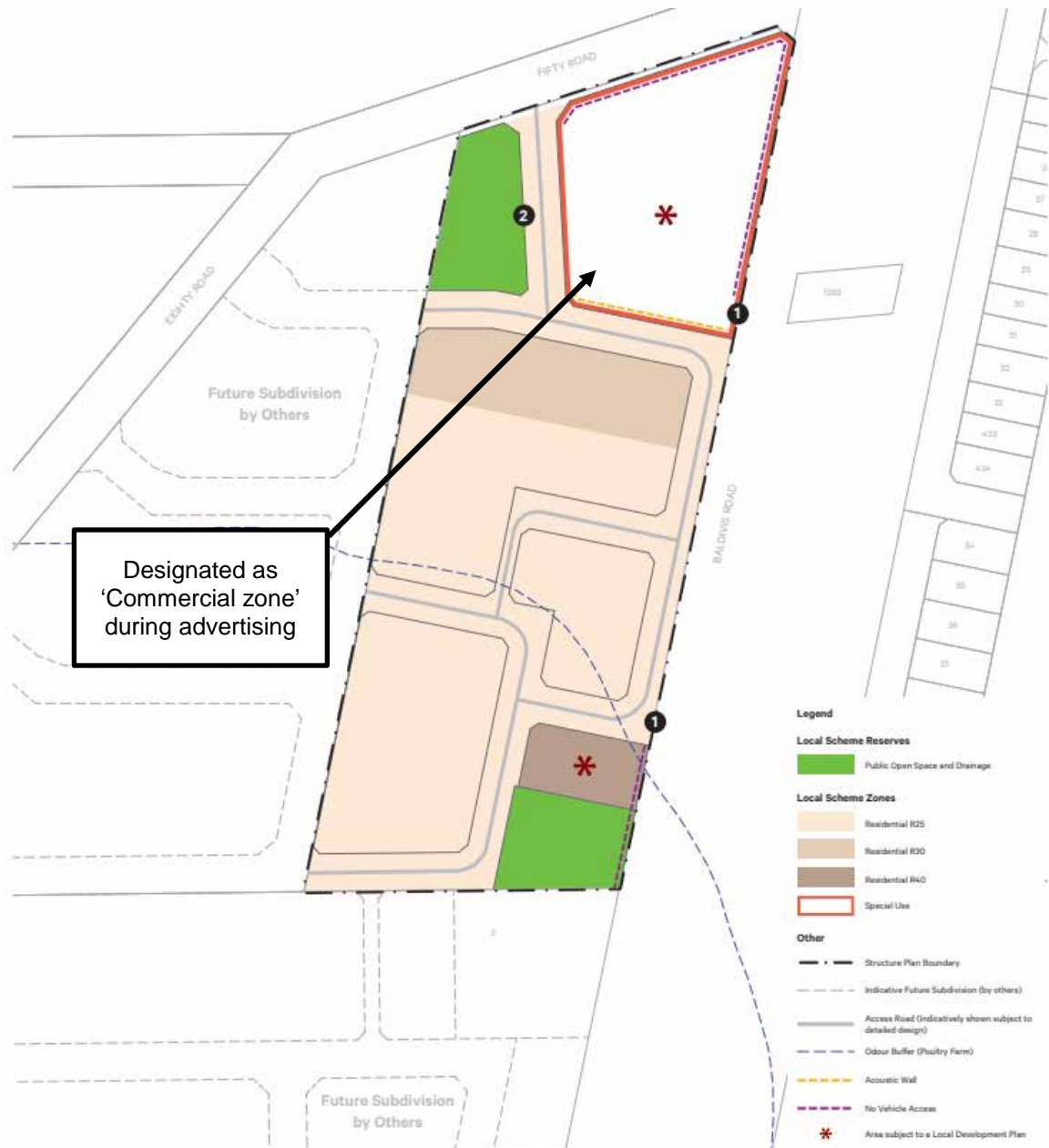
The following outlines the recent planning proposals on this site.

Structure Plan

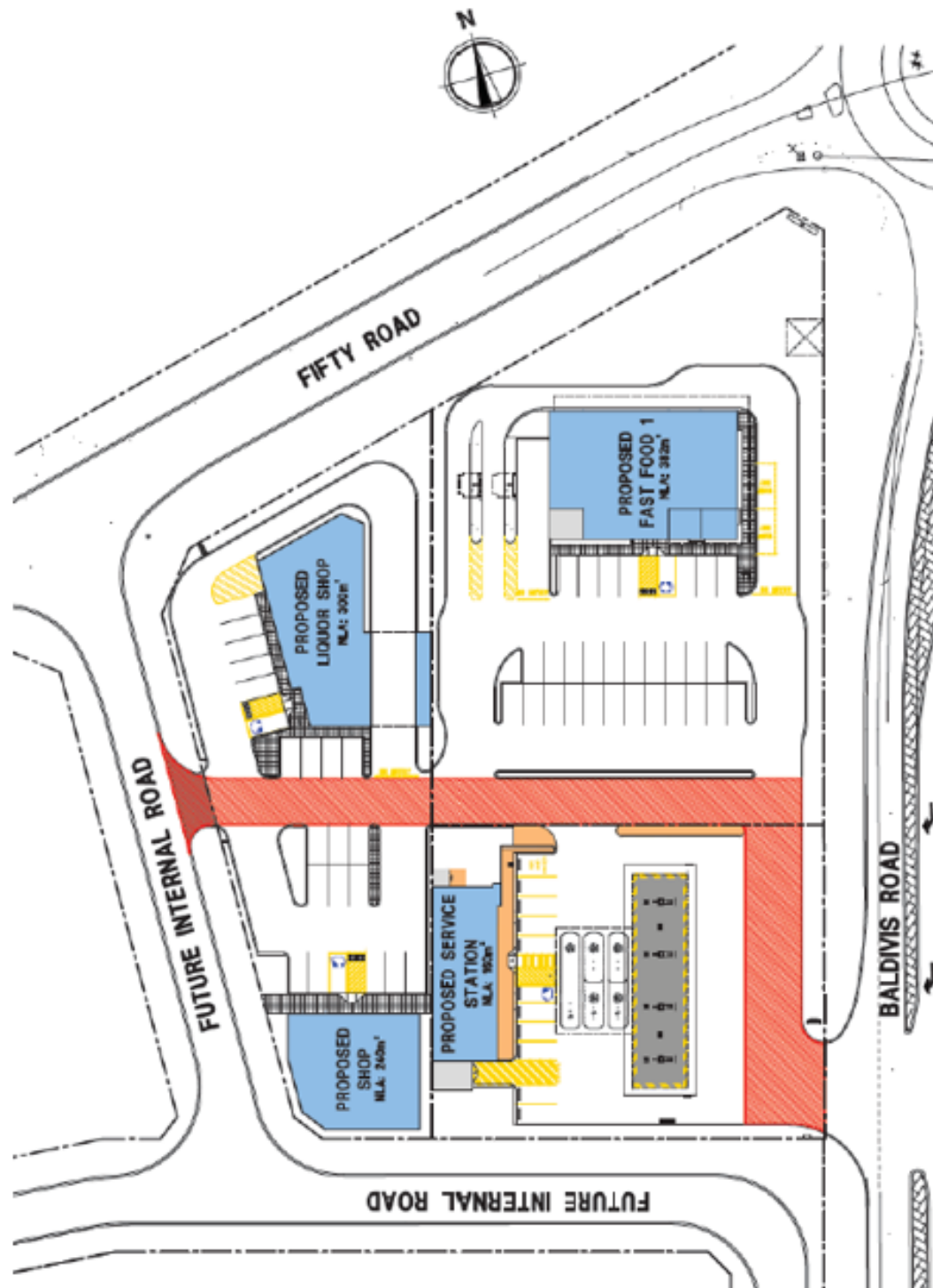
The City received a Structure Plan (SP) proposal over the site in October 2018, which planned for residential development at a density of Residential 'R25' (average lot size of 350m²), a Public Open Space contribution and access arrangements.

A Commercial zone was also proposed in the most north-eastern corner of the site at the Baldivis Road and Fifty Road intersection, with the following indicative land uses contemplated (subject to separate Development Approval/s):

- ÿ Shop;
- ÿ Service Station;
- ÿ Liquor Store - Small; and
- ÿ Fast Food Outlet.



3. Structure Plan Map (Extract)



4. Structure Plan - Advertised Commercial Concept Plan

In July 2020, following consideration of the submissions received and the City's assessment of the proposal, Council resolved to recommend that the SP be approved (PD-035/20), subject to various modifications including "The proposed commercial site be zoned Special Use on the Local Structure Plan Map".

In order to ensure potential impacts on other planned Commercial Centres is limited, the City recommended that the proposed 'Commercial zone' be modified to a 'Special Use zone' with conditions that limit retail floor area and prohibit non-compatible land uses, details of which are discussed below within the Legal and Statutory section of this Report.

In December 2020, the Western Australian Planning Commission (WAPC) formally reviewed the SP and decided to request various modifications, in accordance with recommendations made by the City.

Subsequently, in April 2021, WAPC resolved to approve the modified SP (refer to Figure 3 above).

Subdivision Application

In April 2021, the WAPC also granted Subdivision Approval over the Special Use zone for four freehold (green title) lots. Condition 21 of the Subdivision Approval required a Local Development Plan (LDP) to be prepared and approved in accordance with the Subdivision Plan.



5. Approved Subdivision Plan

Development Application and Local Development Plan

In January 2021, a LDP for the Special Use zone was submitted to the City for consideration along with a concurrent Development Application for a Liquor Store - Small on future Lot 2 and Service Station on Lot 3.

Following consideration of submissions (public and Government agencies inclusive of Department of Health and Department of Water and Environmental Regulation) received on both proposals and the City's assessment, the City approved the LDP in May 2021 and subsequently the Development Application in August 2021.

No Development Applications have been submitted to the City for consideration on future Lot 4.



6. Approved Local Development Plan (Plan Extract)

Subject Development Application

In September 2021, a Development Assessment Panel (DAP) Application was lodged by the Applicant for a Fast Food Outlet, on the north-eastern portion of the Special Use zone.

The area of land subject to this application is future Lot 1 (refer to Figures 5 and 6 above) with a total area of 3563m², and a portion of future Lots 2 and 3 which includes a vehicle access easement connecting Baldvis Road to an internal subdivision road linked to Fifty Road.

For clarity, future Lot 1 is referred to throughout this Report as the 'development site', whilst the Special Use zone is referred to as the 'Local Commercial Centre'.

Details

This application seeks Development Approval for the use and development of a drive-through Fast Food Outlet, associated signage, parking, landscaping and access on a portion of the Local Commercial Centre site.

Specifically, the development provides for:

- A single storey building comprising a Net Lettable Area (NLA) of 270m²;
- An enclosed plant and servicing area within the western portion of the building and adjacent shared loading bay for service vehicles;
- A dual-lane drive-through and pick-up window with canopy and drive-through screen on the northern elevation of the building;
- Various signage including a prominent 12.0m high Pylon Sign adjacent to the Baldivis Road and Fifty Road intersection;
- 26 car parking bays, including one accessible parking bay adjacent to the building entrance;
- Two drive-through waiting bays plus car stacking capacity for 14 cars within the drive-through facility;
- Bicycle parking racks;
- Landscaping along the frontages and within the subject site, including a mix of soft landscaping beds and shade trees; and
- An internal footpath network which is proposed to link the building entrance with the existing pedestrian footpath from Baldivis Road and remaining planned Centre to the south.

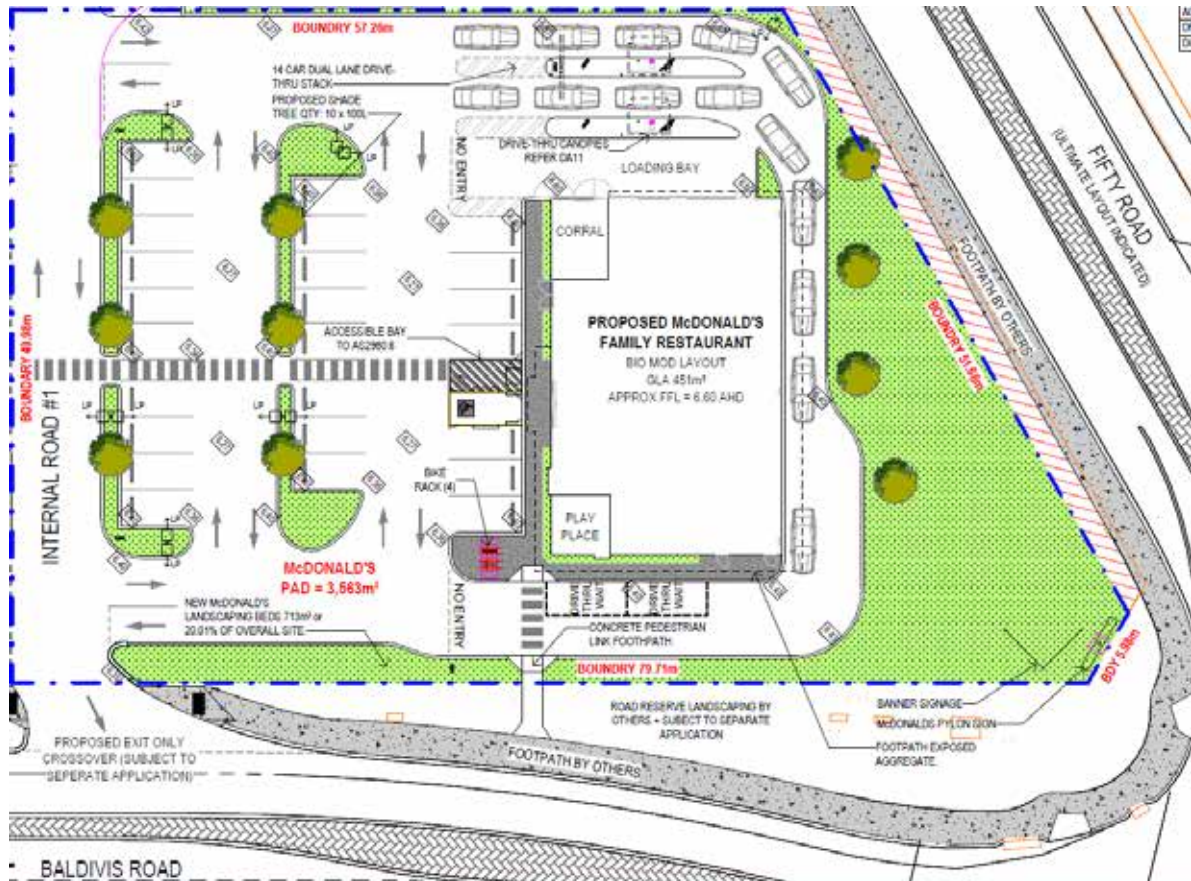
The development is proposed to operate 24 hours per day, seven days a week and will accommodate 10 to 15 staff at any one time.

The development will be accessible by a planned vehicle access point for the Local Commercial Centre, being a (southern) left-in/right-in crossover with a left-turn/right-turn slip lane in both directions on Baldivis Road, a separate (northern) left-out only crossover on Baldivis Road, and a full movement crossover to the planned internal subdivision road to the western boundary of the Centre connecting to Fifty Road.

Deliveries and waste collection will be undertaken within the loading bay located to the west of the building. The service vehicles and waste collection trucks will enter the site from Baldivis Road, circulate the internal Local Commercial Centre site's car park to the development and access the loading bay in a reverse movement. Subsequently, vehicles will leave the loading bay and return onto Baldivis Road in a forward gear.

The following Reports and Plans accompanied the DAP Application:

- Planning Report;
- Traffic Impact Assessment;
- Bushfire Management Plan;
- Environmental Noise Assessment; and
- Development Plans and Perspectives.



7. Proposed Site Plan



8. Perspective of Development When Viewed from the Corner of Baldvis Road and Fifty Road



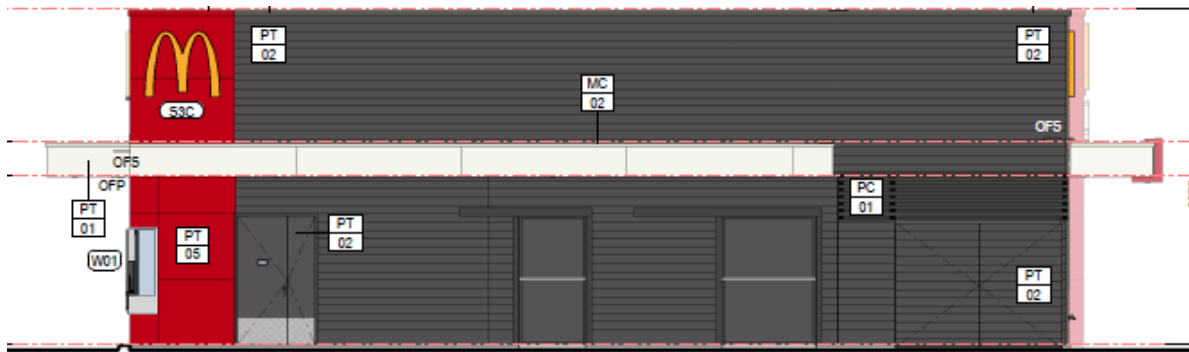
9. Perspective of Development When Viewed Internally Facing Baldivis Road



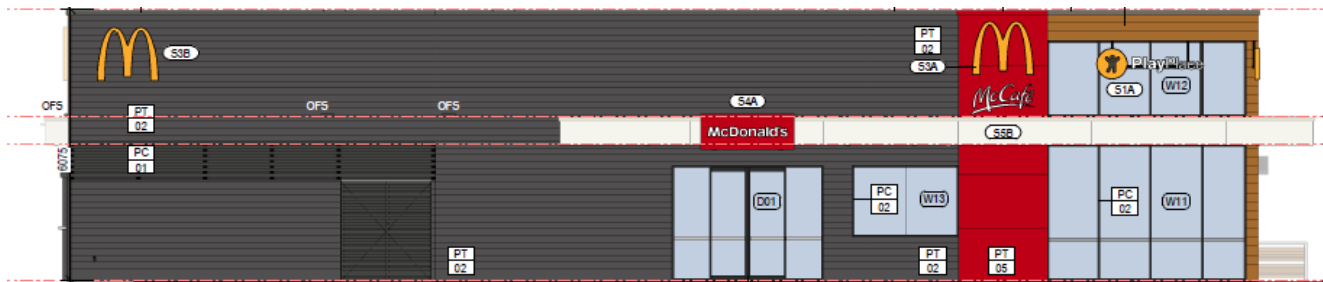
10. Perspective of Development When Viewed Internally Facing Fifty Road



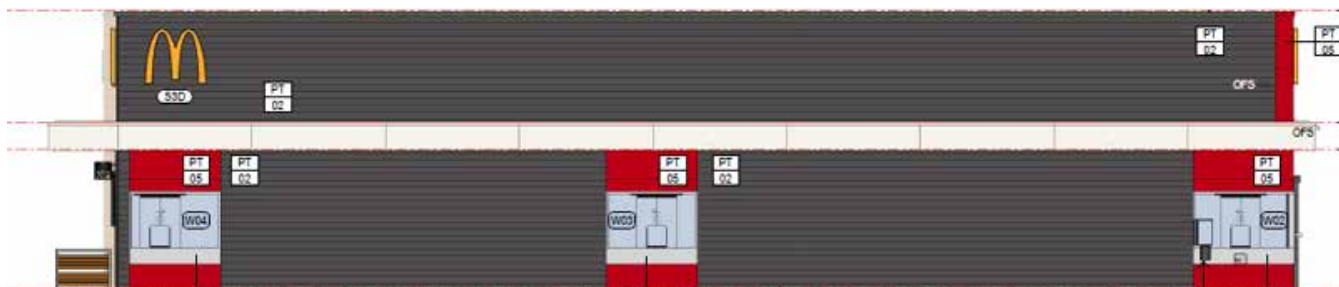
11. Building when viewed from Baldvis Road (Eastern Elevation)



12. Building When Viewed Internally (Western Elevation)



13. Building When Viewed from Fifty Road (Northern Elevation)



14. Building When Viewed Internally (Southern Elevation)

Implications to Consider

a. Consultation with the Community

Pursuant to Clause 64(1)(c) of the Deemed Provisions of Town Planning Scheme No.2 (TPS2), the local government has the discretion to advertise, or not to advertise an application seeking Development Approval.

As the proposed development is consistent with the adopted SP and is generally consistent with the approved LDP which established the development control provisions over the site, advertising is not considered to be necessary for this commercial proposal.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Assessment of the proposal has been limited to areas where discretion is sought to vary a Policy requirement.

State Government Policies

State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)

SPP7.0 provides the broad framework for the design of the built environment across Western Australia, and applies to all levels of the planning hierarchy, including the assessment of Development Applications.

The objectives of this Policy seek to provide, inter alia, a coordinated strategy of design quality mechanisms to achieve design outcomes that meet government and community expectations, including:

- Design principles - performance based approach to policy;
- Design review - skilled evaluation expertise; and
- Design skills - skilled design expertise.

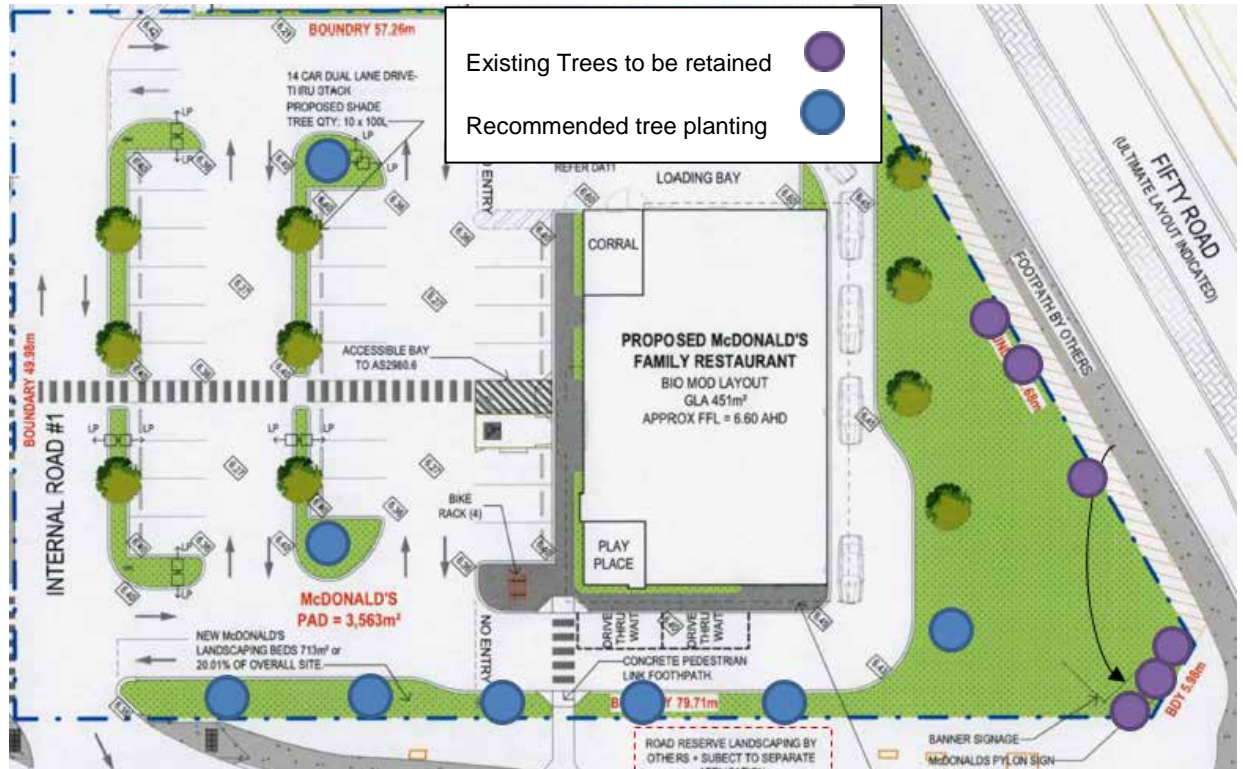
The City is satisfied that the proposal meets all but two of the 10 principles being:

- Landscape Quality; and
- Built Form and Scale.

The City's comments against these two principles are provided in the table below:

Design Principle	City Comment
<p>Principle 2 - Landscape Quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<p><u>Development Site</u></p> <p>Development provides for a large landscaping area, however, minimal trees are proposed to be planted throughout the development site, and therefore, it is recommended additional tree planting be included. The approximate location of additional trees recommended for planting are identified on Figure 15 below, to provide additional shade, visual softening and blending.</p> <p>The City's recommended tree size (200ltr) ensures the trees are significantly smaller in relation to the signage and are spaced out at approximately 10m apart. The recommended tree size and spacing ensures there is no unreasonable impact upon marketing or sightlines.</p> <p>The trees on the boundary of Fifty Road (not identified on the plans) and trees on the truncation of Baldivis Road and Fifty Road intersection (also not identified on the plans) should be retained.</p>

Design Principle	City Comment
	<p><u>Road Reserve</u></p> <p>Verge landscape improvements are not included as part of this application.</p> <p>The Applicant's Plans for the section of verge fronting the development site note "<i>landscaping by others + subject to separate application</i>". This appears to be contingent of Condition 23 of the Subdivision Approval which requires a Landscape Management Plan to be prepared and submitted to the City of Rockingham for the Local Commercial Centre. Given the condition does not specify management obligations, the City recommends a Landscaping Condition which clarifies the on-going maintenance responsibilities for duration of development.</p> <p><u>Overall</u></p> <p>The City is of the view that the development should as far as practical tie the development into its surrounds, being a treed environment near the Tramway Reserve and Baldivis Reserve. Any replacement trees as part of the subdivision and development works are also expected to be provided within the public realm or on-site as per the recommended plan below.</p>
<p>Principle 3 - Built Form and Scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<p>The sign equates to a height of a four storey building which is out of context for this Local Commercial Centre.</p> <p>Signage is discussed in detail below, within the Local Government Policies section of this Report.</p> <p><i>*Note: the Applicant had verbally agreed to reduce the height of the Pylon Sign to 9.0m and also remove the Banner Sign which is detailed further below, however, as Revised Plans had not been submitted to address these matters, the City finalised its assessment and Report on information which was originally submitted.*</i></p>



15. Additional Trees Recommended for Planting and Retention

It is considered that the application of appropriate Conditions of Development Approval requiring some minor modifications to landscaping and Signage Strategy, will ensure that the aforementioned Design Principles are adequately addressed.

Local Government Policies

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

The application includes the location of proposed signage on submitted plans 'DA1' and 'DA3'. The application includes eleven (11) wall signs, five (5) directional signs, four (4) illuminated signs, one (1) banner sign with two panels and one (1) pylon sign.

A Signage Strategy was submitted in support of the application.

The relevant objectives of PP3.3.1 are to:

- (a) Ensure that advertisements are appropriate for their location;
- (b) Minimise the proliferation of advertisements;
- (c) Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;
- (d) Protect the amenity of residential areas, townscape areas and areas of environmental significance; and
- (h) Ensure advertisements are generally erected on land where the advertised business, sale of goods or service is being carried out;

The following "advertisements shall not be permitted provision" is of relevance:

- (c) Advertisements located on land not owned or leased by the advertiser unless where otherwise specified in this Planning Policy;

The majority of the signs, excluding the pylon sign and the banner pole signs, are considered to be generally consistent with the objectives of PP3.3.1. The standalone directional signage (in two locations) outside of the development site boundaries are also of concern and are not permitted by the Policy.

The following table provides an assessment of the pylon sign under which PP3.3.1 discretion is sought:

A Pylon Sign must not:	Officer Comment
Be located within 1.8m of a boundary.	The proposed setback from the bulk of the Pylon Sign is 0.47m. The pole is setback 0.62m in lieu of 1.8m from the boundary.
Be situated within 6.0m of any other sign of the same lot.	The sign is within 6.0m of proposed banner signage.
Have a height exceeding 6.0m, unless it can be demonstrated to the Council that a greater height is warranted and it complies with the objectives of this Planning Policy. In any event, a Pylon Sign shall not exceed 9.0m in height.	A total height of 12m above natural ground level is proposed.
Have a face area exceeding more than 3.5m width or height.	The face width is 4.34m and the height is 4.75m.
Have a face area of more than 4m ² on each side (single tenancy) or 13m ² on each side (multiple tenancy).	The face area based on the length and width is 20.62m ² . The shape of the sign occupies 13.76m ² . If the inside of the 'M' is not included the area of the sign is 9.66m ² .

Pylon Sign

There are no comparable pylon signs in the locality, however, it is noted that the approved pylon signage for the Service Station development on the planned southern lot includes 9.0m high pylon signage. The proposed pylon sign is situated at a prominent corner intersection, clearly visible on approach at a height double the Fast Food Outlet building. The proposed 12.0m height of the pylon sign is not supported. There are no traffic related concerns with respect to the setback of the pylon sign from the intersection, thus the reduced setback is supported by the City.

Banner Sign

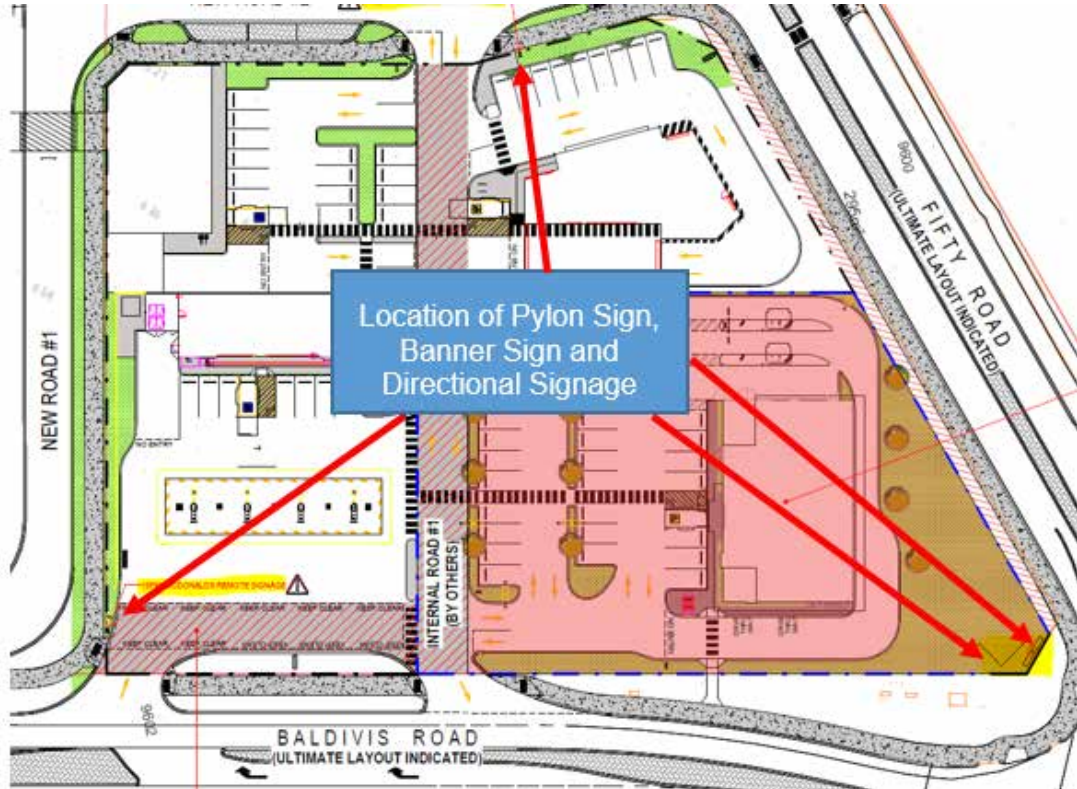
PP3.3.1 defines banner pole signs as:

“promotional banner erected on an approved banner pole displaying information about sporting, cultural, community, recreation and tourist events/activities which may acknowledge sponsor involvement in the promotion of such events/activities”.

Information pertaining to what is included on the banner signage has not been included in the application. The only reference is made on the plans which states *“McDonalds Banner fixed with eyebolts.”* The Applicant subsequently verbally confirmed that the banner signage was purely intended for promotion of fast food outlet products. The City does not consider a Fast Food Outlet to be a sporting, cultural, community or recreational and tourist activity/event and as such this form of advertising is not supported by the City.

Directional Signage

There are five (5) directional signs which are considered too many. Two (2) of these signs are located outside the development site (i.e. one on future Service Station site adjacent to the southern boundary and one on the future Liquor Store - Small site adjacent to the western boundary of the Local Commercial Centre). The City considers that these advertising signs should be removed to limit over-proliferation of signage.



16. Signage Plan Variations

Planning Policy 3.3.9 - Fast Food Outlets (PP3.3.9)

PP3.3.9 provides development standards relating to the development of Fast Food Outlets within the City.

The objectives of PP3.3.9 are:

- “(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Fast Food Outlets.
- (b) To secure the amenity and convenience of the locality through appropriate development requirements.”

The proposed Policy variations are discussed in the table below:

Policy Requirement	Provided	Compliance
Location		
The preferred locations for Fast Food Outlets are within approved Neighbourhood and District Town Centre zones and within the City Centre Zones specified under Clause 2(a) of this Policy.	The proposed development is situated within a Local Commercial Centre, which limits retail floor area. Based on the total NLA being capped at 1,300m ² , the Local Commercial Centre is considered akin to a Local Centre type environment.	The Centre has been identified as a preferred location for the development/use of a Fast Food Outlet via preceding planning processes i.e. SP and LDP.

Policy Requirement	Provided	Compliance
Development Standards		
In its consideration of proposals to establish Fast Food Outlets, the City will seek to reduce the impact of the use on the amenity of the locality (particularly adjacent to residential areas), through the following measures:	Various signage including a prominent 12.0m high pylon sign is proposed. The pylon sign exceeds the maximum permissible height by 3.0m.	Refer to the signage assessment above.
Development Standards		
(a) The location of signage, parking, drive-through facility, bin storage areas and service vehicle access.	Apart from the height of the pylon sign, the City is also concerned with the proliferation of signage which also extends beyond the boundaries of development site, as well as banner signage located within close proximity to the pylon sign.	
Advertising Signs		
Any proposed advertising must accord with the deemed provisions and Planning Policy 3.3.1 - Control of Advertisements.	The height of the pylon sign does not accord with the PP3.3.1 Policy requirements. Information pertaining to what is included on the banner sign has not been adequately addressed. Furthermore, the Applicant has not demonstrated that the proposal seeks to minimise the proliferation of signage.	Refer to the signage assessment above.

The proposal is generally compliant. Signage can be addressed via conditions of Development Approval.

Planning Policy 3.4.3 – Urban Water (PP3.4.3)

A Stormwater Management Plan (SMP) was not submitted as part of the Development Application, nor is there any mention regarding management principles in the application.

As per PP3.4.3, a SMP is required to support a Development Application. Whilst the Urban Water Management Plan is yet to be approved to support the subdivision of the Local Commercial Centre, the on-site stormwater management requirements for a commercial area are expected to be consistent with the overarching Local Water Management Strategy. A SMP will be required at the detailed design stage to reflect the engineering plans for the subdivision and landscape plan for this development.

e. Financial

Nil

f. Legal and Statutory

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

Clause 27 of Schedule 2 of the Deemed Provisions states that a decision-maker for an application for Development Approval in an area that is covered by a SP is to have due regard to, but is not bound by, the SP when deciding the application.

As detailed in the Background section of this Report, the Local Commercial Centre is covered by the SP which was approved by the WAPC in April 2021.

The following SP requirements/conditions apply to this proposal:

- All uses as listed in accordance with the Commercial zone of Table No.1 - Zoning Table of the Council's Town Planning Scheme, with the exception of the following, which shall not be permitted: Liquor Store - Large, Tavern and Warehouse/Storage;
- A total shop/retail NLA area of 1,300m² of land use activities included in the Planning Land Use Category 5 'shop/retail' as defined by WAPC Perth and Peel land use and Employment Survey (as amended) applies;
- One full movement access point from Baldivis Road and one full movement access point from an internal subdivision road to the western boundary of the Local Commercial Centre connecting to Fifty Road.
- Development is to occur in accordance with an approved LDP.

In regard to the above provisions:

- A Fast Food Outlet land use is Permitted;
- The approved shop/retail NLA for the Local Commercial Centre inclusive of the proposal equates to approximately 742m². Future development on Lot 4 will not be compromised;
- Vehicle access arrangements along Baldivis Road for the Local Commercial Centre were carried across into the LDP. A LDP has been approved over the land, details of which are discussed below.

Accordingly, the proposal satisfies the requirements of the SP.

Local Development Plan

The LDP is oriented around providing customer 'drive through' services, however, contains provisions relating to built-form, landscaping, pedestrian access, vehicular access, fencing, noise management, existing trees and car parking.

Assessment of the proposal against the LDP provisions is limited to areas where the development requires discretion, as detailed in the table below:

Provisions	Provided	Compliance
Landscaping		
A minimum 2.0m landscaping strip is to be provided abutting public streets generally in the location shown in the LDP.	Landscaping strip width along the Baldivis Road frontage varies in width from 1.7m to 2.7m. Landscaping strip width along the Fifty Road frontage varies from Nil to 16.8m.	Partially, however, the dedicated landscaping area at the intersection of Baldivis Road and Fifty Road substantially compensates for the reduction in minimum width. The overall provision of landscaping is double what is require under the LDP.

Provisions	Provided	Compliance
Vehicle Access		
Vehicular access is to be provided as shown in this LDP i.e. one full movement access point from Baldivis Road and one full movement access point from an internal subdivision road to the western boundary of the Local Commercial Centre connecting to Fifty Road.	The development is proposed to be accessible by a planned vehicle access point for the Local Commercial Centre, being a (southern) left-in/right-in crossover with a left-turn/right-turn slip lane in both directions on Baldivis Road, a separate (northern) Left-out only crossover on Baldivis Road, and a full movement crossover to the planned internal subdivision road to the western boundary of the Local Commercial Centre connecting to Fifty Road.	Partially, however, intended access arrangements along Baldivis Road are consistent with prior Development Approval for the adjoining Liquor Store - Small and Service Station development which was/is supported by the City. The new access arrangements along Baldivis Road provide for greater level of legibility, convenience and safety though the Local Commercial Centre.

The LDP variations to Landscaping and Vehicular Access provisions are considered acceptable.

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

TPS2 defines the proposed land use as *"premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar."*

Within the Special Use zone under the adopted SP, a Fast Food Outlet is a Permitted land use.

Clause 4.6.3 - Parking

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

Use	Rate	Required	Provided
Fast Food Outlet	1 bay per 11m ² NLA (including outdoor eating areas)	28 (308m ² NLA)	26
* Note: As per the requirements of Local Planning Policy 3.3.9 Fast Food Outlets, the number of on-site bays can be reduced where a drive through facility is proposed.			

The proposed development provides a total of 26 on-site car parking spaces, which does not satisfy the car parking requirements of Clause 4.15 of TPS2.

Notwithstanding this two (2) bay shortfall, pursuant to Clause 4.3 of PP3.3.9, up to a maximum of 50% of the drive-through queue lane can be utilised for the car parking allocation. The drive-through facility associated with the Fast Food Outlet accommodates for queuing of up to 14 cars. Therefore, the number of parking bays required on-site can be reduced to 21, thus resulting in an on-site surplus of five (5) bays.

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, Council is required to consider the objectives of TPS2. The proposed Signage Strategy as submitted is considered to be inconsistent with TPS2 objectives. Signage was discussed previously in the Policy section of this Report.

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

The potential noise impacts resulting from the proposed development has been assessed against the Noise Regulations. Compliance with the assigned noise levels has been demonstrated for all time periods for the surrounding land uses, however, this is predicated on the basis that the Service Station development is constructed.

Further noise mitigation measures may be necessary in the event this development is constructed and is ready for operation in advance of the Service Station development. In order to manage the potential noise implications in such event, a precautionary condition is recommended that requires a final acoustic assessment to be prepared and is provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the Noise Regulations.

The recommended condition may be satisfied alternatively without the need for the Applicant to submit a final acoustic assessment, if the Service Station has substantially commenced development.

g. Risk

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

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

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

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

Nil

Comments

The proposed development is an approved land use within the Local Commercial Centre under TPS2. Subject to appropriate conditions in order to address the City's concerns pertaining to landscaping and signage, the proposed development is considered to be compliant with TPS2, SP, LDP and Policy requirements.

Where matters have not been covered already in this Report, they are discussed below.

Site Plan Layout

There are some concerns regarding the Site Plan layout which are unresolved, including inconsistency with engineering plans for the subdivision works and concerns regarding internal vehicular circulation, however, these matters can be managed through clarification and appropriate conditions of Development Approval and are discussed below.

Engineering

The submitted plans for the Development Application include an Overall Site Plan which does not match the latest engineering base plans for Baldivis Road and New Road No.2 (e.g. left turn slip lane). In this regard, it is recommended that the Overall Site Plan be excluded from the approved drawings for this application. This plan is further not required, as the City does not support the proposed directional signage outside the development site.

Light Pole

Given the level of detail the proposed light pole located adjacent to the internal road No.1 appears to restrict the movement of commercial vehicles, specifically fuel tankers for the Service Station development. The City is uncertain of the height of the light pole, but notes the light head does intrude into the internal road.

Kerb Ramp

The City does not support the proposed kerb ramp being located within the shared area of the universal bay. The kerb ramp is required to be redesigned to ensure it is located outside of the shared area.

Consultation

The Fast Food Outlet location was identified via the preceding Structure Plan and Local Development Plan processes and referred to relevant government agencies for comment. The Department of Education was consulted and advised, amongst other things, that it had no objection to the Fast Food Outlet component with respect to its location proximate to the Baldivis Primary School.

Conclusion

The proposed development is considered to be suitable for its site and locality. It is therefore recommended that the application for a Fast Food Outlet be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the Fast Food Outlet Application at Lot 1 (No.364) Baldivis Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the Presiding Member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

APPROVE DAP Application reference DAP/21/02069 and accompanying plans:

- Site Plan, Drawing No.DA02;
- Site Signage Plans; Drawing No.DA03;
- Landscaping Plan; Drawing No.DA04;
- Floor Plan; Drawing No.DA05;
- Roof Plan; Drawing No.DA06;
- Elevations; Drawing No.DA07 and DA08;
- Signage Details Drawing No.DA10 and DA11; and
- Feature Survey Plans; Drawing No.001 and 012.

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

Conditions

1. This decision constitutes Development Approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works.

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. All service areas and service related hardware, including air-conditioning units, being suitably located from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
5. A revised Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
 - (i) The Location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, indicating calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Any natural areas/trees to be retained;
 - (iv) Those areas to be reticulated or irrigated as part of a strategy for internal/external areas;
 - (v) Irrigation plans for all planted areas including the adjoining verge areas;
 - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas, including ongoing maintenance;
 - (vii) Install five (5) additional trees along the Baldivis Road boundary, two (2) trees within the carpark planted nibs and one (1) additional tree along Fifty Road boundary. All trees are to be a minimum of 200Ltr.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development by the operator or landowner, and must be maintained at all times to the satisfaction of the City of Rockingham.

6. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.

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

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

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.

8. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
9. The proposed Pylon Sign must be modified to a maximum height of 9.0m.
10. The proposed Banner Signage is excluded from this Development Approval.
11. The proposed Directional Signage outside the development boundaries of the Fast Food Outlet site is excluded from this Development Approval.
12. Access to service/waste vehicles or operation of forklifts must be restricted to the hours of 7:00am and 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
13. All odours and emissions must be controlled as not to create a nuisance, to the satisfaction of the City of Rockingham.
14. All service vehicle movements shall occur outside the morning (7.00am-9.00am) and afternoon peak (16.00pm-18.00pm) hour periods to minimise traffic safety risk.
15. 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. All illuminated signage shall have boxing or casing constructed of incombustible materials. The signage shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extend of the lot boundaries.
16. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites, unless further approval has been obtained.
17. Four (4) bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.
The bicycle parking spaces must be constructed prior to occupation of the development.
18. The car parking areas must:
 - (i) provide a minimum of 26 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit (kerb ramping to be located outside the shared area for the universal bay);
 - (iii) provide car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (v) comply with the above requirements for the duration of the development.

Advice Notes

1. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to lodgement of an application for a Building Permit. The Applicant should liaise with the City of Rockingham's Health Services in this regard.

2. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the Applicant should liaise with the City's Building Services in this regard.
3. All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services in this regard.
4. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.
5. In relation to Condition 2, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
6. In relation to Condition 3, a Stormwater Management Plan (SMP) is to reflect the overarching Local Water Management Strategy, that being:
 - (i) Treatment of the first 15mm of rainfall runoff from trafficable areas. Note that the proposed carpark elevations provided on the Site Plan indicate that treatment of the first 15mm utilizing Water Sensitive Urban Design elements is not proposed. This will need to be rectified in the SMP.
 - (ii) Retention and infiltration of all events up to the critical 10% AEP (1:10) storm event within the development boundary.
 - (iii) Provision of an overflow route towards the future adjacent Public Open Space, for events greater than the 10% AEP.
7. In relation to Condition 14, the swept path analysis suggests that the movement for service vehicles within the site would be encroaching into the opposing traffic lane as well as incorporating reversing movements which increases traffic safety risk and would impact upon traffic flow within the car parking areas.

Committee Recommendation

Moved Cr Buchan, seconded Cr Edwards:

That Council **ADOPTS** the Responsible Authority Report for the Fast Food Outlet Application at Lot 1 (No.364) Baldivis Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the Presiding Member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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2. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works.
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. All service areas and service related hardware, including air-conditioning units, being suitably located from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
5. A revised Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
 - (i) The Location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, indicating calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Any natural areas/trees to be retained;
 - (iv) Those areas to be reticulated or irrigated as part of a strategy for internal/external areas;
 - (v) Irrigation plans for all planted areas including the adjoining verge areas;
 - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas, including ongoing maintenance;
 - (vii) Install five (5) additional trees along the Baldivis Road boundary, two (2) trees within the carpark planted nibs and one (1) additional tree along Fifty Road boundary. All trees are to be a minimum of 200Ltr.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development by the operator or landowner, and must be maintained at all times to the satisfaction of the City of Rockingham.

6. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.

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

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

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest “noise sensitive premises” and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness of noise sources; and
 - (iii) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.
8. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
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 13. All odours and emissions must be controlled as not to create a nuisance, to the satisfaction of the City of Rockingham.
 14. All service vehicle movements shall occur outside the morning (7.00am-9.00am) and afternoon peak (16.00pm-18.00pm) hour periods to minimise traffic safety risk.
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 16. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites, unless further approval has been obtained.
 17. Four (4) bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.
The bicycle parking spaces must be constructed prior to occupation of the development.
 18. The car parking areas must:
 - (i) provide a minimum of 26 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit (kerb ramping to be located outside the shared area for the universal bay);
 - (iii) provide car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;

- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (v) comply with the above requirements for the duration of the development.

19. The proposed development must be kept neat and tidy, and free of rubbish at all times for the duration of the development.

Advice Notes

1. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to lodgement of an application for a Building Permit. The Applicant should liaise with the City of Rockingham's Health Services in this regard.
2. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the Applicant should liaise with the City's Building Services in this regard.
3. All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services in this regard.
4. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.
5. In relation to Condition 2, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
6. In relation to Condition 3, a Stormwater Management Plan (SMP) is to reflect the overarching Local Water Management Strategy, that being:
 - (i) Treatment of the first 15mm of rainfall runoff from trafficable areas. Note that the proposed carpark elevations provided on the Site Plan indicate that treatment of the first 15mm utilizing Water Sensitive Urban Design elements is not proposed. This will need to be rectified in the SMP.
 - (ii) Retention and infiltration of all events up to the critical 10% AEP (1:10) storm event within the development boundary.
 - (iii) Provision of an overflow route towards the future adjacent Public Open Space, for events greater than the 10% AEP.
7. In relation to Condition 14, the swept path analysis suggests that the movement for service vehicles within the site would be encroaching into the opposing traffic lane as well as incorporating reversing movements which increases traffic safety risk and would impact upon traffic flow within the car parking areas.

Committee Voting (Carried) - 4/0

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

To ensure the area is free of rubbish and not blown off-site.

Implications of the Changes to the Officer's Recommendation

Not Applicable

Engineering and Parks Services

Engineering and Parks Services Director and Support Services



Reference No & Subject:	EP-019/21 Draft Council Policy - Requests for Feature Lighting
File No:	CPR/853-04
Applicant:	
Owner:	
Author:	Mr Michael Wilson, Senior Project Officer
Other Contributors:	Ms Michelle Ebert, Business Analyst Mr Sam Assaad, Director Engineering and Parks Services
Date of Committee Meeting:	4 October 2021
Previously before Council:	25 August 2020 (EP-017/20)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	
Maps/Diagrams:	

Purpose of Report

To seek Council endorsement of the draft Council Policy - Requests for Feature Lighting for the purpose of public comment.

Background

The City of Rockingham currently has the capability for feature lighting displays at the Rockingham beach foreshore. It is intended in the medium term to add this capability to the City of Rockingham administration clock tower, and may form part of future major developments within the City of Rockingham.

Community requests for feature lighting of the clock tower and the Rockingham beach foreshore have escalated since the administration clock tower went 'Green for Parks' during the COVID-19 pandemic in 2019.

To enable effective management of these requests, Council on 25 August 2020 supported *the preparation of a Policy on requests for feature lighting for the purposes of state, national or internationally recognised health and wellbeing campaigns and the City of Rockingham for its own purposes.*

The draft Policy is now presented to Council for endorsement to proceed to public consultation.

Details

The draft Policy provides guidance for consideration of feature lighting requests.

Approach

This Policy is to support health and wellbeing campaigns that are not for the material benefit of any individual or organisation.

The Policy utilises definitions common to other City policies as well as internationally recognised definitions.

Whom can make a request for feature lighting?

Requests can only be made by office bearers of relevant not-for-profit organisations, specifically defined as being:

- Companies limited by guarantee
- Educational institutions, or
- Incorporated not-for-profit organisations/associations.

The City of Rockingham can also utilise feature lighting for its own purposes.

For what purposes will requests be considered?

Requests will only be considered for the promotion of health and wellbeing issues, defined as being recognised internationally or nationally; of particular significance to WA or Perth; or aligned with a City of Rockingham strategy, project or event.

Can requests be made for specific times?

Requests can be made for any time that aligns with the purpose, and does not conflict with the City of Rockingham's own use (for instance, Australia Day and the Christmas period will be exclusively for City utilisation).

Costs

The cost to change the feature lighting at the Rockingham Beach Foreshore is minimal as it is an electronically controlled system. The City of Rockingham Administration Clock Tower is a manual system requiring electricians using elevated work platforms to change the lenses at a cost of \$1000 per change.

The City of Rockingham Administration Re-rendering project includes the upgrade of the lighting system in 2022-2023.

Implications to Consider

a. Consultation with the Community

Pending Council endorsement, the draft Policy will be advertised for public comment for a period of 14 days.

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:** *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.*
- Aspiration 4:** *Deliver Quality Leadership and Business Expertise*
- Strategic Objective:** *Key Stakeholder Partnerships - Foster relationships and partnerships with key stakeholders to achieve enhanced community outcomes.*

d. Policy

Nil

e. Financial

The costs for conducting community consultation of the draft Policy if endorsed by Council is estimated at \$500. This will be funded through the Engineering and Parks Services Directorate 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 draft Council Policy - Requests for Feature Lighting provides direction to the City on how to manage requests received for current and future feature lighting infrastructure, while supporting the community in highlighting campaigns to improve health and wellbeing.

Following a review of public comments received, the Policy will be returned to Council for final adoption.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **SUPPORTS** the draft Council Policy - Requests for Feature Lighting, for the purpose of public comment, as follows:

Council Policy - Requests for Feature Lighting

Council Policy Objective

To direct the City of Rockingham administration in the management of feature lighting.

Council Policy Scope

Rockingham Beach Foreshore feature lighting.

City of Rockingham Administration building clock tower.

The Chief Executive Officer (CEO) has discretion to add additional sites where the City has direct control over the lighting and has capability to provide feature lighting (by colour and/or templates).

Council Policy Statement

1. Requests for the City of Rockingham to provide feature lighting displays may be made:
 - 1.1 By office bearers of incorporated not-for-profit organisations/associations (NFP); companies limited by guarantee (CLG); or educational institutions (EI) for the purpose of promoting a health and wellbeing issue that is;
 - (a) recognised internationally or nationally; and/or
 - (b) may be of particular significance to Perth or Western Australia, and/or
 - (c) is aligned with a City of Rockingham strategy, project or event; or
 - 1.2 By the City of Rockingham for its own purposes.
2. Feature Lighting bookings:
 - 2.1 Are to be made, and to be assessed, as per the City of Rockingham Procedure on Requests for Feature Lighting
 - 2.2 Cannot be made by NFPs, CLGs and EIs for:
 - (a) Australia Day
 - (b) Christmas period (coinciding with the City of Rockingham Christmas lights display)
 - (c) Any other time the City is using the feature lighting for its own purpose.
3. The CEO will develop procedures for assessment of feature lighting requests
4. The CEO has discretion to accept or reject an application for feature lighting.

Definitions

In this Policy, unless the contrary intention appears:

Company Limited by Guarantee - Specialised form of public company designed for non-profit organisations. In Australia companies limited by guarantee are subject to the Corporations Act 2001 (Commonwealth) and administered by the Australian Securities and Investments Commission (ASIC).

Educational Institutions - An institution physically within the boundaries of the City of Rockingham that is available or open to the public or a section of the public and whose sole purpose is providing education. Any other purpose of the organisation must be incidental or ancillary to providing public education. Education in this context does not extend to merely providing information or lobbying.

Public educational institutions include:

- Universities or colleges managed by public bodies;
- All primary and secondary schools;
- Not for Profit business colleges.

Organisations that are not public educational institutions include:

- colleges run for the profit of the private owners
- associations operated for their members' professional benefit
- promotional and lobbying bodies.

Feature lighting - coloured lighting, or special form (e.g. template shapes) lighting, within the City of Rockingham, and directly under the control of the City of Rockingham.

Health and wellbeing campaign - any publicly visible non-commercial activity, promotion or awareness raising exercise that is seeking to achieve individual and/or group physical, mental and/or social improvements within the community.

Incorporated Associations - An "incorporated association":

- (a) Cannot operate for the profit or gain of its individual members;

- (b) Must contribute to the community in a social, sporting, cultural, environmental or charitable context; and
- (c) Demonstrates local volunteer involvement.

Legislation

Nil

Other Relevant Policies/Key Documents

Nil

Responsible Division

Engineering and Parks Services

Review Date

To be reviewed every three (3) years

Committee Recommendation

Moved Cr Sammels, seconded Cr Buchan:

That Council **SUPPORTS** the draft Council Policy - Requests for Feature Lighting, for the purpose of public comment, as follows:

Council Policy - Requests for Feature Lighting

Council Policy Objective

To direct the City of Rockingham administration in the management of feature lighting.

Council Policy Scope

Rockingham Beach Foreshore feature lighting.

City of Rockingham Administration building clock tower.

The Chief Executive Officer (CEO) has discretion to add additional sites where the City has direct control over the lighting and has capability to provide feature lighting (by colour and/or templates).

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- (c) Demonstrates local volunteer involvement.

Legislation

Nil

Other Relevant Policies/Key Documents

Nil

Responsible Division

Engineering and Parks Services

Review Date

To be reviewed every three (3) years

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

13.	Reports of Councillors
	Nil
14.	Addendum Agenda
	Nil
15.	Motions of which Previous Notice has been given
	Nil
16.	Notices of Motion for Consideration at the Following Meeting
	Nil
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee
	Nil
18.	Matters Behind Closed Doors
	Nil
19.	Date and Time of Next Meeting
	The next Planning and Engineering Services Committee meeting will be held on Monday 15 November 2021 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson acknowledged the Mayor for his many years of contribution to the Planning and Engineering Services Committee and Council, thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:25pm .