



City of Rockingham

MINUTES

Ordinary Meeting of Council Minutes

Held on Tuesday 21 September 2021 at 6:00pm
City of Rockingham Council Chambers



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Ordinary Meeting of Council
6:00pm Tuesday 21 September 2021



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1. Declaration of Opening

The Mayor declared the Council meeting open at **6:00pm**, 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.

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 Rae Cottam	Rockingham/Safety Bay Ward
Cr Leigh Liley	Rockingham/Safety Bay Ward
Cr Joy Stewart	Rockingham/Safety Bay Ward

	<p>2.2 Executive</p> <table border="0"> <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>Ms Jelette Edwards</td><td>A/Manager Governance and Councillor Support</td></tr> <tr><td>Mr Vince Ritorto</td><td>Manager Human Resource Development</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>2.3 Members of the Gallery: 19</p> <p>2.4 Apologies: Nil</p> <p>2.5 Approved Leave of Absence: 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	Ms Jelette Edwards	A/Manager Governance and Councillor Support	Mr Vince Ritorto	Manager Human Resource Development	Mr Peter Le	Senior Legal Officer	Mr Aiden Boyham	City Media Officer	Ms Sarah Mylotte	Administration Officer, Governance and Councillor Support
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3.	Responses to Previous Public Questions Taken on Notice																						
	<p>3.1 Mr Tom Mannion, Safety Bay – Credit card / Mosquito population</p> <p>At the Council meeting held on 24 August 2021, Mr Mannion asked the following questions that were taken on notice and the Director Corporate Services provided a response in a letter dated 8 September 2021 as follows:</p> <p><u>Questions</u></p> <p>This month's minutes show credit card fraud was identified with a corporate card ending in number 4505 -</p> <ol style="list-style-type: none"> 1. Was the transaction made by an employee, if not was it by someone other than an employee? 2. Was the fraudulent transaction reported to the police if not why not? 3. Has the City removed this card from service? 4. What action has been taken as a result of this fraudulent transaction? 5. This is not the only credit card misused this year what action was taken after previous cases of misuse this year? <p><i>The City does not provide specific details on its actions responding to irregular credit card transactions. Broadly speaking, when irregular third party transactions are identified, on any corporate card, the bank is notified immediately for their action. As a general rule, the card is stopped and reissued, similar to any person holding a bank issued credit card.</i></p> <p><i>The transactions you have identified were not made by any employee of the City and were responded to efficiently and appropriately.</i></p> <p><u>Question</u></p> <p>The City recent through their Facebook page posted an article relaying the health concerns relating to potential mosquito population and what the public could do like empty pot plant saucers etc. I raise the risks to the public with high water levels in and around The Anchorage caused by lack of maintenance to reduce blockages to drains and further on the design of the discharge side of Lake Richmond which has two large culvert drains running under Point Peron Road and then with a single smaller diameter drain pipe into Mangles Bay that has a 50% reduction in discharge blocked with rubble.</p>																						

1. What is the City doing to lower the health risks and the water levels around the lakes and drains within the Anchorage

Response

City officers have reviewed the operation of the drainage system within the Anchorage Estate from the open channel drains to the ocean outlet at Mangles Bay. It has been observed that hydraulically the system is functioning with no noted blockages that are impeding flows. Winter rainfall events have resulted in high water levels with some of the walled channels overflowing to the surrounding turf swales, which is consistent with the system design. As rainfall lessens, natural infiltration will ensure that the drains will return to normalised levels.

The City has an active mosquito monitoring program, predominately focussed on the saltmarsh areas around Lake Amarillo and the Serpentine River system. These areas breed saltmarsh mosquitoes, which are known vectors for mosquito-borne diseases such as Ross River Virus and Barmah Forest Virus.

Locations holding freshwater, such as drainage sumps and the like, are monitored to a lesser extent. Mosquitoes that breed in freshwater are known as nuisance mosquitoes, meaning they can create a nuisance however do not transmit mosquito-borne disease. Mosquitoes found to be breeding in freshwater are treated, however the focus of the program is on the saltmarsh areas and protecting public health.

After winter weather events the City's Environmental Health Officers have predicted an increase in mosquito enquiries due to a lot of holding water around the City. Whilst the City's mosquito control program is extensive, residents need to also be aware of things that they can do to reduce any freshwater mosquito breeding around their own homes.

3.2 Ms Diane Park, Waikiki - Warnbro Sound Ave Wall / Technopole / proposed Council Policy – Legal Representation for Council Members and Employees

At the Council meeting held on 24 August 2021, Ms Park asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 3 September 2021 as follows:

Question

1. Can you please update residents on the status of the damaged / dangerous wall on Warnbro Sound Avenue?

Response

This matter is currently between the legal representatives acting for the affected owners, and the legal representatives acting for the City's insurers.

The wall is located on private land, and is the land owners' responsibility. The City's responsibility is to ensure the risk to the public using the road reserve is minimised, which has been done through the installation of the temporary fence. The temporary fence will remain in place until the risk from the wall falling into the road reserve is removed.

It is acknowledged that there is graffiti on the wall. Graffiti is an issue throughout the City, and it is normally removed quickly. In this instance, however, it has been determined that the graffiti cannot be removed safely within the temporary fence without increasing the risk of the wall further failing or injuring a graffiti removal contractor.

The City is keen to get a resolution to this matter, and has tried to act in the best interests of the affected owners by approaching the Department of Housing as the original developer on a number of occasions.

Question

2. Is council paying for the cost of this fencing?

Response

The temporary fence is owned by the City, so there are no ongoing hire charges. It will also be reused for future fencing needs.

Question

3. I refer back to my questions and responses from council in April this year. I asked if it was possible to gain access to financial spreadsheets and AGM reports of Technopole. As council allocated \$352,000 to this business and \$77,000 was still unaccounted for.

I was advised, by Council, that these questions should be directed to the company for answers. I have delivered a letter to the company. The building in Rockingham is vacant and it is noted that this building is now up for lease.

I was informed in the responses that monies had been used for legal fees, set up costs, website preparation but some funds were still held by the not-for-profit entity. Can council please explore where the outstanding money is and should it be returned to council funds or should I go to the Office of the Auditor General?

Response (provided at the meeting)

The Mayor advised that Council at its March meeting resolved not to provide further funding to the Technopole to that already provided, due to the changing environment that had occurred. This included advice from Murdoch University that its facility was no longer available to the Technopole and the impact of COVID-19 on the concept.

Council's decision was made following a presentation from the Technopole Chair to a Councillor Engagement Session and recognising that start-up funding was running out. The Council made its decision with this information but also supporting the NFP to pursue alternate funding. Further information to that provided to you previously, should be followed up with the Technopole.

At the Council meeting held on 24 August 2021, Ms Park asked the following questions that were taken on notice and the Director Legal Services and General Counsel provided a response to the following in a letter dated 8 September 2021 as follows:

Question

4. As this council has insurance in place to cover legal costs for Councillors and staff with the Local Government Insurance Scheme, why are we now also considering a grant of \$10,000 for legal fees?

I refer to section General Principles B) (ii) – proceedings brought against members or employees (this could be in relations to a decision of Council or an employee which aggrieves another person eg. Refusing a development application) or were the conduct of a member or an employee is carrying out his or her functions is considered detrimental to the person (eg. Defending defamation actions)

Response

Council has insurance that covers the legal costs of certain claims made against councillors and employees in the course of carrying out their duties. That insurance cover does not extend to claims made by a councillor or employee in relation to defamatory comments.

The proposed Policy does not propose that a "grant" of \$10,000 be made to a councillor or employee, but rather that the City may pay up to \$10,000 for specific legal advice, in relation to comments that are considered to be defamatory of a councillor or employee. Additionally, it is proposed that if any monies are recovered by the defamed person, they will first be used to reimburse any funds advanced by the City.

Question

5. Are Councillors encouraged to engage in social media post, with the exception of their Councillor pages, as residents or councillors?

Surely councillors will be participating in these forums, in their own right as a citizen / ratepayer and not wearing their councillor hats.

Residents and administrators on social media pages shouldn't have to feel intimidated by individuals that happen to be councillors, with threats of being reported to higher authorities. There is ample scope to report these posts through the right channels on Facebook etc without them sending personal messages asking for people to be removed from the site. This is using the status of councillor to intimidate others.

Response

Councillors make their own choices as to how they interact with members of the public and social media administrators and whether they hold themselves out as councillors or private citizens.

Question

6. If 'Joe Blogs' feels aggrieved by a post made by a councillor can he get the support of a grant from ratepayer funds to take legal action against said councillor?

Ratepayer funds are not there to be used for bruised egos for councillors or ratepayers and the rates should only be used for the betterment of the City. If they need to take any course of action it should be for their own personal account and not ratepayer funds.

A few months ago, Mayor Sammels stated at council meeting words to the affect, I don't use social media and if you find it upsets you, stay away from it, don't look. Very wise words from our Mayor.

Response

The proposed Policy is confined to councillors and employees acting in the course of their roles for the City. It does not extend to ratepayers (e.g., "Joe Bloggs").

The proposed Policy applies only where a councillor or employee may have been defamed in accordance with the law of Western Australia. The proposed policy includes an assessment of this threshold. It will not apply where an ego has been bruised, unless the words complained of are defamatory.

Defamation involves damage to a person's reputation caused by the making of defamatory comments to someone other than the person defamed. That damage will be suffered regardless of whether the defamed person uses social media.

3.3

Mr James Mumme, Shoalwater – Planning matters

At the Council meeting held on 24 August 2021, Mr Mumme asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 3 September 2021 as follows:

Planning and What the Community Wants PD-023/21

(Preamble to Question) Last meeting I commended Council for rejecting a petrol station on traffic grounds. But I asked why did Council not also reject it on the basis of the Strategic Community Plan. The Community want Council to "consider the needs of the current growing population and the needs of future generations". In the future we will need more charging stations, not more petrol stations. It seems Council does not want to heed the community.

Many years ago the Mayor called for a marina and housing estate on half of Cape Peron and ignored what the community wanted. Last week speaking about Class A status, he said Cape Peron has "the high community value ... with rich environmental and heritage elements" (Sound Telegraph 11 August). He proudly said that the City was "ensuring any outcome aligns with the aspirations of our Strategic Community Plan."

	<p><u>Question</u></p> <p>1. Why does Council trot out these Community aspirations only when it suits them but ignores them when they don't fit with planning?</p> <p><u>Response</u></p> <p><i>The City strives towards achieving its community aspirations every day.</i></p> <p><i>Likewise, it has legal responsibilities under the statutory planning framework which require it to deal with all development applications, in accordance with that legal framework.</i></p> <p><i>Dealing with development applications in accordance with the planning law does not mean the Council has ignored its community aspirations.</i></p>
3.4	<p>Ms Dawn Jecks, Safety Bay – Facebook administrators</p> <p>At the Council meeting held on 24 August 2021, Ms Jecks asked the following questions that were taken on notice and the Director Legal Services and General Counsel provided a response in a letter dated 8 September 2021 as follows:</p> <p><u>Question</u></p> <p>1. How many Councillors have threatened Facebook administrators of local resident's pages and groups with legal action in the last 12 months because of comments made by local residents?</p> <p><u>Response</u></p> <p><i>The City does not know the answer to this question. Councillors are not obliged to inform the City of any such conduct.</i></p> <p><u>Question</u></p> <p>2. What impact will the proposed policy have in these circumstances?</p> <p><u>Response</u></p> <p><i>The proposed policy will not apply unless comments made by local residents are defamatory of councillors.</i></p>
3.5	<p>Ms Kelly Middlecoat, Baldvis - OSH Act in relation to proposed Council Policy – Legal Representation for Council Members and Employees</p> <p>At the Council meeting held on 24 August 2021, Ms Middlecoat asked the following questions that were taken on notice and the Director Legal Services and General Counsel provided a response in a letter dated 8 September 2021 as follows:</p> <p>(Preamble to Question) In the agenda, it states that ignoring negative comments made could "expose the City and its officers, (particularly the CEO) to being prosecuted under the Occupational Safety and Health Act 1984 (WA) and the Work Health and Safety Act 2020 (WA)". In the proposed model policy for legal representation for council members and employees, it references to the whole of the Work Health and Safety Act – no specific section is mentioned, and Part III, Division 2 of the Occupational Safety and Health Act. Part III, Division 2 of the OSH Act prescribes general workplace duties. It provides that, an employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer are not exposed to hazards eg. Providing personal protective clothing and equipment etc.</p> <p><u>Question</u></p> <p>1. On what basis does the City believe it is not, so far as is practicable, providing and maintaining a safe working environment when defamatory comments made by individuals are completely out of the City's control? I note the majority of employers use an Employee Assistance Program to mitigate against this risk?</p>

Response

- Pursuant to the Occupational Safety and Health Act 1984 (OSH Act), the City is required, "so far as is practicable", to provide and maintain a working environment in which its employees are not exposed to hazards: s 19(1). A "hazard" is anything that may result in injury to the person or harm to the health of the person: s 3(1).
- Pursuant to the Work Health and Safety Act 2020 (WA) (WHS Act), which will soon replace the OSH Act, a person conducting a business or undertaking must ensure, "so far as is reasonably practicable", the health and safety of, among others, its workers: s 19(1). "Health" means "physical and psychological health" s 4. Section 18 defines "reasonably practicable" as that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including a number of specific factors.

If an employee is defamed, they may suffer psychological harm (e.g., depression and anxiety). An existing psychological condition may also be exacerbated. Doing nothing may lead to a sense of abandonment and further defamatory comments being made that may further compound the initial harm.

The City's insurer, Local Government Insurance Service (LGIS) has alluded to these issues¹.

While the City makes an Employee Assistance Program available it is considered "practicable" [OSH Act] and "reasonably practicable" [WHS Act] to take steps to further mitigate this harm in the manner set out in the proposed Policy. The City has a duty of care to provide a safe workplace.

Question

2. How will allowing funding for legal representation protect the City against breaching this Division of the OSH Act and what specific sections in both Acts is the Policy referring to when proposing that the City and its officers could be subject to litigation?

Response

Please see Response 1. If the steps identified in the draft Policy are "practicable" or "reasonably practicable" (as the case may be), a failure to take them may constitute a breach of the provisions identified in Response 1, and therefore an "offence" especially if that failure causes the death of, or serious harm to an individual or exposes an individual to a risk of death or of injury or harm to the individual's health (s 30 - s 33).

In that event, an officer of the City (which will include the CEO) may be charged with a breach of those provisions. Fines under the WHS Act for industrial manslaughter range from imprisonment for 20 years and a fine of \$5 million (for an individual) and \$10 million for a body corporate (such as the City): s 30A. Less serious offences attract lesser, but still significant, penalties.

Insurance will likely provide legal representation to defend these offences, but cannot cover any fines imposed (against the City or its officers) and is obviously irrelevant if imprisonment were to be imposed: s 272A.

The proposed policy is aimed at assisting the provision of a safe workplace environment and protecting officers from harm that may flow from defamatory comments.

¹ <https://riskmatterslgis.com.au/2021/03/managing-psychological-injuries-in-the-workplace/>

	<p><u>Question</u></p> <p>3. The agenda states that funding for legal representation may be allowed when a person is lessening the confidence of the community in the local government. It further states that the funding will be used in "exceptional circumstances in the context of defamation". Can these two principles be defined as they highly subjective?</p> <p><u>Response</u></p> <p><i>Defamation means "defamation" in accordance with the laws of Western Australia.</i></p> <p><i>The proposed Policy provides that funding may be approved if "exceptional circumstances" exist - i.e. where a person or organisation is "lessening the confidence of the community in the local government by making adverse personal comments about council members or employees.</i></p> <p><i>Funding is not available unless the "adverse personal comments" are defamatory.</i></p> <p><u>Question</u></p> <p>4. Who provided the advice that insurance cannot be taken out to mitigate against the risk? Is there no workers compensation or income protection insurance that can be used rather than funding with rate payer's funds?</p> <p><u>Response</u></p> <p><i>The City has workers compensation insurance that responds where an employee is absent due to ill-health. Income insurance may also be available. The City also has insurance that would likely respond to a claim based in negligence.</i></p> <p><i>Please see the answer to question 2 which explains the unavailability of insurance cover for breaches of the WHS Act.</i></p>
4.	Public Question Time
6:01pm	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.
4.1	<p>Ms Teresa Ong, Singleton - Smartwatch and Code on Conduct Complaint</p> <p>The Mayor invited Ms Ong to present her questions to the Council. Ms Ong asked the following questions:</p> <p>There is a problem with Local Governments stepping outside their areas of remit and distorting the role of local government in the process.</p> <p>Security is the remit of the State Government, through WAPOL, this includes security patrols.</p> <p>This smart watch program costs ratepayers in excess of \$2.5 million.</p> <p>\$1.5 million smart watch employees</p> <p>Admin etc up to \$2 million total plus the vehicles</p> <p>Well in excess of \$2.5 million</p> <p>1. Does the. City of Rockingham receive any .subsidy or State Government grants for this smart watch security program it provides within the City of Rockingham.?</p> <p><i>The Mayor advised that Smart Watch performs a high visibility deterrence patrol and holiday watch service for the City of Rockingham community at a total cost of close to \$2m.</i></p> <p><i>The Smart Watch approach is not a policing service.</i></p>

2. If no subsidy is received, can the Council please lobby the state government to either provide or subsidise this service.

The Mayor advised that the service is not subsidised by the State Government and there is currently no intention to lobby the State Government to pay for it.

Code of Conduct complaint div 3 01/21

This is non response (referring to letter attached to question) and the complaints officer when questioned said he could not tell me anymore, than the non answer.

When a previous Div 3 was finalised, a Councillor and others ran at top speed to the press, to the radio stations and local newspaper to ensure maximum coverage.

3. Why has this Div 3 been pushed under the rug? Is it due to friendships with Councillors and the respondent?

The Mayor took the question on notice.

4. Surely the process and outcome of this complaint should be on the website, like in previous complaints which are on the web?

The Mayor took the question on notice.

4.2 James Mumme, Shoalwater - Petrol Station and Community Aspirations

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

Recently Council dealt with a planning application for a third petrol station along Dixon Road.

The City refused the application on the traffic and parking. (The JDAP also refused it on ground of traffic.)

Council quoted the strategic community aspiration to the effect that this petrol station would "meet the needs of a growing population, with consideration of future generations". Given that future generations are likely to need charging stations, not petrol stations, this makes no sense.

1. What would have prevented Council from also refusing the petrol station on the ground that it failed to meet the predicted needs of future generations (or at the very least could Council have raised concerns)?

The Director of Planning wrote that "The City strives towards achieving its community aspirations every day." and "the City has legal responsibilities ... [under] planning law [sic]."

2. Does the Director's reply mean that the City treats community aspiration as a lower priority than meeting planning regulations and does not see it as a legal responsibility?

The intent of the Local Government Act is for local government in carrying out its functions to "use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity." Please note that meeting planning law is not mentioned.

3. Does Council consider that planning regulations are more important than the intent of the Act (and if not why not)?

4. Does Council consider that to quote the community aspiration about needs of future generations regarding a petrol station contradicts the intent of the act to meet needs of future generations (and if not, how does Council manage the situation when Council has no clear understanding about the needs of future generations)?

The Mayor took the above questions on notice.

The Chief Executive Officer made comment that the Council sits on planning matters in a quasi-judicial role and therefore must determine planning matters on planning grounds according to the planning law. Planning legislation (the Act and Regulations) not the Local Government Act 1995.

	<p>4.3 Mr Tom Mannion, Safety Bay - Credit cards and Flooding in the Anchorage</p> <p>The Mayor invited Mr Mannion to present his questions to the Council. Mr Mannion asked the following questions:</p> <p>My question last month was responded that we do not provide specific details which is not what I was seeking but then went on to answer 3 of the questions.</p> <p>So in order to be open and transparent.</p> <ol style="list-style-type: none">1. Was the fraudulent transaction reported to the police? if not why not?2. Have the elected members reviewed the Executive Policy to address the gaps allowing these fraudulent transactions? if not why not?3. If so why is there another fraudulent transaction on another card in this month's minutes? <p><i>The Director Corporate Services advised that the transaction was not performed by a staff member and there was no cost to the City. Relevant parties were advised. The City does not advise in public our detailed operational transactions to reduce the risk of fraud to the City.</i></p> <p>Last month I also raised questions on the flooding in The Anchorage.</p> <p>The City has responded that the drains are intentionally flooded and that they have investigated and found no blockages restricting the flow.</p> <p>Councillors, you all have emails sent today with photos showing you the outlet pipe 50% blocked and drain clearly blocked with weeds.</p> <p>In a previous response the City stated they use exclusion fences and safety signs for the public safety, none of these have been used in this instance or in previous years. Based on the statement from the City that they flood these drains intentionally and that they have failed to implement any of their controls. Residents in the Anchorage have witnessed people in these drains and dogs being rescued from the weed covered sections.</p> <p>I would suggest that elected members have less a focus on Defamation and get independent legal advice on their negligence and the consequences of a serious incident involved flooding drains.</p> <p>The City also stated they follow best practice in managing storm drains.</p> <ol style="list-style-type: none">4. Are the Elected Members aware of the Department of Environment Stormwater Management Manual for Western Australia? This manual is used by WA Water Corporation. <p><i>The Mayor took the question on notice.</i></p> <p>The Manual on several occasions under the heading of Public Health identify the need to control flooding to reduce the risk of injury and loss of life along with health risks and reducing the risk of water pooling causing mosquito breeding sites and other health hazards.</p> <ol style="list-style-type: none">5. Will the Elected Members direct the city to adopt a safer strategy to reduce and maintain water levels to the drainage systems through the Anchorage? <p><i>The Mayor advised took the question on notice.</i></p> <p>4.4 Mr Daniel Osborne, Warnbro - Legal Representation for Council Members and Employees</p> <p>The Mayor invited Mr Osborne to present his questions to the Council. Mr Osborne asked the following questions:</p> <ol style="list-style-type: none">1. Assuming the submissions for the defamation policy are all against it, are you still going forward with it?
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	<p>2. Can you tell me how I, as a ratepayer, will benefit from this?</p> <p><i>The Chief Executive Officer advised the proposed policy does not refer to a grant, it makes provision for legal advice/services up to \$10,000 with conditions, where defamation has occurred. It is difficult to meet the threshold of defamation. This matter will come before Council at the November 2021 Council meeting for determination. The report will present all the submissions received and highlight themes and a summary of submissions. Council will make a decision based on the merits of the report and submissions received.</i></p> <p>6:18pm There being no further questions the Mayor closed Public Question Time.</p>		
5.	Applications for Leave of Absence		
	Nil		
6.	Confirmation of Minutes of the Previous Meeting		
	<p>Moved Cr Stewart, seconded Cr Buchanan:</p> <p>That Council CONFIRMS the minutes of the:</p> <ol style="list-style-type: none"> 1. Ordinary Council meeting held on 24 August 2021; and 2. Special Council meeting held on 31 August 2021 <p>as a true and accurate record.</p> <p style="text-align: right;">Carried – 10/0</p>		
7.	Matters Arising from Minutes of Previous Meeting		
	Nil		
8.	Announcement by the Presiding Person without Discussion		
	<p>6:18pm 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.</p>		
9.	Declarations of Members and Officers Interests		
	<p>9.1</p> <p>Item HR-001/21</p> <p>Officer:</p> <p>Type of Interest:</p> <p>Nature of Interest:</p> <p>Extent of Interest:</p>	<p>Chief Executive Officer Performance and Personal Development Review for 2021</p> <p>Mr Michael Parker, Chief Executive Officer</p> <p>Financial</p> <p>The CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.</p> <p>Not Applicable</p>	
	<p>9.2</p> <p>Item HR-002/21</p> <p>Officer:</p> <p>Type of Interest:</p> <p>Nature of Interest:</p> <p>Extent of Interest:</p>	<p>Chief Executive Officer Performance and Personal Development Review for 2022</p> <p>Mr Michael Parker, Chief Executive Officer</p> <p>Financial</p> <p>The CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.</p> <p>Not Applicable</p>	

	<p>9.3 Item CD-015/21 Recommendations Tertiary Scholarship Scheme Applications Round Two 2021</p> <p>Councillor: Cr Deb Hamblin</p> <p>Type of Interest: Impartiality</p> <p>Nature of Interest: One of the applicants worked for Cr Hamblin as a casual employee about 10 years ago.</p> <p>Extent of Interest: Not Applicable</p> <p>9.4 Item PD-030/21 Joint Development Assessment Panel Application - Proposed Neighbourhood Shopping Centre Development</p> <p>Councillor: Cr Hayley Edwards</p> <p>Type of Interest: Financial</p> <p>Nature of Interest: Cr Edwards has a commercial interest in The Spires Estate.</p> <p>Extent of Interest: Not Applicable</p> <p>6:18pm The Mayor noted the interests declared in Items 9.1 to 9.4 and asked if there were any further interests to declare.</p> <p>The Mayor noted there were no further interests declared.</p>
10.	Petitions/Deputations/Presentations/Submissions
	<p>10.1 Cr Buchanan – WALGA Convention 2021</p> <p>Cr Buchanan attended the Western Australian Local Government Association (WALGA) Convention and was presented with two copies of the book by Dr Chris Berry, To Dwell In Unity – History of Local Government in Western Australia for the City of Rockingham.</p> <p>10.2 Mayor Sammels – Diploma of Local Government</p> <p>Mayor Sammels congratulated Cr Buchan and Cr Edwards on receiving their Diploma of Local Government at the WALGA Convention.</p> <p>10.3 Cr Hamblin - 2021 Local Government Road Safety Award</p> <p>Cr Hamblin advised that at the WALGA Annual General Meeting the City of Rockingham was presented with the 2021 Local Government Road Safety Award for the City's Road Safety Action Plan.</p>
11.	Matters for which the Meeting may be Closed
	<p>6:20pm The Mayor advised in accordance with section 5.23(2)(a), (b) and (c) of the Local Government Act 1995 – if there are any questions or debate on the following Confidential Items then the Council will need to defer the matter for consideration at Agenda Item 23 - Matters Behind Closed Doors.</p> <p>HR-001/21 Chief Executive Officer Performance and Personal Development Review for 2021 (Absolute Majority)</p> <p>HR-002/21 Chief Executive Officer Performance and Personal Development Review for 2022</p> <p>CD-015/21 Recommendations Tertiary Scholarship Scheme Applications Round Two 2021</p> <p>As there were questions on items HR-001/21 and HR-002/21, those reports would be dealt with behind closed doors at Item 23 - Matters Behind Closed Doors.</p> <p>There were no questions or request for debate on item CD-015/21.</p>

Chief Executive Officer Performance Review Committee

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

This item may be discussed behind closed doors as per Section 5.23(2)(a) and (c) of the Act

**General Management Services
Chief Executive Officer Performance
Review Committee**



Reference No & Subject:	HR-001/21	Chief Executive Officer Performance and Personal Development Review for 2021 (<i>Absolute Majority</i>)
File No:	PSL/2287	
Author:	Mr Vince Ritorto, Manager Human Resource Development	
Other Contributors:		
Date of Council Meeting:	21 September 2021	
Disclosure of Interest:	Mr Michael Parker, Chief Executive Officer declared a Financial Interest in Item HR-001/21 Chief Executive Officer Performance and Personal Development Review for 2021, as per Sections 5.60A and 5.65 of the Local Government Act 1995, as the CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.	
Attachments:	Confidential attachment as per Section 5.95 of the Local Government Act 1995 <ol style="list-style-type: none">Minutes of the Chief Executive Officer Performance Review Committee meeting held on 18 August 2021.Chief Executive Officer Annual Performance Appraisal Report 2020-21.	

Note: Deferred to Item 23 – Matters behind closed doors.

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

This item may be discussed behind closed doors as per Section 5.23(2)(a) and (c) of the Act

General Management Services Chief Executive Officer Performance Review Committee		
Reference No & Subject:	HR-002/21	Chief Executive Officer Performance and Personal Development Review for 2022
File No:	PSL/2287	
Author:	Mr Vince Ritorto, Manager Human Resource Development	
Other Contributors:		
Date of Council Meeting:	21 September 2021	
Previously before Council:		
Disclosure of Interest:	Mr Michael Parker, Chief Executive Officer declared a Financial Interest in Item HR-002/21 Chief Executive Officer Performance and Personal Development Review for 2022, as per Sections 5.60A and 5.65 of the Local Government Act 1995, as the CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.	
Nature of Council's Role in this Matter:	Executive	
Attachments:	<p>Confidential attachment as per Section 5.95 of the Local Government Act 1995</p> <ol style="list-style-type: none">1. Minutes of the Chief Executive Officer Performance Review Committee meeting held on 31 August 2021.2. Proposal to undertake Chief Executive Officer Performance Review with proposed methodology for the assessment process	

Note: Deferred to Item 23 – Matters behind closed doors.

Corporate and Community Development Committee

CONFIDENTIAL ITEM
NOT FOR PUBLIC ACCESS

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

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

**Community Development
Community Capacity Building
Rockingham Education and Training Advisory
Committee**



Reference No & Subject:	CD-015/21	Recommendations Tertiary Scholarship Scheme Applications Round Two 2021
File No:	CSV/1522-06	
Proponent/s:		
Author:	Ms Emma Youd, Community Development Officer (Grants)	
Other Contributors:	Ms Julia Dick, Collaborative Manager, Community Capacity Building Ms Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building	
Date of Committee Meeting:	14 September 2021	
Previously before Council:		
Disclosure of Interest:	Cr Hamblin declared an Impartiality Interest in Item CD-015/21 Recommendations Tertiary Scholarship Scheme Applications Round Two 2021, as detailed in Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995, as one of the applicants worked for Cr Hamblin as a casual employee about 10 years ago.	
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	Minutes of the Rockingham Education and Training Advisory Committee meeting held on Monday 9 August 2021.	
Maps/Diagrams:		

Voting Requirements

Simple Majority

Advisory Committee Recommendation

That Council **APPROVES** the applicants identified by the Rockingham Education and Training Advisory Committee for Round Two 2021 of the Tertiary Scholarship Scheme to a value of \$55,000.

Officer Recommendation if Different to Advisory Committee Recommendation

Nil

The Officer's Reason for Varying the Advisory Committee Recommendation

Nil

Committee Recommendation

That Council **APPROVES** the applicants identified by the Rockingham Education and Training Advisory Committee for Round Two 2021 of the Tertiary Scholarship Scheme to a value of \$55,000.

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 Hamblin, seconded Cr Davies:

That Council **APPROVES** the applicants identified by the Rockingham Education and Training Advisory Committee for Round Two 2021 of the Tertiary Scholarship Scheme to a value of \$55,000.

Carried – 10/0

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

Not Applicable

12.	Receipt of Minutes of Committees
	<p>Moved Cr Stewart, seconded Cr Edwards:</p> <p>That Council RECEIVES and CONSIDERS the minutes of the:</p> <ol style="list-style-type: none">1. CEO Performance Review Committee meetings held on 18 August 2021 and 31 August 20212. Planning and Engineering Services Committee meeting held on 13 September 20213. Corporate and Community Development Committee meeting held on 14 September 2021 <p style="text-align: right;">Carried – 10/0</p>
13.	Officers Reports and Recommendations of Committees
	<p>Method of Dealing with Agenda Business</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>Withdrawn Items</p> <p>The following officer report items were withdrawn for discussion:</p> <p>HR-001/21 Chief Executive Officer Performance and Personal Development Review for 2021 (<i>Absolute Majority</i>)</p> <p>HR-002/21 Chief Executive Officer Performance and Personal Development Review for 2022</p> <p>CD-015/21 Recommendations Tertiary Scholarship Scheme Applications Round Two 2021</p> <p>PD-030/21 Joint Development Assessment Panel Application - Proposed Neighbourhood Shopping Centre Development</p>

Council Resolution – En bloc Resolution

Moved Cr Jones, seconded Cr Buchan:

That the committee recommendations in relation to Agenda Items PD-028/21 and PD-029/21 be carried en bloc.

Carried – 10/0

Planning and Engineering Services Committee

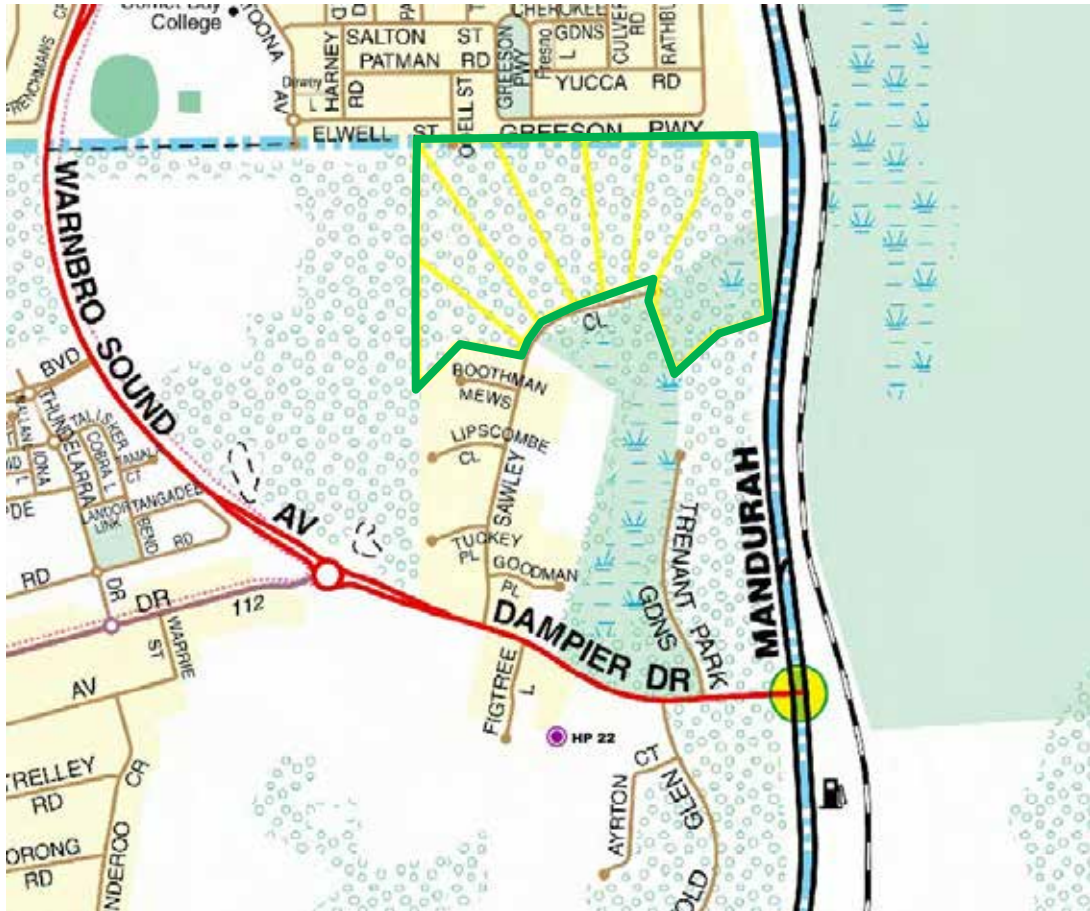
**Planning and Development Services
Statutory Planning Services**



Reference No & Subject:	PD-028/21	Revocation of Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones
File No:	LUP/1265-05	
Applicant:		
Owner:		
Author:	Mrs Casey Gillespie, Senior Planning Officer	
Other Contributors:	Mr Mike Ross, Manager Statutory Planning	
Date of Committee Meeting:	13 September 2021	
Previously before Council:	17 May 2008 (PD81/5/08)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Lots 161, 162, 23, 24, 25 and 26 Sawley Close Golden Bay	
Lot Area:		
LA Zoning:	Special Residential, Public Open Space	
MRS Zoning:	Rural, Urban	
Attachments:	Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones	
Maps/Diagrams:	<ol style="list-style-type: none">1. Location Plan2. Subdivision Guide Plan Dated 1999 Informing PP3.3.63. Approved Subdivision Plan 17 February 2021	

Purpose of Report

For Council to consider revoking Planning Policy No 3.3.6 - Development Guidelines for Special Residential Zones (PP3.3.6), in the context of a revised Subdivision Approval issued by the Western Australian Planning Commission (WAPC).



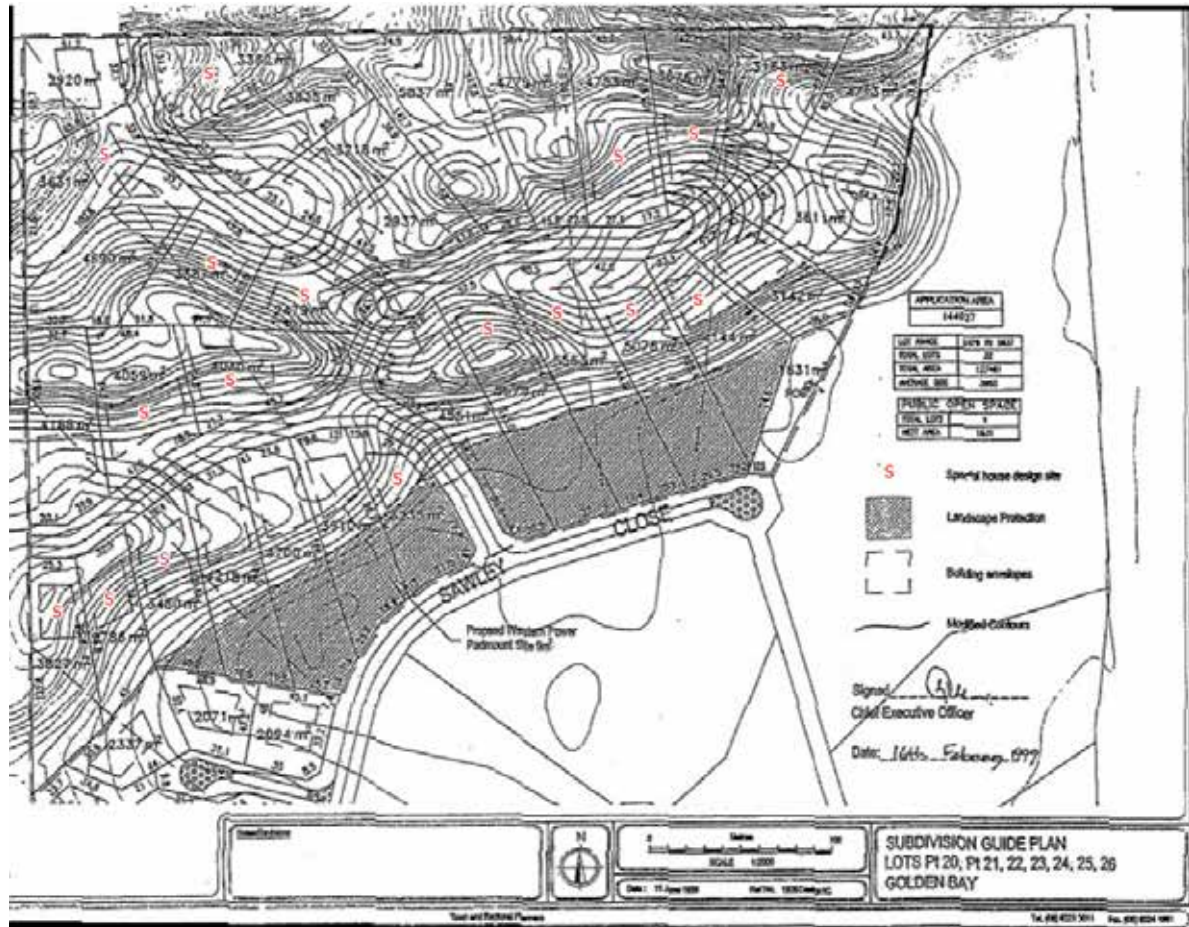
1. Location Plan

Background

In 1999, a Subdivision Guide Plan (SGP) was adopted as part of Amendment No.318 of former Town Planning Scheme No.1 (TPS1), which allowed for subdivision of the land into 32 lots under TPS1 on the subject land.

In 2005, a Subdivision Approval was issued by the WAPC (ref: WAPC 128437) approving 32 Special Residential lots, which lapsed in 2009.

In May 2008, Council adopted PP3.3.6 which guides the development of lots within this Special Residential Zone that are affected by steep topography ('S' designated lots) by the implementation of housing design requirements which retain landform. The Policy Application Area relates to the subject land, based on the Subdivision Approval granted by the WAPC. Refer to Figure 2 showing the subject land and approved plan informing PP3.3.6.

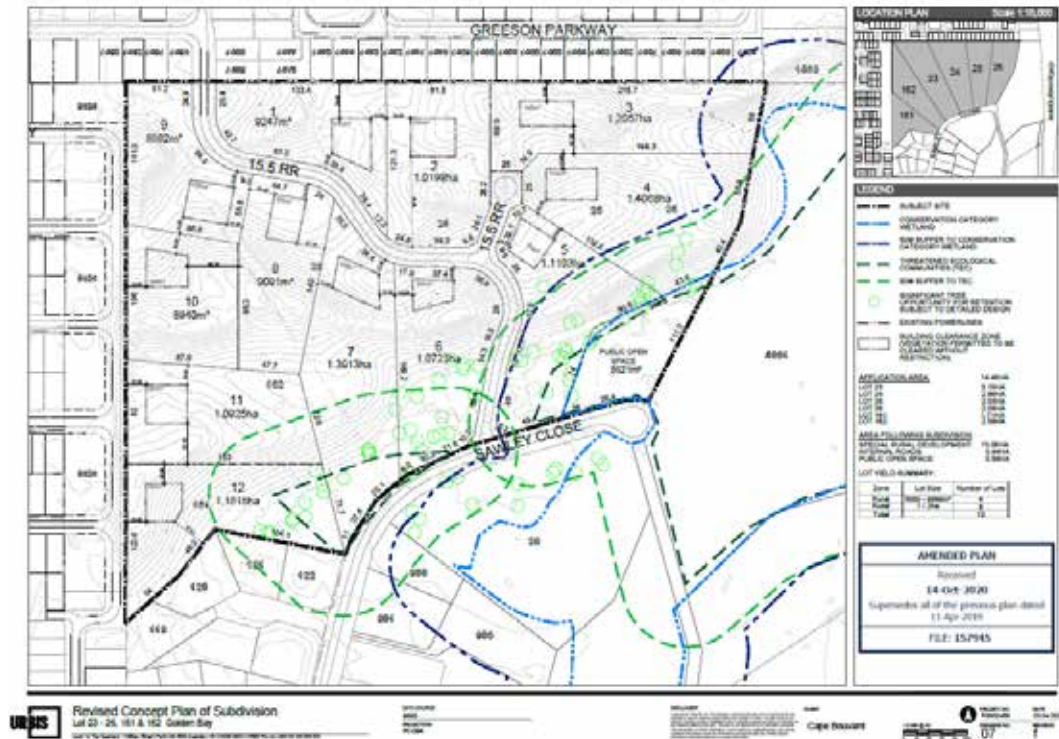


2. Subdivision Guide Plan Dated 1999 Informing PP3.3.6

In 2012, a Subdivision Approval for the subject land was issued by the WAPC (ref: WAPC 142038) by approving 31 Special Residential lots.

In April 2019, the Department of Planning Lands and Heritage (DPLH) referred a revised Subdivision Application for 12 lots on the subject land to the City for comment. In February 2020, the applicant lodged an application for review (appeal) to the State Administrative Tribunal (SAT) due to non-determination of the application.

On 17 February 2021, the WAPC granted Subdivision Approval for a 12 lot Special Residential development on the subject land as an outcome of the SAT process (ref: SAT DR 215 of 2019; WAPC 157945). This conditional Subdivision Approval is valid for a period of four years. Refer to Figure 3 showing the approved Subdivision Plan. The Subdivision Plan nominates revised Building Envelopes which generally avoid existing steep topography and retain significant environmental features and Public Open Space in a lower area.



3. Approved Subdivision Plan 17 February 2021

Details

Upon review, the City considers PP3.3.6 is redundant in the context of the following comments:

The 2021 WAPC Subdivision Approval achieves a better planning outcome in that it:

- Y Creates fewer lots than originally proposed;
- Y Nominates indicative Building Envelopes sensitive to the existing landform features;
- Y Provides for greater protection of the environmental attributes of the land including Threatened Ecological Communities (TEC) vegetation and Conservation Category Wetland (CCW);
- Y Includes Public Open Space;
- Y Reduces the amount of natural vegetation clearing required and mitigates against landform changes and alterations; and
- Y Upholds the principles of PP3.1.1 and fulfils the strategic intentions.

Accordingly, the City considers PP3.3.6 should be revoked because it is no longer necessary.

Implications to Consider

- a. **Consultation with the Community**
Nil
- b. **Consultation with other Agencies or Consultants**
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

Local Planning Policies (LPPs) can be prepared by the local government to provide additional information about the position that the local government will take on certain planning matters. LPPs do not form part of a Local Planning Scheme, but are recognised as matters to be given due regard to in consideration of applications for development approval. A LPP should be reviewed regularly to ensure that it remains relevant and in line with sound town planning principles. The age of PP3.3.6 has reduced its relevance when making planning decisions, particularly in the context of the 2021 revised Subdivision Approval. Where an LPP is inconsistent with the provisions of a Local Planning Scheme, the Scheme will prevail. Therefore, contradictions of a Scheme by an LPP should not occur.

Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones

PP3.3.6 was adopted by Council in response to the 2005 Subdivision Approval which has long expired, and has not been taken up. As such, the land remains undeveloped. Despite this, Condition 4 of the 2021 Subdivision Approval is as follows:

“Condition 4.

Prior to the commencement of the subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development to the satisfaction of the Western Australian Planning commission”.

The inclusion of Condition 4 ensures that future development of the subject land occurs within approved Building Envelopes and controlled consistent with the intent of the approved Subdivision Plan and conditions. Furthermore, when assessing and approving the Building Envelopes, the environmental and bushfire requirements of PP3.1.1 - Rural Land Strategy will apply (PP3.1.1).

Planning Policy 3.1.1 - Rural Land Strategy

PP3.1.1 has been prepared and adopted in accordance with clause 4 of the Deemed Provisions of TPS No.2. It applies to land zoned Rural, Special Rural and Special Residential in TPS No.2. In assessing applications for rezoning, Development Approval and formulating comments and recommendations on applications for the subdivision of rural land, TPS No.2 requires the Council to take into account the objective for the particular zone, and the principles and policy provisions set out in PP3.1.1.

The subject land is contained within Precinct 1e - Singleton Dunes and Golden Bay Lots of PP3.1.1.

The conditions of the current WAPC Subdivision Approval issued for the subject land are consistent with the strategic intents for the Precinct 1e and will ensure that development:

- Y Minimises the loss of landform associated with development;
- Y Minimises the loss of remnant vegetation associated with development;
- Y Avoids potential adverse impacts upon Conservation Category Wetland (CCW), Threatened Ecological Communities (TEC) associated vegetation and buffers; and
- Y Protects and enhance visual character and amenity.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No. 2 (TPS2).

PP3.3.6 is an adopted Local Planning Policy of the Council. PP3.3.6 does not form part of the TPS2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the

objectives which the Policy is designed to achieve before making its determination. Where an LPP contradicts a planning provision, the TPS provisions shall prevail.

Planning and Development (Local Planning Schemes) Regulations 2015

Pursuant to cl.6 of the deemed provisions incorporated into TPS2, a Local Planning Policy may be revoked by a notice of revocation prepared by the local government and published in accordance with clause 87.

cl 6 - Revocation of local planning policy

A local planning policy may be revoked —

- (a) *by a subsequent local planning policy that —*
(i) is prepared in accordance with this Part; and
(ii) expressly revokes the local planning policy;

or

- (b) *by a notice of revocation —*
(i) prepared by the local government; and
(ii) published by the local government in accordance with clause 87.

cl 87 - Requirements for making documents available to public

- (4) *If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district.*

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

PP3.3.6 has been superseded by LPP3.1.1 and has been furthermore made redundant by the 2021 revised Subdivision Approval.

Should the Subdivision Approval expire on 17 February 2025 and the land remains undeveloped, any future development application on the subject land would be subject to assessment against the City's planning framework, and shall default to TPS2 and PP3.1.1.

It is recommended that PP3.3.6 be revoked.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **REVOKES** Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones.

Committee Recommendation

That Council **REVOKES** Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones.

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 **REVOKES** Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones.

Carried en bloc

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

Not Applicable

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-029/21	Revocation of Planning Policy 3.3.20 - Residential Design Codes - Alternative Acceptable Deemed-to-Comply Provisions
File No:	LUP/1265-05	
Applicant:		
Owner:		
Author:	Mrs Casey Gillespie, Senior Planning Officer	
Other Contributors:	Mr Mike Ross, Manager Statutory Planning Mrs Cassie Strebel, Coordinator Building Services	
Date of Committee Meeting:	13 September 2021	
Previously before Council:	24 March 2009 (PD30/3/09); 22 March 2011 (SP-008/11); August 2016 (PDS-047/16); 25 October 2016 (PDS-070/16)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	Planning Policy 3.3.20 - Residential Design Codes - Alternative Acceptable Deemed-to-Comply Provisions	
Maps/Diagrams:		

Purpose of Report

For Council to consider revoking Planning Policy 3.3.20 - Residential Design Codes - Alternative Acceptable Deemed-to-Comply Provisions (PP3.3.20), for consistency with State Planning Policy 7.3 - Residential Design Codes (SPP7.3).

Background

In March 2009, Council adopted PP3.3.20 which provides for alternative acceptable development provisions to the State Planning Policy (SPP7.3) for Single Dwellings.

In March 2011, Council amended PP3.3.20 to include additional alternative acceptable development provisions for 'Buildings up to a Boundary' for lots coded R30 and above and a new design element for 'Interaction with Public Spaces'.

In October 2016, Council resolved to adopt amendments ensuring that the terminology and provisions of PP3.3.20 were consistent with the amended SPP7.3. The provisions relating to secondary street setbacks and outbuildings were amended to allow greater flexibility and the design element relating to 'Interaction with Public Spaces' was removed.

Details

The City has reviewed PP3.3.20 and considers that it has been superseded by SPP7.3 which was recently amended on 2 July 2021.

The amendments to SPP7.3, as they relate to PP3.3.20, specifically addressed lot boundary setbacks for Single Dwellings and Outbuilding permitted sizes as follows:

- Y cl 5.1.3 - Lot boundary setback - clarifying secondary street setbacks and walls built to boundaries; and
- Y cl 5.4.3 - Outbuildings - providing clarity on outbuilding categories being small or large and the associated sizes and wall height.

The amendments to SPP7.3 were prepared in consultation with local governments and highlighted a need to address common themes and design variations that local governments were addressing by way of a local planning policy.

Considering the scope of changes made to SPP7.3, it is considered that PP3.3.20 is no longer required, and the development requirements of SPP7.3 should apply.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with other Agencies or Consultants

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

With reference to the hierarchical planning assessment framework, planning policy and statutory documents are in place to guide decision making and ensure orderly development outcomes. SPPs do not have a binding effect, but under the Planning and Development Act every local government is required to have due regard to SPPs in preparing or amending a local planning scheme. SPPs may be made part of local planning schemes through insertion of specific scheme provisions, to which this applies to SPP7.3 for residential development. The Minister for Planning may order a local government to amend its local planning scheme to be consistent with a SPP.

Local Planning Policies (LPPs) can be prepared by a local government to provide additional information about the position that local government will take on certain planning matters. LPPs do not form part of a local planning scheme, but are recognised as matters to be given due regard to in consideration of applications for planning approval. LPPs must be consistent with the intent of the relevant local planning scheme provisions, and by implication must also be consistent with any relevant SPP.

Planning Policy 3.3.20 - Residential Design Codes - Alternative Acceptable Deemed-to-Comply Provisions

PP3.3.20 currently varies certain deemed-to-comply provisions for residential development to which SPP7.3 applies and provides additional deemed-to-comply provisions. The amendments to SPP7.3 effective 2 July 2021, encompass the additional deemed-to-comply provisions that PP3.3.20 sought to address. As such, for clarity in assessment, SPP7.3 shall apply to the assessment of all residential development.

To note, PP3.3.20 does not apply to areas or sites where *Planning Policy 3.3.22 - Medium Density Single House Development Standards - Development Zones* applies and as such, there will be no impact or change to the assessment framework for these sites and/or developments. It is likely, however, that PP3.3.22 provisions will likewise be superseded by new Residential Medium Density Codes which are currently being considered by the Department of Planning, Lands and Heritage.

e. Financial

Nil

f. Legal and Statutory

State Planning Policy 7.3 - Residential Design Codes (SPP7.3)

The scope of the local planning framework and the application of the SPP7.3 restricts the preparation of LPPs that seek to vary the SPP7.3 to limited design elements only. As such, the decision-maker (the local government) shall not amend or modify the SPP7.3 by the preparation of a LPP that provides for greater or lesser requirements, unless it is consistent with and relates to matters expressly permitted under the SPP7.3 to be amended or modified. The PP3.3.20 is not consistent with the local planning framework as it relates to the SPP7.3.

Town Planning Scheme No. 2 (TPS2) - cl. "Clause"

TPS2 cl.4.1.2(b) requires that unless otherwise provided for in the TPS2, all residential development is to be dealt with by the SPP and is to conform to the SPP.

PP3.3.20 is an adopted Local Planning Policy of the Council. PP3.3.20 does not form part of the TPS2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Planning and Development (Local Planning Schemes) Regulations 2015

Pursuant to cl.6 of the deemed provisions incorporated into TPS2, a Local Planning Policy may be revoked by a notice of revocation prepared by the local government and published in accordance with clause 87.

cl 6 - Revocation of local planning policy

A local planning policy may be revoked —

(a) by a subsequent local planning policy that —

(i) is prepared in accordance with this Part; and

(ii) expressly revokes the local planning policy;

or

(b) by a notice of revocation —

(i) prepared by the local government; and

(ii) published by the local government in accordance with clause 87.

cl 87 - Requirements for making documents available to public

(4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district.

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

Residential Design Code Approvals and Building Permit Applications predominately for Single Dwellings and associated Outbuildings are determined by the City's Building Services. The recent amendments to SPP7.3 address the items within PP3.3.20 and support a proposal to revoke PP3.3.20.

Assessment of applications for residential dwellings shall default to SPP7.3, consistent with the state assessment hierarchy framework. Any variation to SPP7.3 deemed-to-comply provisions shall be triggered and assessed pursuant to SPP7.3.

It is recommended that PP3.3.20 be revoked to align with TPS2 cl.4.1.2(b).

Voting Requirements

Simple Majority

Officer Recommendation

That Council **REVOKES** Planning Policy 3.3.20 - Residential Design Codes - Alternative Acceptable Deemed-to-Comply provisions.

Committee Recommendation

That Council **REVOKES** Planning Policy 3.3.20 - Residential Design Codes - Alternative Acceptable Deemed-to-Comply provisions.

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 **REVOKES** Planning Policy 3.3.20 - Residential Design Codes - Alternative Acceptable Deemed-to-Comply provisions.

Carried en bloc

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

Not Applicable

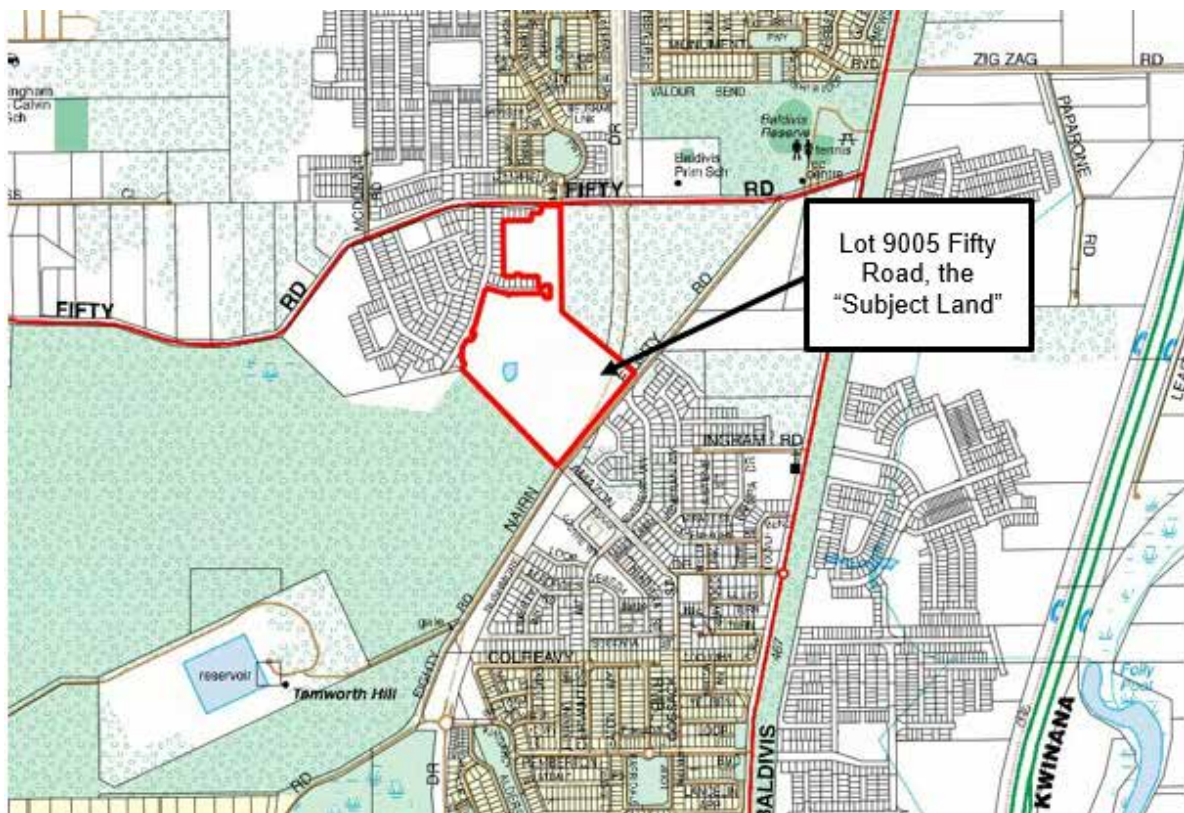
6:22pm Cr Hayley Edwards having declared a Financial Interest in item PD-030/21 Joint Development Assessment Panel Application - Proposed Neighbourhood Shopping Centre Development, departed the meeting.

Planning and Development Services Statutory Planning Services	
Reference No & Subject:	PD-030/21 Joint Development Assessment Panel Application - Proposed Neighbourhood Shopping Centre Development
File No:	DD020.2021.00000167.001
Applicant:	Planning Solutions Pty Ltd
Owner:	Piperpoint Pty Ltd
Author:	Mr Chris Parlane, Senior Planning Officer
Other Contributors:	Mr David Banovic, Senior Projects Officer Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	13 September 2021
Previously before Council:	
Disclosure of Interest:	Cr Hayley Edwards declared a Financial Interest in Item PD-030/21 Joint Development Assessment Panel Application - Proposed Neighbourhood Shopping Centre Development, as per Sections 5.60A and 5.65 of the Local Government Act 1995, as she has a commercial interest in The Spires Estate.
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 9005 Fifty Road, Baldivis
Lot Area:	14.74ha
LA Zoning:	Development
MRS Zoning:	Urban, Other Regional Road
Attachments:	1. Responsible Authority Report 2. Application for Development Approval 3. Additional Information Received 4. External Agency Comments 5. Adopted Spires (Phase 2) Structure Plan Map 6. Adopted Local Development Plan
Maps/Diagrams:	1. Location Plan 2. The Spires (Phase 2) Structure Plan Map 3. Aerial Photo of Subject Site and Surrounding Development 4. Proposed Amendment No.5 to the Spires (Phase 2) Structure Plan

	<ol style="list-style-type: none"> 5. Statutory Planning Committee Refused Amendment to Structure Plan over Lots 1401 and 1402 Fifty Road 6. Proposed Overall Site Plan 7. Shopping Centre Floor Plan Enlargement 8. Commercial Centre Floor Plan Enlargement 9. Perspectives - Western Entrance of Shopping Centre 10. Perspective - Alfresco View to Piazza, Shopping Centre 11. Perspective - Southern Entrance of Shopping Centre 12. Perspective - Mall View 13. Perspective - Shopping Centre from Pantheon Road 14. Perspective - Pantheon Road Looking East 15. Perspective - Looking South West 16. Bushfire Management Plan Extract - Proposed Asset Protection Zone 17. Landscape Master Plan 18. Proposed Public Art 19. Local Development Plan Variations
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Purpose of Report

To provide a recommendation to the Metro Outer Joint Development Assessment Panel (MOJDAP) for the proposed Baldivis North Neighbourhood Centre (BNNC) development, on a portion of Lot 9005 Fifty Road, Baldivis.



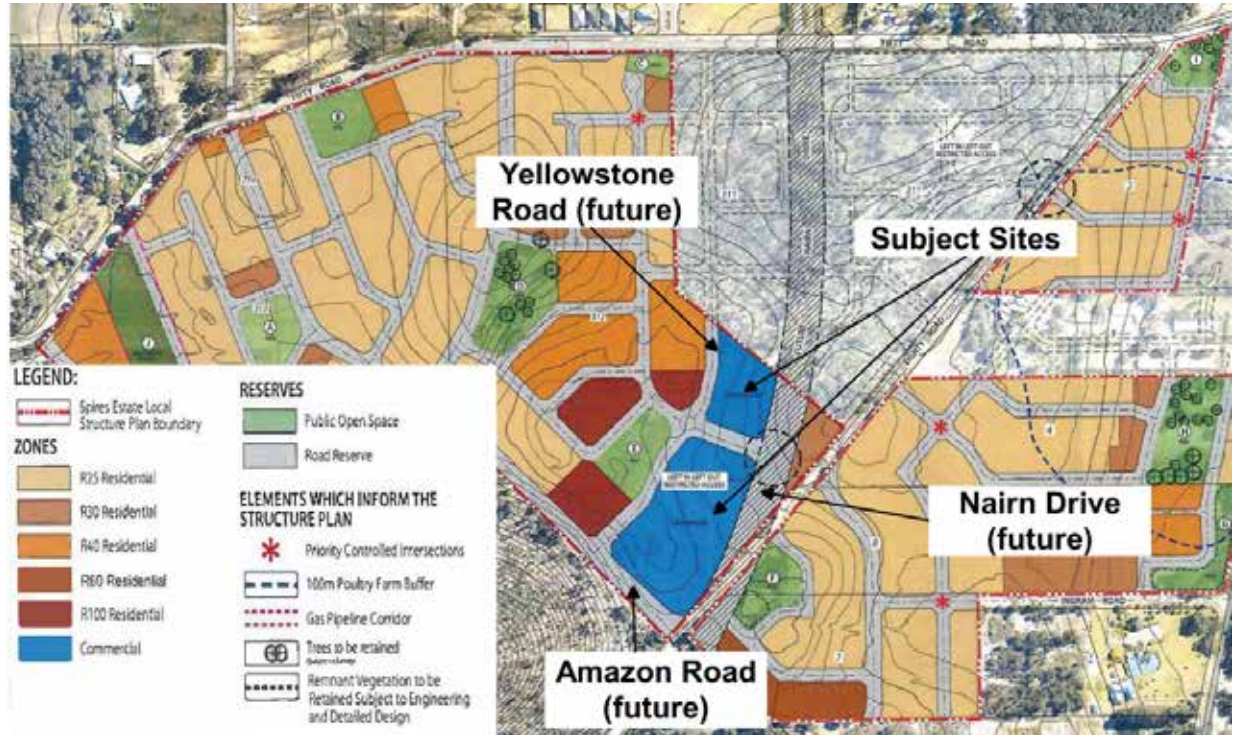
1. Location Plan

Background

Currently described as Lot 9005, the subject land is in the process of being developed into a residential estate, in accordance with the approved Spires (Phase 2) Structure Plan (SP2SP).

The subject land has been extensively cleared of vegetation, and bulk earthworks are progressing.

The proposed development is sited over two future Commercial Lots comprising 1.92ha and 6,671m² in area, which constitutes the planned Baldivis North Neighbourhood Centre (BNNC), as depicted on the SP2SP map (refer to Figure 2 below).



2. The Spires (Phase 2) Structure Plan Map



3. Aerial Photo of Subject Site and Surrounding Development

Site Context

The BNNC development adjoins:

- Ÿ The north-eastern side of the future extension of Amazon Drive;
- Ÿ The north-western side of the future extension of Nairn Drive, which is reserved as an 'Other Regional Road (ORR)' under the Metropolitan Region Scheme (MRS);
- Ÿ The south-eastern side of Yellowstone Road, being the future 'Main Street' for the BNNC;
- Ÿ Lot 1401 Fifty Road to the north-east, which is a future development site, upon which the BNNC will ultimately extend. Lot 1401 is heavily vegetated and is subject to a separate planning process via a proposed Amendment to the Local Structure Plan, details of which are discussed further below within the Background section of this report; and
- Ÿ Pantheon Road which bisects the BNNC. Pantheon Road will have restricted access to/from Nairn Drive when constructed.

In broader context, to the west of Yellowstone Road is a planned Public Open Space (POS) reserve and medium to high density zoned Residential land (Residential R40 and R100).

The R100 site on the corner of Yellowstone Road and Amazon Road is currently the subject of Amendment No.5 to the SP2SP, which proposes to reclassify the site's designation in order to consider a Tavern development, details of which are also discussed further below in the Background section of this report.

To the west and east of Lot 9005 are recently established residential estates.

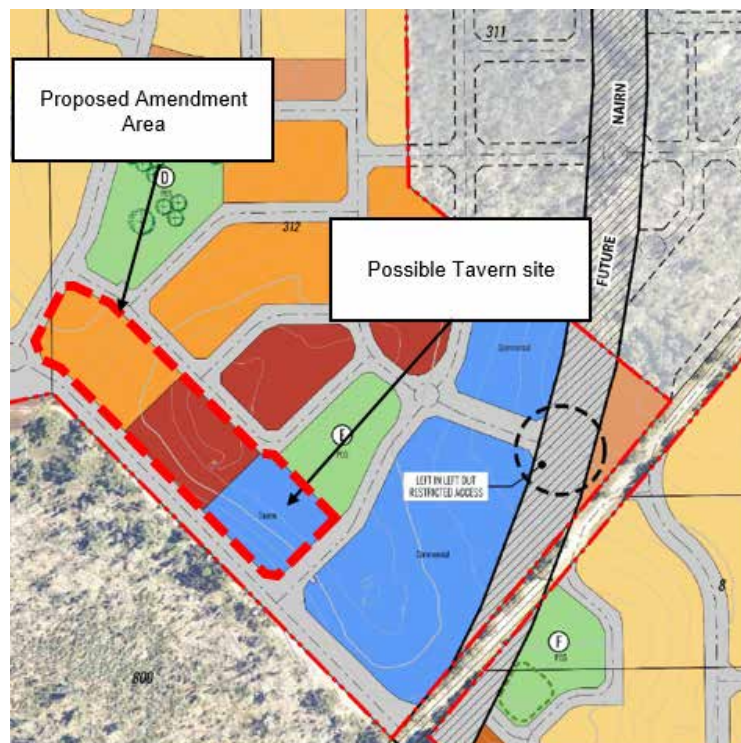
Spires (Phase 2) Structure Plan Amendment No.5:

Proposed Amendment No.5 affects a corner site opposite the BNNC, north-west of Yellowstone Road and north-east of Amazon Drive.

The Amendment proposes to re-code residential land and reclassify the corner site from 'R100 Residential' to 'Commercial'.

In August 2021, the Council resolved to recommend to the Western Australian Planning Commission (WAPC) that the Structure Plan Amendment should not be approved until such time as the Applicant addresses various modifications including "*The proposed commercial site being zoned Special Use on the Local Structure Plan map*".

In order to protect the intent of the BNNC, the City recommended the proposed Tavern site be classified as a 'Special Use' zone, rather than a 'Commercial' zone, to remove the potential for it to be developed for commercial/retail uses, not assessed under the current scenario presented in the Retail Sustainability Assessment.



4. Proposed Amendment No.5 to the Spires (Phase 2) Structure Plan

Amendment to Adjoining Structure Plan (Lots 1401 and 1402 Fifty Road):

In January 2021, the Council considered an Amendment to the Lot 311 Fifty Road Structure Plan, which abuts the subject land (refer to Figure 5 below - now described as Lots 1401 and 1402 Fifty Road).

The Amendment proposed to re-allocate various residential density codes and increases the area allocated for Commercial Development from 0.204ha to 1.8ha, in an attempt to accommodate the following:

- (i) An additional supermarket and specialty shops, to a maximum of 4,000m², resulting in shop/retail floor space total of up to 11,000m² for the overall centre; and
- (ii) Potential for Bulky Goods Showrooms, Fast Food Outlets, Child Care Centre, Medical Centre, Service Station and other non-retail commercial uses.

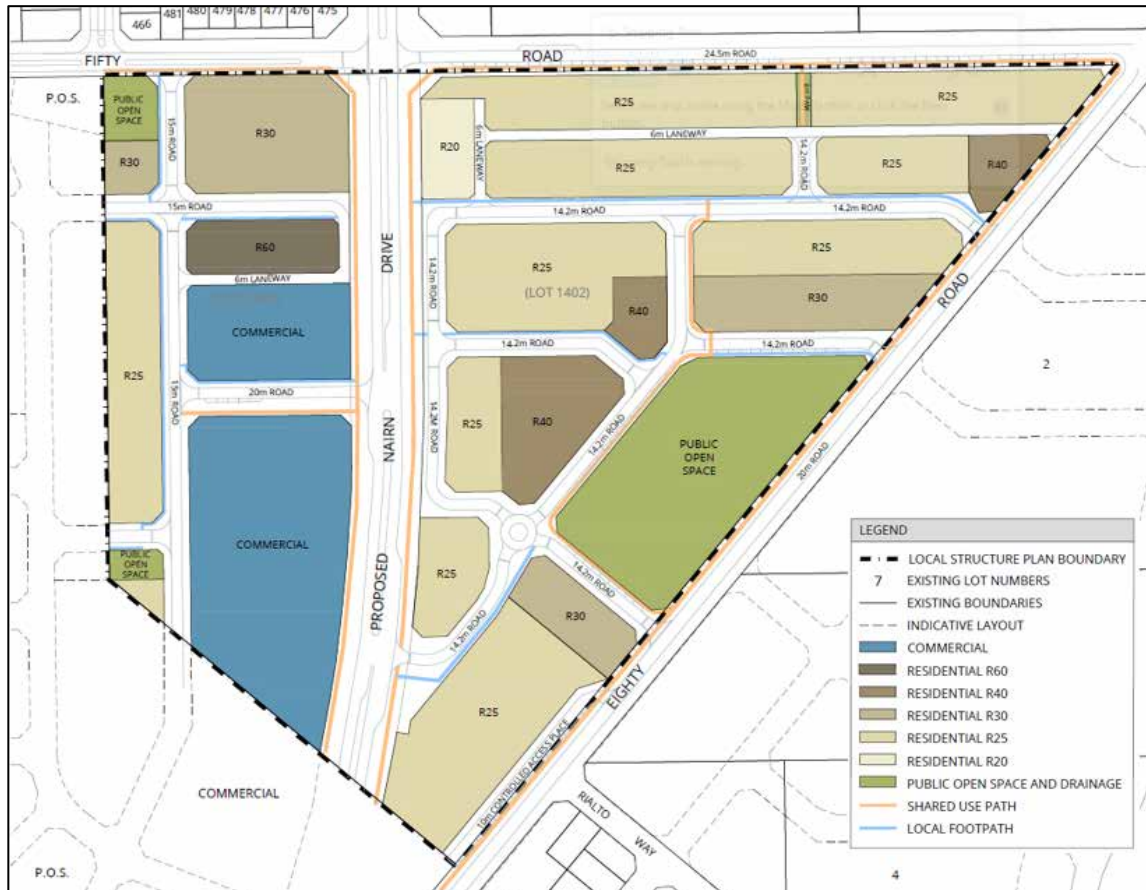
Council resolved to recommend the WAPC to:

- (i) Refuse the Amendment as proposed; and

- (ii) Advised that the City would be prepared to support a modified application, reducing the proposed expansion of the Neighbourhood Centre, however, subject to a maximum retail floor space of 1,500m² within Lot 311 and an area of 0.6ha, subject to a range of modifications (PD-002/21 details the extensive list of modifications)".

In June 2021, the Statutory Planning Committee of the WAPC considered the proposal, where it supported the Council's Alternate recommendation to require significant modifications to the Structure Plan.

In July 2021, the landowner appealed the decision of the WAPC's Statutory Planning Committee via State Administrative Tribunal. The appeal is currently unresolved.



5. Statutory Planning Committee Refused Amendment to Structure Plan over Lots 1401 and 1402 Fifty Road

Details

This application seeks JDAP Approval for the following:

Shopping Centre Development

A shopping centre development is proposed on the southern proposed lot within the BNNC (refer to Figure 2 above), which comprises:

- A full range supermarket 3,608m² in area, which includes an integrated on-line pick up area accessed from a loading dock in the adjoining car park;
- 12 Commercial tenancies ranging in floor area from 46m² to 318m², structured around a central mall with a raised roof;
- The tenancies are intended to be used for a range of inter-changeable land uses, including 'Shop', 'Restaurant', 'Fast Food Outlet' and 'Office';
- A landscaped community 'Piazza', providing a child play area and alfresco dining opportunities between the Commercial tenancies and Yellowstone Road;

**Confirmed at a Council meeting held
on Tuesday 12 October 2021**

Mayor (B W Sammels)

- 'Public Art' suspended from the ceiling above the central mall spine;
- Car parking in the form of 257 permanent (long term) on-site parking bays, and 16 on-street bays adjacent the site within Yellowstone Road. Car park shade structures are proposed over 146 car bays;
- Vehicle access into the car park is proposed by a full movement vehicle crossover on Yellowstone Road, while a restricted left-in/left out crossover is proposed from Amazon Drive;
- External pedestrian linkages from all sides of development;
- Bike parking areas and associated end-of-trip amenities;
- The internal spine is proposed to be fitted with transparent roller shutters to restrict access through, after hours;
- A trolley store (98m²), trolley bays and a bin store (36m²) are proposed within the car parking area;
- A future pad site (potential Fast Food) is illustrated on the Site Plan near the southern corner of the car park, however, does not form part of this Development Application. In the interim, the pad site is proposed to be landscaped and developed with temporary car parking bays;
- The proposed hours of operation of the Commercial tenancies is 6am to 10pm, Monday to Saturday, and 7am to 9pm Sundays/Public Holidays;
- It is understood that the supermarket trading hours are proposed in accordance with the Retail Trading Hours Act 1987. Approval is sought for the supermarket to operate with staff up to 24 hours per day to allow for operations such as re-stocking of the shelves, cleaning and baking;
- An entry statement is proposed in the form of wooden 'fins' with soft and hard landscaping on both sides of the road at the intersection of Amazon Drive and Yellowstone Road; and
- The submitted plans illustrate indicative signage at various locations, including a pylon sign near the corner of Amazon Drive and Nairn Drive. The application states that signage also does not form part of this Development Application.

Commercial Centre Development

A Commercial Centre development is proposed on the northern Lot within the BNNC (refer to Figure 2 above), comprising:

- A single storey Medical Centre (550m²); the proposed operating hours are unknown;
- A single storey Gym (600m²), operating 24 hours per day;
- On site car parking for 117 cars;
- Bike parking areas and associated end-of-trip amenities;
- A future pad site (245m²) is illustrated on the Site Plan to the north of the Medical Centre, however, this does element does not form part of the current application; and
- A dedicated bin store within the car park.

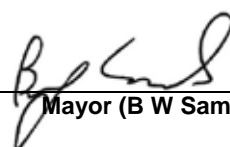
The submitted application is accompanied by the following technical reports and plans:

- Planning Report;
- Transport Impact Assessment;
- Bushfire Management Plan;
- Environmental Noise Assessment;
- Waste Management Plans;
- Landscape Masterplan; and
- Site and Elevation Plans and Perspectives.



6. Proposed Overall Site Plan

Confirmed at a Council meeting held
on Tuesday 12 October 2021


Mayor (B W Sammels)



7. Shopping Centre Floor Plan Enlargement



8. Commercial Centre Floor Plan Enlargement



9. Perspective - Western Entrance of Shopping Centre



10. Perspective - Alfresco View to Piazza, Shopping Centre



11. Perspective - Southern Entrance of Shopping Centre



12. Perspective - Mall View



13. Perspective - Shopping Centre from Pantheon Road



14. Perspective - Pantheon Road Looking East



15. Perspective - Looking South West

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.

The City considers the proposal does not warrant advertising for public comment, for the following reasons:

- Y The application is not a 'Complex Application';
- Y The location of the subject site is relatively remote from existing development, with the nearest dwelling set back approximately 50m to the east, across (future portion of) Nairn Drive;
- Y Preceding planning processes have involved extensive community consultation, including:
 - The SP2SP, which established the location of the Neighbourhood Centre within the estate;
 - The more recently Local Development Plan (LDP), which established the development control provisions over the subject site; and
 - Site Planning layout which is generally consistent with the approved LDP.
- Y The above processes establish reasonable community expectations that the land will be developed for a Neighbourhood Shopping Centre.

Consultation with other Agencies or Consultants

The following Government departments were consulted:

- Y Department of Planning, Lands and Heritage (DPLH); and
- Y Water Corporation.

The comments received include:

Department of Planning, Lands and Heritage (DPLH)

Land Requirements

The site abuts (future) Nairn Drive which is reserved as an ORR within the MRS and Category 2 per Plan No. SP 694/4. The site is not affected by the ORR reservation per Land Requirement Plan No. 1.2909/2.

Transport Impact Assessment

The report prepared by Transcore dated June 2021, states that the proposal is in accordance with the SP2SP area which shows restricted left in/left out access for the Nairn Drive/Pantheon Road intersection (WAPC Reference SPN/0522M-2).

Signalisation is proposed in future at the Nairn Drive / Amazon Drive intersection. This is in accordance with condition 37 of the subdivision approval over the site (WAPC reference: 160788, 21 September 2018). Condition 43 of this approval states that Amazon Drive is to have a minimum width of 23 metres. Condition 45 precludes direct vehicular access to Fifty Road / Baldivis Road and Nairn Drive.

SIDRA intersection analysis shows acceptable performance for the Nairn Drive / Amazon Drive intersection (2013, Saturday PM peak hour). Additional SIDRA analysis provided shows a high level of service for other minor intersections. The report states that the proposal will generate 700 vehicles per hour during Thursday PM peak hour periods with 797 vehicles per hour during Saturday peak hour periods which is broadly in accordance with Institute of Transportation Engineers common trip generation rates for similar land uses.

Recommendation

The Department of Planning, Lands and Heritage has no objection to the proposal on ORR planning grounds.

City's Comment:

The Department's submission is noted.

Water Corporation (Summarised)

The Water Corporation advised that reticulated water and sewerage services are available to the area, and that a sewer pressure main that traverses the site is in the process of being relocated into road reserve (i.e. the future alignment of Nairn Drive). The Water Corporation does not object to the application.

City's Comment:

The Water Corporation's submission is also noted.

c. Strategic

Community Plan

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

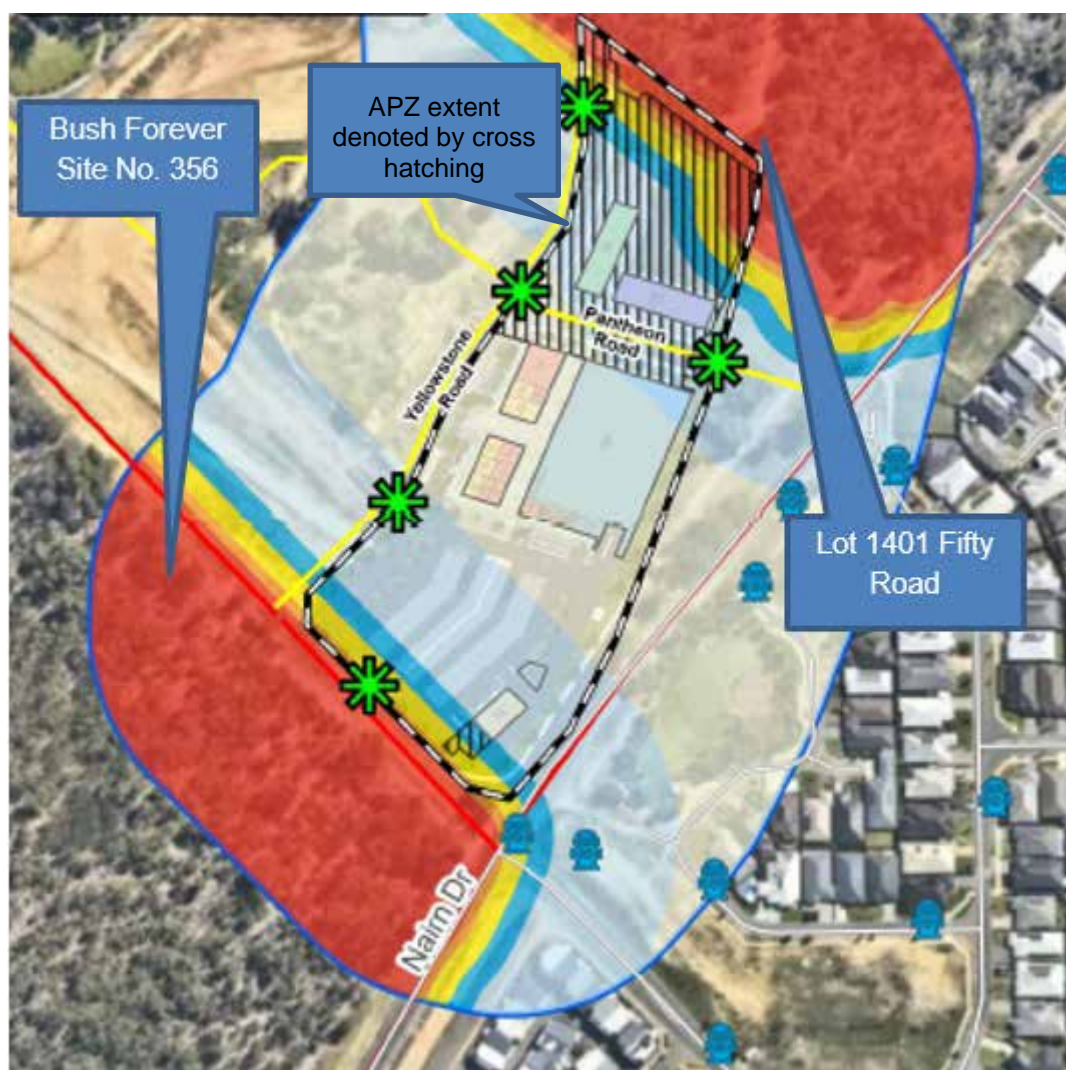
As the land is designated as a bushfire prone area, the Applicant submitted a Bushfire Management Plan (BMP) in support of the application, as per the requirements of SPP3.7.

The bushfire threat for the development arises primarily due to the existing vegetation on Lot 800 DP23928 to the south-west (Bush Forever Site No.356) and Lot 1401 Fifty Road to the north-east. It is expected that the vegetation on Lot 1401 will be removed in the long term, to accommodate development on this land when approvals have been obtained. For the short term, however, this vegetation poses a bushfire threat to the northern portion of the subject land.

A revised BMP was received on the 13 August 2021, which responded to the City's request to reduce the extent of the Asset Protection Zone (APZ) on the site, to cover the minimum area necessary under the Guidelines for Planning in Bushfire Prone Areas. The intent behind the request was to ensure that future landscape outcomes for the development, in respect to street tree and verge plantings and on-site landscaping are not compromised, given the inherent conflict between bushfire and environmental objectives.

The revised BMP indicates that all proposed buildings will be located in areas subject to BAL rating BAL-19 or lower, in compliance with SPP3.7, however, there is still concern regarding the extent of the proposed APZ illustrated on the revised BMP.

The amended APZ includes the road reserves of Pantheon Road and Yellowstone Road and the car parking at the rear of the Commercial Centre site, whilst the Site Plan and Landscape Master Plan indicate these areas will be planted with street trees, shrubs and shade trees within the car park, as well as a within a 3m wide Special Landscape Area intended to screen the site from Nairn Drive. The implications of this mean that the extent of landscape planting illustrated on the Site Plan and Landscape Master Plan cannot be realised due to the need to comply with APZ requirements.



16. Bushfire Management Plan Extract - Proposed Asset Protection Zone



17. Landscape Master Plan

The City further discussed this concern with the Applicant, which agreed that a condition can imposed requiring an updated BMP to be provided with the APZ reduced further, which only includes the portion of the site north of the proposed Medical Centre building that the BMP has rated as BAL-29 and above.

The BMP has otherwise demonstrated compliance with the Planning criteria within the Guidelines for Planning in Bushfire Prone Areas, in respect to Location; Siting and Design; Vehicle Access; and Water.

Subject to the above recommended condition, the proposal is compliant with SPP3.7.

State Planning Policy 4.2 - Activity Centres in Perth and Peel (SPP4.2)

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

Clause 5.1 - Activity Centre Hierarchy

Baldivis North is an identified Neighbourhood Activity Centre within the hierarchy of activity centres outlined in the City's Local Commercial Strategy.

As discussed further below in respect to PP3.1.2, the proposal is consistent with the planned hierarchy, given the function of a Neighbourhood Activity Centre is to provide for the daily and weekly household shopping and community needs, while providing a focus for medium density housing.

Clause 5.2 - Activity

A range of land uses are proposed that cater for household shopping needs, convenience services and community health needs, as well as land uses that generate activity outside of normal business hours.

Clause 5.3 - Movement

Activity centres should be designed to be accessible by a variety of transport modes. The proposed development is designed to be accessed by car, freight vehicles, bus, bicycle and by walking.

SPP4.2 suggests that decision makers set upper limits to car parking, in view of opportunities for reciprocal and shared parking; the availability of on-street parking and the need for land efficiency. As a guide, SPP4.2 recommends that two bays per 100m² are provided for Offices and four to five bays per 100m² for Shops in order to optimise the efficient provision of car parking. This is relevant to the car parking discussion in the Legal and Statutory section of this report.

SPP4.2 also requires that parking facilities are to be located, scaled, designed and landscaped to avoid visual domination of street and public space frontages, and to avoid discontinuity of the urban form and pedestrian amenity. The development proposes car parking that is conveniently located and effectively screened by either buildings (where possible), or by a 3m wide Special Landscaping Area located between the car parks and surrounding streets.

As discussed below in the Comments section of this report, the City has concerns about the waste bin area proposed within the car park of the southern shopping centre site, in that waste vehicles will block the circulation aisles of the car park when collecting waste from the bin store. A condition is recommended that requires the waste bin store to be relocated into the building form, thus alleviating this concern.

Clause 5.4 - Urban Form

The buildings are designed to address the streets with active frontages in accordance with the approved LDP, with the exception of the Medical Centre building, which the elevation plans appear to indicate has no front door fronting onto Yellowstone Road. This matter is discussed further below under SPP7.0, and is the subject of a recommended condition to mandate the need for a front door to this building.

A community 'piazza' provides a public space which promotes vitality and natural surveillance, in a location that will connect the proposed shopping centre with the planned POS, on the north-western side of Yellowstone Road.

It is noted that various design elements of the approved LDP have been derived from SPP4.2, which are discussed further below.

Overall, the application is considered to be generally consistent with SPP4.2.

Draft State Planning Policy 4.2 - Activity Centres in Perth and Peel (SPP4.2)

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

The WAPC is currently reviewing SPP4.2, and has released a draft revised Policy for comment, with the submission period closing on 12 February 2021.

The City considers the application is generally consistent with draft SPP4.2, however, it is noted an Impact Test (previously known as a Retail Sustainability Assessment) may be required for the future pad sites pursuant to Table 2: Major activity centre use floor space threshold, as these two developments are likely to exceed the specified 5,000m² NLA thresholds for the proposed Neighbourhood Centre.

State Planning Policy 7.0 - Design of the Built Environment

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;
- Design skills - skilled design expertise.

The application has been assessed against, and found to meet 9 of the 10 design principles of SPP7.0.

As mentioned above, the Medical Centre building does not have a front door directly facing Yellowstone Road, being the 'main street' for the BNNC. As outlined in Principle 4 of SPP7.0 (Functional and Build Quality) good design provides flexible and adaptive spaces to maximise their utilisation and accommodate appropriate future requirements without the need for major modifications.

The City considers a front door is required to provide adequate activation of this building given its context on a 'main street'; to provide for pedestrian amenity and adaptability for the tenancy to be used in the future for a different use without the need for major modification.

A condition is recommended to require the provision of a front door to the Medical Centre, in the event approval is granted.

For reasons of conciseness, the assessment against the provisions of SPP7.0 is contained within the Responsible Authority Report, which is referenced as Attachment 1 to this report.

Local Government Policies

PP3.1.2 - Local Commercial Strategy

PP3.1.2 provides for a future Neighbourhood Activity Centre at the intersection of Nairn Drive and Fifty Road, which through the Structure Planning processes, has been relocated onto the subject land.

The proposed development is considered consistent with the role and function of a Neighbourhood Centre, in that:

- The extent of retail floorspace proposed (4,692m²) is within the range of 4,500 m² - 10,000m²; and
- The range of proposed land uses provide for the comparison, weekly shopping and convenience service needs of the community through the provision of a full sized supermarket and 12 commercial tenancies.
- The BNNC will provide an important 'community' based role in servicing the everyday needs of residents living in proximity to the centre.

The application is considered to be consistent with PP3.1.2.

It is noted that the City is in the early stages of progressing a new Commercial Strategy which includes a Needs Assessment (to be prepared for future development) in accordance with the draft SPP4.2, so as to provide future guidance on floor space increases.

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

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

Bicycle Parking Requirement

Land Use	Required				Provided
	Minimum Short Term		Minimum Long Term		
	Rate	Number	Rate	Number	
Shop - Neighbourhood Centre (4,692m ²)	0.30 spaces per 100m ² NLA	14	0.12 spaces per 100m ² NLA	6	40 bicycle parking spaces are provided on the shopping centre site and 10 spaces provided on the Commercial Centre site
Health Services	0.1 spaces per patient (20 patients)	2	0.1 spaces per staff (16)	2	
All other uses (Recreation - Private 600m ²)	0.05 spaces per visitor (200 visitors)	10	0.1 spaces per staff (6 staff)	1	
Total Required	26		9		50 spaces

In accordance with the provisions of PP3.3.14, a minimum of 35 bicycle parking spaces are required. The proposed development provides a total of 50 bicycle parking spaces, in groups of 10 spaces located across the two development sites.

While the plans propose bicycle parking spaces in excess of policy requirements, the locations proposed require further consideration in order to ensure that pedestrian access is not compromised. This matter has been addressed through a recommended condition, in the event approval is granted.

End-of-Trip Facilities (EoT)

In accordance with PP3.3.14 the provision of nine long term bicycle parking spaces requires the provision of two showers (1 male, 1 female). The showers are required to be provided in a change room with lockers.

The application proposes EoT facilities within two locations (within the Medical Centre and supermarket buildings), which exceed minimum requirements, including:

- Four change rooms with showers; and
- 24 lockers.

A condition is recommended requiring the provision of EoT facilities in the event approval is granted.

The proposal otherwise generally satisfies the requirements of PP3.3.14.

PP3.3.25 - Percent for Public Art - Developer Contributions

In accordance with PP3.3.25, where a proposed development has an estimated construction costs exceeding \$5M, there is a requirement to provide Public Art to a value of not less than 1% of the building works.

The Policy provides for the developer to nominate the method of providing Public Art, to either:

- (a) Provide public artwork in a publicly visible location within the boundaries of an approved development site; or
- (b) Provide a cash-in-lieu payment to enable the City to procure artwork for installation on public land within the vicinity of the approved development site.

The application proposes 'Public Art' to be provided in the mall of the shopping centre development, in a form that is suspended from the roof structure, as illustrated below in Figure 18.

The City has expressed concerns to the Applicant with respect to the selected form of public art, not being accessible to the public at large outside of business hours.

A condition of Development Approval is recommended, requiring the developer to make a Public Art contribution equal to 1% of the total construction value of the development to the satisfaction of the City.

Based on the estimated cost of Development of \$12million, this is equivalent to \$120,000.



18. Proposed Public Art

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 Structure Plan is to have due regard to, but is not bound by the Structure Plan when deciding the application.

The subject site is covered by the SP2SP which was approved by the WAPC on 12 March 2014. The SP2SP map designates the BNNC land as Commercial land, and includes the following relevant provisions:

- A Detailed Area Plan (now referred to as a LDP) is required for the land zoned Commercial;
- Prohibits direct vehicle access from the site onto Nairn Drive;
- Left in/left out restricted access is required at the intersection of Pantheon Road and Nairn Drive.

In regards to the above provisions:

- There is no direct vehicle access proposed from the development site onto Nairn Drive;
- The intersection of Pantheon Road and Nairn Drive shall be restricted to left in/left out access when Nairn Drive is constructed; and
- A LDP has been approved over the land.

Clause 67 of Schedule 2 of the Deemed Provisions outlines the matters to which the Local Government is to give due regard when considered relevant to an application. Where relevant, these are discussed throughout the report.

Local Development Plan (LDP)

On 10 March 2021, the City approved a LDP over the BNNC site, containing development control provisions intended to achieve the following objectives:

- Y *“Establish a ‘main street’ based Neighbourhood Activity Centre, of a scale appropriate to its role as a focal point for the local community;*
- Y *Provide context for higher density residential development that capitalises on proximity to local services; and*
- Y *Provide an entry statement to the surrounding development”.*

For reasons of conciseness, there is greater commentary on the LDP contained within the Responsible Authority Report, where it is concluded that the development complies with most provisions of the LDP, and that the building form proposed is of an acceptable scale for a Neighbourhood Centre in this location.

Areas where the development requires LDP discretion include:

- There are structures proposed within the shopping centre car park which do not form part of the LDP, specifically, the dedicated bin store and trolley store. The City's preference is to integrate the bin store within the supermarket building form, or for it to be appropriately screened from view rather than provide it as a free standing structure in the middle of the car park. This matter is discussed further within the Comments section of this report.
- No glazing is provided on the western elevation of the Gymnasium building, where the building adjoins a pedestrian access way adjacent the Medical Centre. This is considered to be a minor variation which is acceptable, as passive surveillance of the pedestrian access way is not compromised and can be achieved via sight lines through the development from the north and south.
- Buildings abutting the ‘main street’ must have a primary pedestrian access from the ‘main street’. Yellowstone Road is the centre's ‘main street’. As mentioned earlier, there is no direct access (front door) illustrated on the plans to the Medical Centre from Yellowstone Road. A front door must be provided for this tenancy for the reasons explained; which is recommended as a condition in the event Development Approval is granted.
- Pavement material used for the footpaths must carry over the driveways to maintain visual continuity of the pedestrian network. The plans appears to show asphalt driveways. This matter can be addressed though a recommended condition.
- ‘Transparent’ roller shutters are proposed, intended to secure the mall entries to the shopping centre in three locations, which is not a matter the LDP specifically deals with, however, are considered acceptable for use after hours.



19. Local Development Plan Variations

Clause 56 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 LDP that has been approved by the Local Government must have due regard to, but is not bound by the LDP when deciding the application.

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

The land is zoned "Development" and falls within Development Area No.22 (DA22) under TPS2.

In accordance with the requirements of DA22, a Structure Plan has been approved over the land to guide subdivision and development.

The Structure Plan requires that land use permissibility shall be in accordance with the Commercial Zone under TPS2.

The proposed uses are provided for in the Commercial zone, and are all potentially permissible as indicated below:

- Y Shop (P use) - permitted use;
- Y Restaurant/Café (D use) - discretionary use;
- Y Fast Food Outlet (D use) - discretionary use;
- Y Office (D use) - discretionary use;
- Y Medical Centre (D use) - discretionary use ; and
- Y Recreation - Private (D use) - discretionary use.

Of the above uses, it is intended that the 'Office', 'Restaurant/Café', 'Fast Food Outlet' and 'Shop' uses will apply interchangeably to the Commercial tenancies within the shopping centre. The City considers this land use flexibility is acceptable in this instance, as:

- It dispenses with the need for separate 'change of use' applications in the future;
- Being a supermarket anchored shopping centre, there is likely to be multi-purpose shopping activity, which will reduce the demand for parking; and

- There is sufficient car parking proposed for the development when considered in conjunction with SPP4.2, which recommends parking provision in the range of four to five bays per 100m² NLA for Shops (resulting in 187-234 bays required).

Notwithstanding the above, it is noted that pursuant to Clause 61 of the Deemed Provisions, Development Approval is not required in the following circumstances:

Use	Zone	Conditions
Shop	Commercial	Nett Lettable area is no more than 300m ²
Restaurant/Cafe	Commercial	Nett Lettable area is no more than 300m ²

It is noted that the majority of the tenancies will not require further Development Approval for the above interchangeable land-uses pursuant to Clause 61.

Clause 4.6.3 - Parking

Onsite car parking is required to be provided in accordance with Table No.2 of TPS2.

The provision of car parking is summarised as follows:

Car Parking Required		
Shopping Centre Site		
Use	Rate	Number
Shop (4,692m ² NLA)	6 bays per 100m ² NLA	282 bays
Commercial Centre Site		
Medical Centre (6 consultants)	5 bays/practitioner	30 bays
Recreation-Private (200 people)	1 bay/4 persons the building is designed to accommodate	50 bays
Total bays required		362
Car Parking Provided		
Shopping Centre Site		257
Commercial Centre site		117
On-site Provided		374
On street bays		16
Total Provided		390

Pursuant to Clause 4.15.3 of TPS2, the car number of parking bays required by reference to Table No.2 of TPS2 must be provided on site.

The Application proposes 374 long term on-site car parking bays, when 362 bays are required.

Also taking into account the 16 car bays proposed within the adjacent street verge of Yellowstone Road, there is a theoretical 28 car bay surplus provided for the development overall.

While there is a 25 car bay shortfall on the shopping centre site, this is compensated for by:

- A 37 surplus car bays on the Commercial Centre site, which are conveniently located for customers of the shopping centre site to use, inclusive of the 16 car bays provided in the verge of Yellowstone Road, adjacent to the shopping centre; and
- Given the range of commercial tenancies proposed, there is likely to be some degree of multi-purpose shopping activity, which can reduce the demand for parking.

By comparison, SPP4.2 suggests that parking be provided at a rate of four to five bays per 100m² NLA for Shops, which would result in a requirement for 187-234 bays.

For the purpose of this assessment, the future pad site (inclusive of the 13 temporary car bays provided on the pad site) and the future development site are not included, as these elements fall outside the scope of this application, and will be lost upon the pad site being developed. Furthermore, the 4 on-line pick-up car bays are not included in the assessment, as these bays relate to the collection of goods purchased on-line from the supermarket; are short term parking and operate akin to service bays.

In order to secure car parking access across the Shopping Centre site and Commercial Centre site, a condition of Development Approval is recommended requiring reciprocal parking and access arrangements.

Parking provision for this development is considered to be compliant with TPS2.

g. Risk

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

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

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

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

Nil

Comments

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

Traffic

Vehicle access to the car parking areas on the northern Commercial Centre site and southern Shopping Centre site is proposed via full movement crossovers from Yellowstone Road, while a secondary left in/left out access is also proposed to the southern shopping centre car parking area from Amazon Road for light vehicles.

The SIDRA analysis provided with the TIA indicates generally satisfactory performance of the proposed crossovers and for the adjoining street intersections, except that the queue length at the proposed signalised intersection at Nairn Drive/ Amazon Drive (ie the north-west approach) can be expected to back up and extend past the crossover proposed on Amazon Drive at times. A left in/left out crossover in this location is considered essential for the shopping centre car park in order to reduce traffic volumes using the centre 'Main Street', and is supported from a Planning perspective.

In general, the City considers that the surrounding road network has the capacity to accommodate the traffic generated by this development.

Within the development sites, the City's Traffic Engineer still has some concerns about the design of the car park crossovers, gradients, vehicle swept paths and layout of the car parking areas in terms of compliance with *AS2890.1:2004, Parking facilities, Part 1: Off-street car parking*. It is considered that these matters can be addressed by the recommended standard conditions.

Waste Management

The Waste Management Plan (WMP) prepared by Talis Consultants (dated 10 August 2021) outlines the measures proposed for the northern commercial tenancies and the southern commercial tenancies (excluding the supermarket), which include:

- Northern commercial tenancies: A private waste collection company will collect refuse and recyclable waste once a week (each) from a bin store located within car parking area. Medical waste will be disposed of separately via specialised contractor.

- Southern commercial tenancies: Waste generated by the commercial tenancies (other than the supermarket) will be stored in a temporary bin store area adjacent to the supermarket loading/amenities area during the day, prior to transferring to an external 36m² bin store located within the car park, outside of business hours. Waste will be collected by a private contractor twice a week (for each waste stream).
- Waste vehicles (10.7m rear loaded waste collection vehicles) will circulate within the car parks to empty the waste bins, before leaving the site in a forward direction.
- Waste collections will be timed to occur between 7am and 8am during the week, and not before 9am or after 7pm on weekends. The timing is intended to minimise conflict with other traffic using the car parks and to ensure compliance with the *Environmental Protection (Noise) Regulations 1997 (Noise Regulations)*.

Of the WMP measures proposed for the commercial tenancies on the southern shopping centre site, the City is concerned with the location of the stand-alone bin store within the car park, and the size and functionality of this bin store. There is concern that the bin store may be subject to general rubbish dumping and graffiti, and being a stand-alone structure, detracts from the amenity of the neighbourhood centre.

It is noted that no Elevation Plans were provided for the bin store as requested by the City, so the scale and appearance of the bin store structure (and the trolley store for that matter) is unknown.

Furthermore, the City is concerned that in order to service the bin store, waste vehicles will block the vehicle circulation aisle within the car park, creating delays for customer's parking their vehicles.

It is the City's preference to integrate this bin storage area within the proposed building form, or to locate the bin store where it can be effectively screened. There would appear to be scope to accommodate an integrated waste bin store adjacent the proposed shopping centre building (i.e. adjoining the acoustic wall next to the bin store area for the supermarket).

Conditions that require amendments to the Site Plan and Waste Management Plan relating to the commercial tenancies are recommended in order to address this matter, in the event approval is granted.

In respect to waste management for the supermarket, the site plan shows a dedicated bin store adjoining the eastern side of the supermarket loading dock, which is where waste will be stored prior to collection from the loading dock. An 'indicative' acoustic wall is shown on the site plan east of the loading dock, which is a noise mitigation measure recommended in the applicant's Environmental Noise Assessment (ENA).

A *Supermarket Specific Waste Management Plan* (SSWMP) was submitted by the applicant, however, this is a high level generic document that provides minimal insight in respect to the particular waste management requirements for the proposed supermarket.

The SSWMP indicates that typically, waste may be collected from the supermarket up to 24 hours a day. The issue for the City here is ensuring compliance with the Noise Regulations, which is discussed further below.

To address this, a condition is also recommended requiring an updated Waste Management Plan for the supermarket, which firms up the proposed waste collection arrangements consistent with the Acoustic Report recommended, as discussed below.

Noise

The application lacks clarity with respect to the timing of freight deliveries to the supermarket. The Applicant has verbally advised that the intention is for the supermarket to accommodate freight deliveries 24 hours/7 days per week. Similarly, it is assumed here that the intention is to provide for waste collection vehicles to service the supermarket 24 hours/7 days per week.

The ENA submitted with the application provides a preliminary noise assessment to help inform the planning decision making, which models various operational scenarios and has calculated a 2dB exceedance at night time due to refrigerated delivery truck noise.

The ENA notes that noise emissions will need to be carefully considered for each building in the detailed design phase, considering the final equipment selections, operating hours etc. and recommends (among other matters):

- That the supermarket loading dock area incorporates a noise barrier extending from the south side of the loading dock, to be designed in consultation with a qualified acoustic consultant prior to the issuing of a Building Permit, when more details are known.
- That where waste collection is carried out outside of daytime hours, this shall be undertaken in accordance with a Noise Management Plan, which could be imposed as a condition of approval.

In order to manage the noise implications, conditions are recommended that require:

- An Acoustic Report to be submitted prior to submitting a Building Permit that demonstrates how all noise sources from the development will comply with the *Environmental Protection (Noise) Regulations 1997*. It is at this stage that the final noise mitigation measures will be determined for inclusion within a Building Permit application.
- 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*.

While the Applicant's Acoustic Consultant recommends a Noise Management Plan where waste collection is carried out outside of daytime hours, the City does not support this approach as it suggests that the City is willing to accept noise exceedances outside of daylight hours when there has been no detailed modelling to indicate the noise impacts.

Engineering Plans

The City has issued engineering approval for the commencement of civil works on Lot 9005, under the umbrella of the WAPC subdivision approvals for the estate. There are various design elements regarding the Development Application, which need to be considered in terms of how they integrate in to the civil works.

The subject application for the BNNC proposes to create a significant amount of impervious area which, if not correctly designed, would adversely impact the adjacent POS area which is being developed under the Subdivision Approval. Specifically, if not carefully managed, the amount of stormwater runoff which would be generated and contributing to the surrounding road network could exceed the allowable storage volumes.

The City also needs to assess how the proposed design levels within the Commercial lot boundaries interface with the surrounding road levels on Yellowstone and Pantheon Road and Amazon Drive.

In order to address these matters, a non-standard condition is recommended that requires the submission of Engineering Drawings for review by the City prior to the submission of a Building Permit application, in the event that Development Approval is granted.

Conclusion

The proposed development is considered appropriate for the site, in terms of land use; scale and built form. The City is satisfied the development represents an efficient use of land.

The application is considered to be generally consistent with the planning framework, and where variations are proposed, these are generally considered acceptable, and are capable of being managed through the inclusion of appropriate conditions.

It is recommended that the application is approved, subject to conditions.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Neighbourhood Shopping Centre at Lot 9005 Fifty 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 (MOJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.

Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Neighbourhood Shopping Centre at Lot 9005 Fifty 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 (MOJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.

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 Jones, seconded Cr Hamblin:

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Neighbourhood Shopping Centre at Lot 9005 Fifty 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 (MOJDAP) 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/21/02023 and the accompanying plans received on 16 August 2021:

- Y Subdivision Plan;
- Y Lot Boundaries and Topography Plan;
- Y Masterplan;
- Y Shopping Centre Roof Plan;
- Y Commercial Centre Roof Plan;
- Y Shopping Centre Elevations - West and South Elevations;
- Y Project Palette;
- Y Shopping Centre Elevations - East and North Elevations;
- Y Project Palette;
- Y Shopping Centre Sections - Section 1 and 2;
- Y Shopping Centre Sections - Section 3 and 4;
- Y Loading Dock Sections;
- Y Commercial centre Sections - West and South Elevations;
- Y Commercial centre Sections - East and North Elevations;
- Y Materials Palette Legend;

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. 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.
3. Prior to applying for a Building Permit, a revised Waste Management Plan(s) for the supermarket and the commercial tenancies must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - (iv) frequency of bin collections; and shall
 - (v) demonstrate compliance with the Acoustic Report required in Condition 4 below.

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

4. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.
5. 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.
6. A 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, and planting within the Special Landscape Area), indicating calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Those areas to be reticulated or irrigated;
 - (iv) The paving material used for the footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility;
 - (v) Detailed landscape, irrigation, lighting, playground, street furniture plans;
 - (vi) Verge areas; and
 - (vii) Provide for low threat landscape planting within the Other Regional Road portion of the site (future Nairn Drive).

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

7. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Ecological Australia, dated 12 August 2021 must be updated to the satisfaction of the City of Rockingham to reduce the extent of the Asset Protection Zone (APZ) to include only the northern portion of the site rated as BAL-29 and above.
The APZ must be maintained for the duration of the development.
8. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
9. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two showers (1 male, 1 female), change rooms and 9 clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development
10. Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham and include the following changes in order to improve visual interest, activation, legibility and access to the development:
 - (i) Provide a direct pedestrian entry into the Medical Centre building from Yellowstone Road; and
 - (ii) Integrate the Commercial tenancies bin store area presently located within the car park, to within the built form of the shopping centre.
11. Prior to applying for a building permit, the Applicant must submit full detailed engineering drawings showing the various pavement types and cross sectional profiles to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham.
12. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
13. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
14. The car parking areas must:
 - (i) 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;
 - (ii) 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;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (iv) comply with the above requirements for the duration of the development.

15. Nine (9) long-term and twenty six (26) short-term 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.
16. All plant and roof equipment and other external fixtures must be designed to be located away from public view/or screened.
17. Materials, sea containers, goods or bins must not be stored within the car park at any time.
18. 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.
19. In accordance with Planning Policy 3.3.25 *Percent for Public Art - Private Developer Contribution*, prior to occupation of the development, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$120,000 in value.
20. Prior to the commencement of the development, a reciprocal parking and access agreement is required to allow for access and parking of vehicles on the shopping centre land and the Commercial Centre land, to the satisfaction of the City of Rockingham.
21. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City's Land and Development Infrastructure Department prior to the commencement of works. 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.

Advice Notes

1. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
2. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
3. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
4. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
5. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. All playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments including additional criteria outlined in the following:
 - (i) AS 4685.0:2017 Playground equipment and surfacing Part 0: Development, installation, inspection, maintenance and operation; and
 - (ii) AS/NZS 4422:1996 - Playground Surfacing - Specifications, Requirements & Test Methods; Suitable impact absorbing surfacing, termed soft-fall must be installed, wherever falls from fixed or portable playground equipment is possible.
7. In regards to Condition 6, the Applicant is to provide a basic sacrificial landscape treatment to the adjoining Nairn Drive Reserve, to the satisfaction of the City of Rockingham. The Applicant is responsible for maintaining the area until Nairn Drive is constructed.

8. In regards to Condition 11, the engineering plans to be submitted, must include (but not limited to) proposed finished design levels plans, longitudinal sections, location of bioretention basins/gardens and annotated pit and pipe drainage infrastructure and demonstrating how stormwater will be managed across the development area.

Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Carried – 9/0

The Council's Reason for Varying the Committee's Recommendation
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Not Applicable

6:22pm Cr Edwards rejoined the meeting.

Council Resolution – En bloc Resolution

Moved Cr Jones, seconded Cr Buchan:

That the committee recommendations in relation to Agenda Items PD-031/21, PD-032/21 and EP-018/21 be carried en bloc.

Carried – 10/0

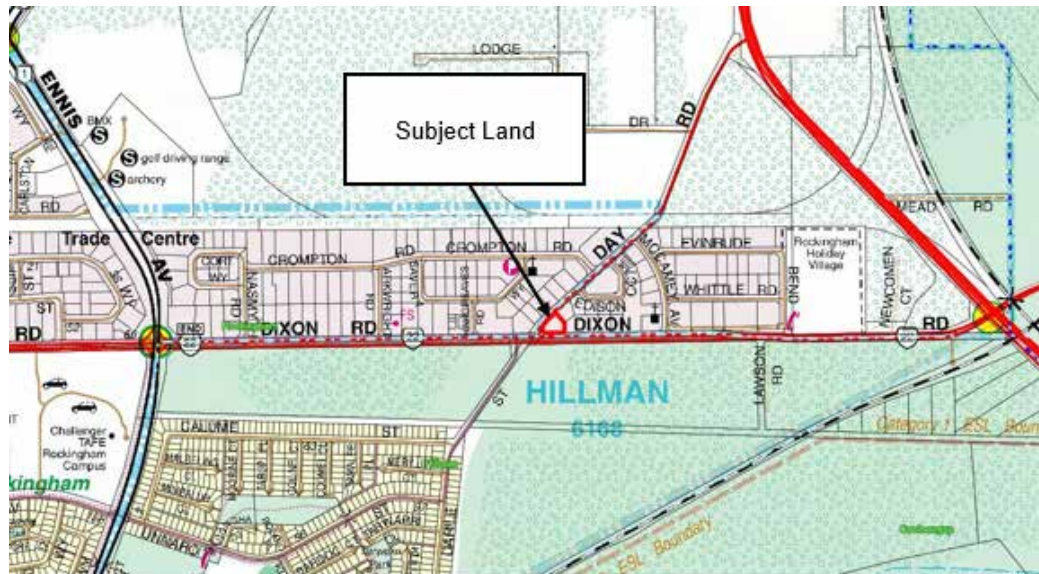
Planning and Development Services Statutory Planning Services	
Reference No & Subject:	PD-031/21 Joint Development Assessment Panel Application - Proposed Service Station
File No:	DD020.2021.00000095.001
Applicant:	Planning Solutions Pty Ltd
Owner:	Autoservice Pty Ltd
Author:	Mr Chris Parlane, Senior Planning Officer
Other Contributors:	Mr David Banovic, Senior Projects Officer Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	13 September 2021
Previously before Council:	27 July 2021 (PD-023/21)
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 ²
LA Zoning:	Light Industry
MRS Zoning:	Other Regional Road, Industrial
Attachments:	1. Responsible Authority Report 2. Additional Information Received (13 August 2021) 3. Application for Development Approval 4. Additional Information Received (11 June 2021) 5. Schedule of Submissions 6. Ordinary Council Minutes July 2021 - Extract
Maps/Diagrams:	1. Location Plan 2. Aerial Photo 3. Town Planning Scheme No.2 Zoning Map 4. Metropolitan Region Scheme Zoning Map 5. Approved Site Plan for Existing Use 6. Subject Site Looking East along Dixon Road 7. Subject Site Looking North-West along Dixon Road

Maps/Diagrams: (cont.)

8. Subject Site Looking South-West along Day Road
9. Deferred Site Plan
10. Amended Site Plan
11. Perspective Images
12. Consultation Map

Purpose of Report

To provide a recommendation to the Metro Outer Joint Development Assessment Panel (MOJDAP), in response to its reasons for deferral dated 6 August 2021 for a proposed Service Station on Lot 10 (No.115) Dixon Road, East Rockingham (the subject land).



1. Location Plan



2. Aerial Photo

Background

Development Application History

The matter was previously considered by Council on 27 July 2021 (Attachment 6), whereupon it was resolved to adopt a Responsible Authority Report recommending refusal of a Service Station development on the subject land, 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.*”

On 6 August 2021, at the meeting of the MOJDAP, determination of the application was deferred until 1 October 2021 for the following reasons:

- Y “*To consider an alternative arrangement for access onto Dixon Road which would include left in/left out entry and exit onto Dixon Road for light vehicles, to reduce congestion concerns at the Day Road intersection.*
- Y *An updated Traffic Assessment be provided accounting for these changed access arrangements and addressing outstanding matters raised in the Responsible Authority Report concerning the overall traffic impact assessment’.*

On 13 August 2021, the Applicant submitted a revised set of plans and a Technical Traffic Note, including further traffic analysis in support of modified vehicle access arrangements for the development (Attachment 2), in order to attempt to address the reasons for deferral.

Specifically, modifications relate to the Site Plan layout and result in the following changes:

- Y Removal of the car bays within the heavy vehicle area fronting Dixon Road;
- Y Modification to the loading bay;
- Y Relocation of car bays to the northern side of the fuel retail building;
- Y Inclusion of two parallel bays within the Day Road front setback area; and
- Y Modification of the Dixon Road light vehicle crossover to allow for a full access movement.

On 18 August 2021, upon request of the City, the Applicant’s Traffic Consultant submitted to the City its video data capturing AM and PM peak traffic conditions at the intersection of Dixon Road and Day Road.



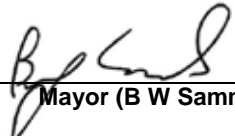
3. Town Planning Scheme No.2 Zoning Map



4. Metropolitan Region Scheme Zoning Map

Site History

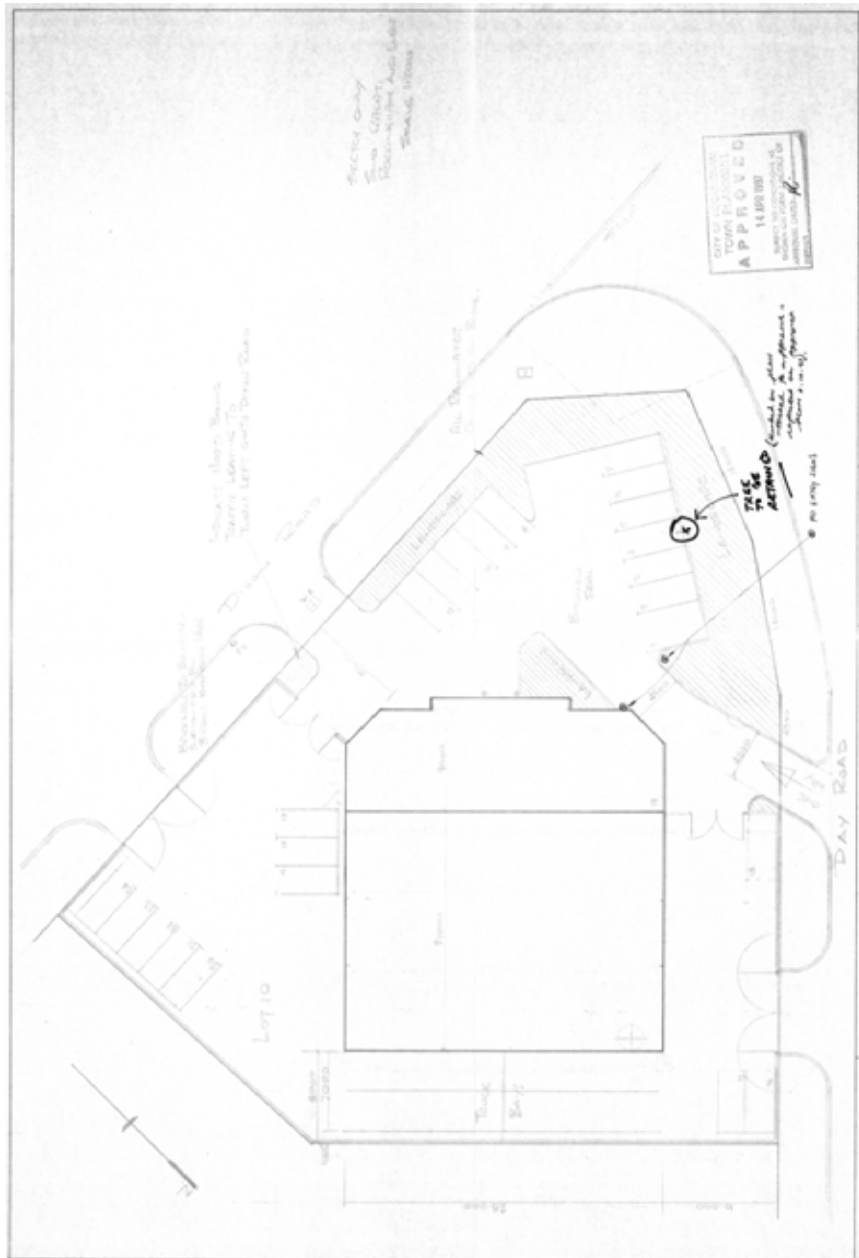
Confirmed at a Council meeting held
 on Tuesday 12 October 2021


 Mayor (B W Sammels)

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.

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



7. Subject Site Looking North-West along Dixon Road



8. Subject Site Looking South-West along Day Road

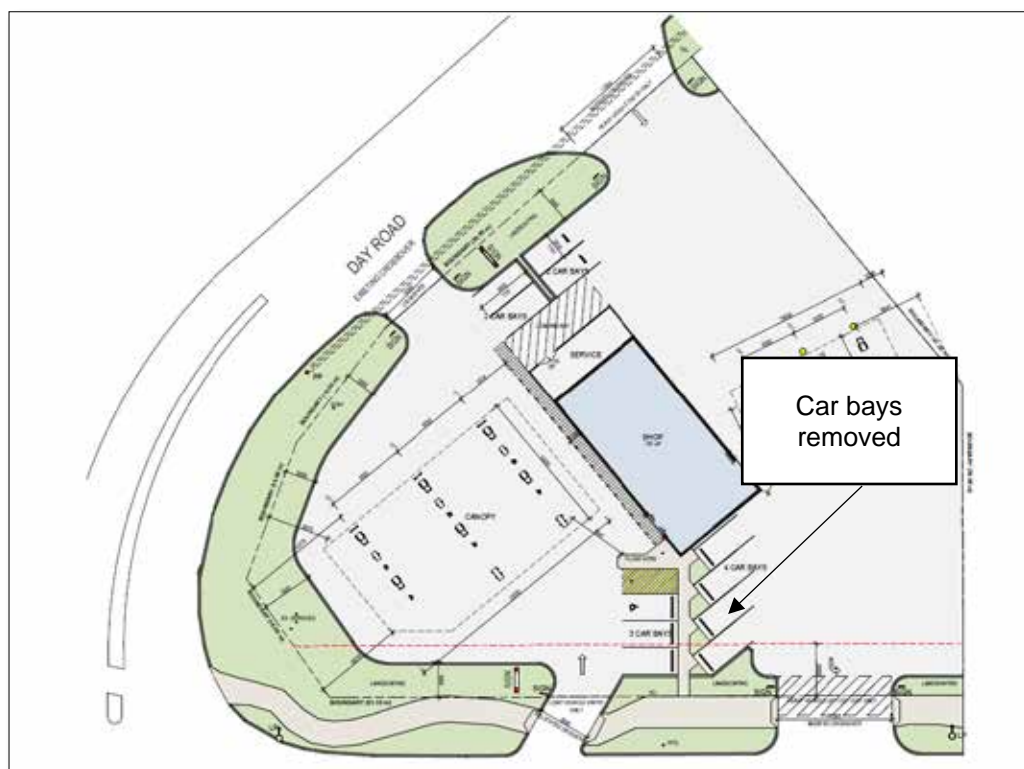
Details

Revised Development:

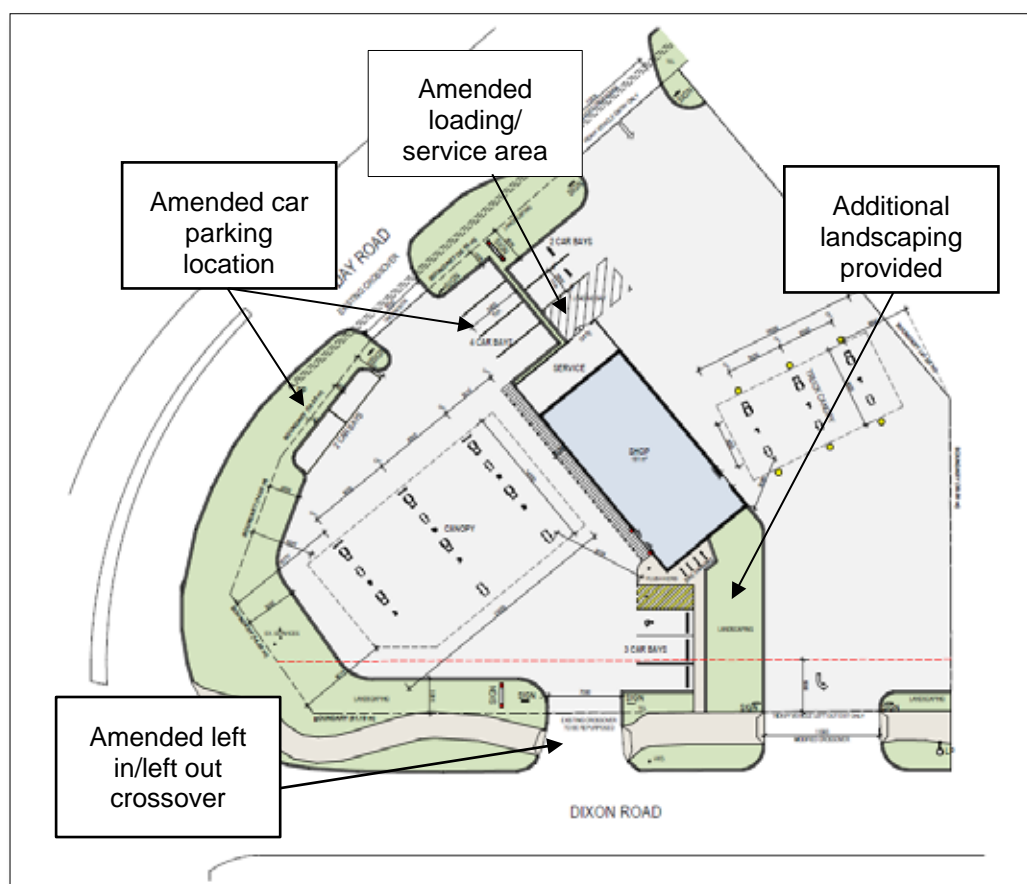
The application (as amended) comprises of the following:

- Y A 181m² Service Station retail building, located centrally within the site, with an active (glazing) frontage oriented to the south-west and south-east;
- Y Eight light vehicle fuel bowzers (14 petrol and two diesel refuelling spaces) located south-west of the Service Station retail building;
- Y Three heavy vehicle fuel bowzers (three refuelling spaces) located east of the Service Station retail building;
- Y 6.5m high canopies to the light and high heavy fuel bowzers;
- Y Modification of the four existing vehicle crossovers to provide for:
 - A light vehicle 'left-in/left-out' crossover and a separate heavy vehicle 'left-out' crossover along Dixon Road;
 - A full movement light vehicle crossover and a separate heavy vehicle 'entry only' crossover along Day Road.
- Y Eleven on-site car parking spaces for staff and customers are provided as follows:
 - nine car bays within the light vehicle portion of the site;
 - two car bays for staff provided north of the retail building within the heavy vehicle portion of the site;
- Y A service yard and loading bay to the north of the retail building, which are accessed from the heavy vehicle portion of the site;
- Y Two illuminated Pylon Signs, both 7.2m high, adjoining Dixon Road and Day Road;
- Y Various directional and wall/facia signs affixed to the Service Station retail building and to the fuel canopies;
- Y 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.



9. Deferred Site Plan



10. Amended Site Plan



11. Perspective Images - changes not illustrated

Implications to Consider

a. Consultation with the Community

The amended proposal has not been advertised for public comment as it was considered that the submissions received to date are still of relevance to the Local Government with respect to the revised proposal being of a similar layout and design.

The original application was advertised for public comment and the submissions received are still considered relevant, and are discussed further below.

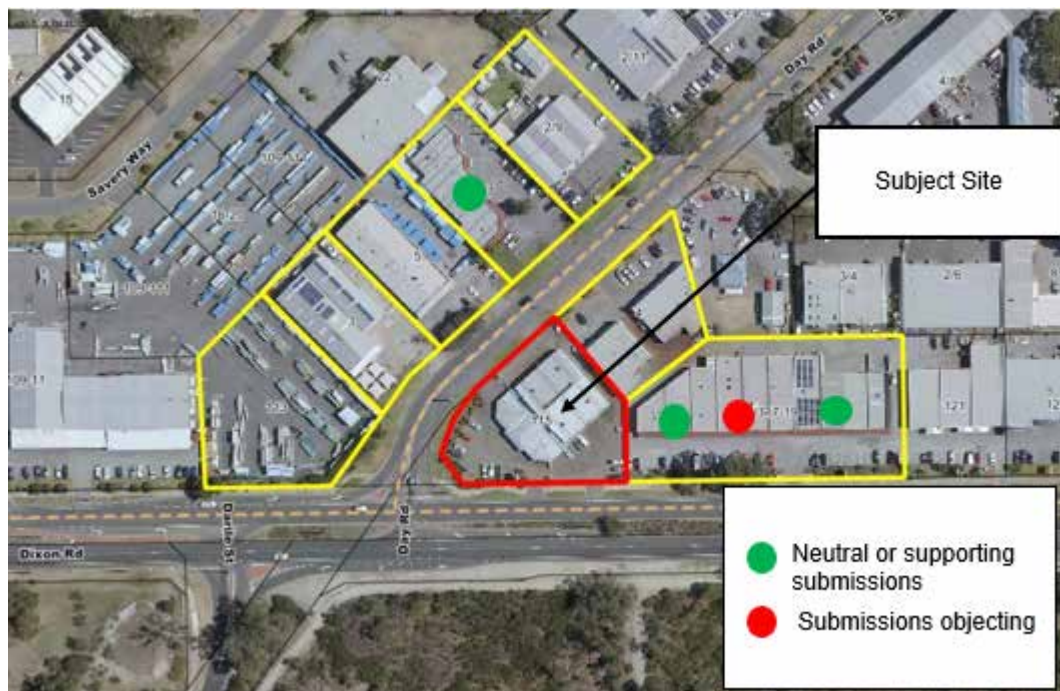
The original application was advertised between 16 April and 3 May 2021 in the following manner:

- Y Surrounding landowners and occupiers were notified in writing of the proposed application;
- Y The application was made available for public inspection at the City's Administration Offices and published on the City's website.

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

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

The locations of the local submitters are shown on the Consultation Map below:



12. Consultation Map

The submissions received are summarised below.

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.

Applicant's Response:

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

1. Land Use (cont...)
<u>City's Comment:</u> 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
<u>Submission:</u> Concerns about noise and fumes from vehicles using the Service Station impacting on existing businesses in Day Road.
<u>Applicant's Response:</u> <i>"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".</i>
<u>City's Comment:</u> 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
<u>Submission:</u> 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.
<u>Applicant's Response:</u> <i>"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".</i>
<u>City's Comment:</u> Traffic impacts are discussed within the Comments section of this report.
<u>Submission:</u> 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.

3. Traffic (cont...)

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:

Potential traffic impact is discussed within the Comments section of this report.

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

No further consultation was undertaken in respect to the revised proposal.

Of the Government departments consulted during the initial advertising period on the original proposal, responses were received from:

- Department of Fire and Emergency Services (DFES);
- Department of Planning, Lands and Heritage (DPLH); and
- Department of Water and Environmental Regulation (DWER);

The comments provided are still relevant and addressed as follows.

Department of Fire and Emergency Services (DFES) summarised (original proposal)

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.

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

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 5m² 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.

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:

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

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 5m² 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 was submitted by the applicant on 11th June 2021, which substantiated 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

While the Landscaping Plan (within the BMP) was updated with appropriate notes to address APZ requirements, the Site Plan and the Landscape Plan within the BMP are now inconsistent with the latest amended development plans received on the 13 August 2021.

The road reserve landscaping adjoining the site should be the responsibility of the land owner to maintain, not the City.

The BMP must be amended accordingly.

Siting & Design

The BMP was updated to spatially indicate an APZ within the lot boundaries, which is acceptable to the City, however, as indicated above, the BMP will need to be updated to reflect the amended site plan layout in the event approval is granted.

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.

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;**

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

- **Reflect the layout of the amended Site Plan received on 13th August 2021; and**
- **To indicate that the landowner will be responsible for maintenance of any landscaping within the street verges adjoining the subject site.**

The Bushfire Management Plan must thereafter be implemented and maintained at all times to the satisfaction of the City of Rockingham”.

Department of Planning, Lands and Heritage (DPLH) (original proposal)

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).

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.

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

Transport Impact Assessment (TIA):

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

Recommendation:

In regards to 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. In this particular case, however, 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), the City's Traffic Engineer considers that it would not be possible to provide a left turn treatment, due to insufficient allowable space.

Department of Water and Environmental Regulation (DWER) summarised (original proposal)

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.

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.

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

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 4 in the Responsible Authority Report (RAR).

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 revised proposal has been limited to areas where discretion is sought to vary a Policy requirement. Previously accepted variations by the City are not considered further as part of this report.

State Government Policies

Nil

Local Government Policies

Nil

e. Financial

Nil

f. Legal and Statutory

Assessment of the revised proposal has been limited to areas where discretion is sought to vary a Statutory requirement. Previously accepted variations by the City are not considered further as part of this report.

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

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:

“ (d) to ensure safe movement of vehicular and pedestrian traffic in the area.”

The Applicant submitted a Traffic Technical Note along with the amended Site Plan, in order to justify the modified ‘left-in/left-out’ crossover for light vehicles from Dixon Road.

As discussed in the Comments section of this report, the Technical Note analyses traffic flows and volumes and utilises a SIDRA analysis of the intersection and the proposed crossovers.

While the traffic Technical Note submits that the light vehicle ‘left-in/left-out’ access onto Dixon Road will not change the existing operating conditions of the intersection (in fact suggests slight improvements), the City’s ongoing concerns in respect to the validity of the underlying traffic modelling assumptions have not been addressed. The City’s Traffic Engineer considers that if the requested changes were made to the analysis, then it is likely that intersection performance will deteriorate, and appear worse than reported in the Traffic Note.

Given that the intersection presently operates at capacity during PM peak hour (Level of Service ‘F’), and in the absence of reliable modelling, it is difficult for the City to support the proposed development without quantifying the actual impact on the intersection.

To this extent, the proposal is considered inconsistent with TPS2, clause 4.10.2 (d), which requires consideration *“to ensure safe movement of vehicular and pedestrian traffic in the area”*.

Clause 4.10.3 - Parking

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 ² NLA of retail floorspace	2 employee bays 11 bays (181m ² NLA)	11 bays
Total		13 bays	11 bays

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

Previous concerns the City had in respect to the original Site Plan layout have largely been resolved through the Amended Site Plan submitted, by relocating customer car parking bays from the eastern (heavy vehicle) portion of the site to the western (light vehicle) portion.

Two car parking bays that are partially or wholly within the Other Regional Road Reservation (ORR) will be lost in the event the ORR reserved land within the site is ceded for road widening purposes. The implications being, that if the two (2) car bays in the ORR are lost due to ceding, then the overall parking shortfall increases to a total of four (4) bays accordingly.

Nevertheless, the proposed car parking shortfall can be sustained in this instance by the City, as:

- Y There are no current plans that would warrant the ceding of land for the widening of Dixon Road in this location, meaning the parking bays proposed within the ORR would remain in place for the foreseeable future;
- Y The amended Site Plan has reduced the overall shortfall by 50% (from 8 to 4 bays) compared to the previous reported shortfall; and

- Y There are 16 refuelling bays located at the bowzers, which to a degree would offset parking demand, as some customers purchasing fuel would also purchase convenience products from the retail shop.

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 MOJDAP has requested the Applicant consider an alternative vehicle access arrangement that would include left in/left out entry and exit onto Dixon Road for light vehicles, to reduce congestion concerns at the Day Road intersection.

The City has reviewed the revised Site Plan and the additional traffic information submitted, and still has concerns with this application, in the context that:

- Y The subject site is a corner Lot which is currently used for a low traffic generating use. The site currently generates approximately 106 trips per day.
- Y The redevelopment is assumed to generate 3,286 light vehicle 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). In addition, approximately 470 daily heavy vehicle trips are assumed, with approximately 43 and 34 trips per AM and PM peak hours respectively.
- Y The Dixon Road/Day Road intersection is reported to be currently operating at capacity (Level of Service 'F') during week day PM peak hour, in respect to traffic turning right from Day Road onto Dixon Road;
- Y PM peak hour is reported between 2:45-3:45pm (refer to City comments below);
- Y The SIDRA analysis within the traffic reporting incorporates modelling assumptions that the City's traffic engineer doesn't agree with; and
- Y The Applicant's traffic reporting suggests that post-development, the 'left-in/left-out' light vehicle crossover on Dixon Road will generate no change to the current operation of the Dixon Road/Day Road intersection, in respect to Level of Service (LoS), Degree of Saturation (DoS), delay or 95% queue length.

In articulating the City's concerns, it is important to note the extent to which the intersection currently 'fails', or operates at capacity.

It is acknowledged that the majority of the time the intersection appears to operate satisfactorily, in respect to traffic turning right from Day Road onto Dixon Road.

The TIA submitted identifies the weekday PM peak hour being between 2:45-3:45pm. Anecdotal observations of the City, however, suggest the PM peak hour period may be later in the day, based on the queuing traffic observed at the intersection of Mandurah Road and Dixon Road.

From observing the Applicant's video showing Day Road/Dixon Road intersection operation during the reported peak hour, the following is noted:

- Y The vast majority of the traffic from Day Road turns right onto Dixon Road, heading in a westerly direction;
- Y There is minimal delay and queuing from traffic on Day Road turning left onto Dixon Road, heading in an easterly direction;
- Y Right turn movements from Day Road were generally free flowing with one to three cars and no significant delays;
- Y One car turning right from Day Road can usually pass through the intersection with no significant delay;
- Y On occasion a car turning right on Day Road can get significantly delayed by the volume of traffic on Dixon Road, which creates a cascade effect in the stacking of cars turning right behind it;

- Y When the right turn movement was inhibited by Dixon Road traffic this quickly resulted in stacking of cars - with up to 8 cars observed at 3:30pm. It took 12 minutes for the traffic to clear the intersection;
- Y The longest observed delay in a car turning right from Day Road was 108 seconds (fifth car in stack) on another occasion it took 86 seconds; and
- Y Once there is a gap in Dixon Road traffic, the right turn movement from Day Road onto Dixon Road immediately frees up the right turn movement from Day Road and any congestion is then freed.

The above observations appear to lend weight to the Applicant's contentions within the traffic reporting, however, this does not address the concerns of the City's traffic engineer regarding the traffic modelling assumptions and the pre-peak hour PM video provided.

For comparison, the Tables below summarise the reported traffic outcomes in respect to the pre and post-development conditions, for both the original Site Plan (submitted on 9 April 2021) and the revised Site Plan (submitted on 13 August 2021).

	Level of Service (LoS)	Delays (right hand turning traffic)	Queue Length	Degree of Saturation
Existing Situation	'F'	78.8 seconds	38m	0.893
Original Site Plan	'F'	107.6 seconds	56m	0.975
City Comment	LoS 'F' is the worst level of service possible.	28.8 seconds additional delay	56m queue length conflicts with Day Road crossover	a degree of saturation exceeding 1.0 would mean long queues on the approaches

Table 1: Intersection Performance Summary based on the Original Site Plan

	Level of Service (LoS)	Delays (right hand turning traffic)	Queue Length	Degree of Saturation
Existing Situation	'F'	78.8 seconds	38m	0.893
Amended Site Plan	'F'	75.5 seconds	37m	0.882
City Comment	LoS 'F' is the worst level of service possible.	3.3 seconds shorter delay than existing	1m queue length shorter than existing	a degree of saturation exceeding 1.0 would mean long queues on the approaches

Table 2: Intersection Performance Summary based on the Amended Site Plan

As can be seen:

- The LoS 'F' is reported to remain the same for both Site Plans, compared to the existing 'pre-development' LoS. LoS 'F' is the worst level of service possible.
- The revised Site Plan is reported to result in 3.3 seconds shorter delay for vehicles turning right onto Dixon Road, than at present. The modelling indicates a reduction in delays at the intersection compared to existing conditions, which the City does not understand the reason for given the increase in traffic attributable to the proposed Service Station development.
- The revised Site Plan is reported to result in a slight (1m) queue length reduction for vehicles turning right onto Dixon Road, than at present.
- The degree of saturation has reduced (to 0.882), compared to existing conditions, which again the City does not understand the reason for considering the intensification of the proposed land use.

Fundamentally though, due to the existing level of service 'F' of the intersection, and the above mentioned concerns about the traffic modelling, the application is unable to be supported on traffic grounds by the City.

Site Plan

There are still concerns regarding the site plan layout which are unresolved, including the design of the vehicle crossovers and concerns regarding vehicle circulation around the bowsters.

Conclusion

In determining this application, the decision maker is required to give due regard to a range of considerations outlined in the clause 67 of the Deemed Provisions, including:

“(b) the requirements of orderly and proper planning...” and

“(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety”.

While there appears to be merit behind the revised application, the City's concerns regarding the traffic reporting are still unresolved.

The implications for the Day Road/Dixon Road intersection performance may potentially be significant if the application is approved based upon inaccurate traffic modelling. Approval of the development will exacerbate the poor existing intersection performance and consequently increase safety risk.

As such and until demonstrated otherwise, it is recommended that the application be refused.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed 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 8, dated 13 August 2021;
- Y Floor Plans and Elevations - Shop, Drawing No.3357 04, Rev 7, dated 13 August 2021;
- Y Floor Plans and Elevations - Commercial Canopy, Drawing No.3357 05, Rev 7, dated 13 August 2021;
- Y Floor Plans and Elevations - Truck Canopy, Drawing No.3357 06, Rev 7, dated 13 August 2021;
- Y Signage Plan and Schedule, Drawing No.3357 07, Rev 7, dated 13 August 2021;
- Y 3D Views, Drawing No.3357 08, Rev 7, dated 13 August 2021;
- Y Landscape Plan, Drawing No.3357 9, Rev 7, dated 13 August 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 reason:

1. The City has unresolved concerns with respect to modelling assumptions contained within the Traffic Technical Note submitted on 13 August 2021; and
2. 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.

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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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:

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1. The City has unresolved concerns with respect to modelling assumptions contained within the Traffic Technical Note submitted on 13 August 2021; and
2. 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.

Carried en bloc

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

Not Applicable

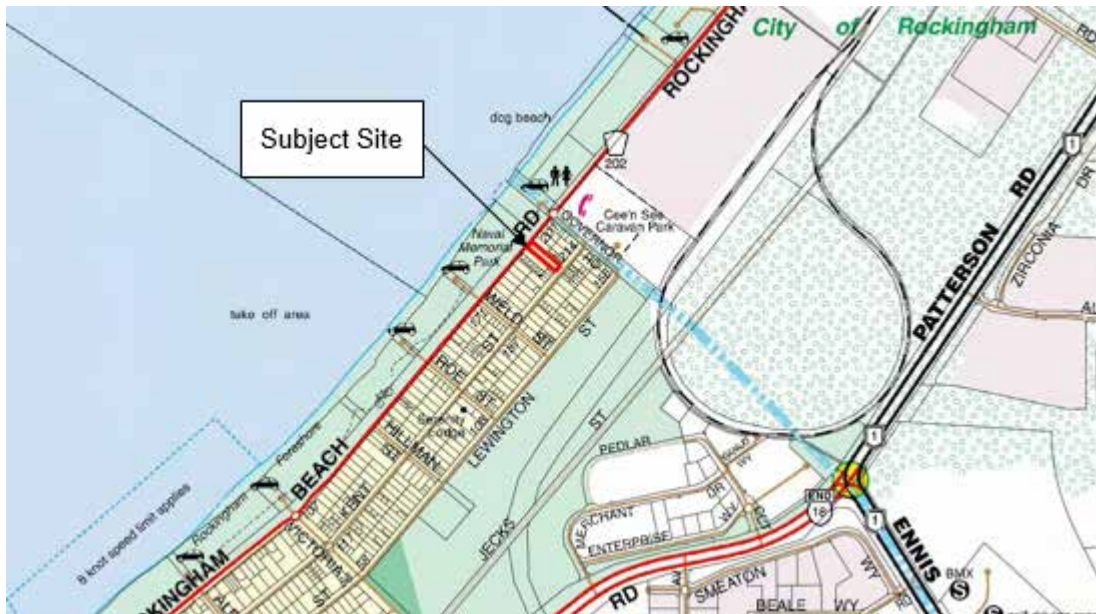
Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-032/21 Reconsideration of Holiday House
File No:	DD20.2020.00000109.001
Applicant:	Urbanista for Ms Jane Chambers
Owner:	Mr M R and Mrs D M Lawrence
Author:	Mr Kevin Keyes, Planning Officer
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	13 September 2021
Previously before Council:	July 2020 (PD-037/20), June 2021 (PD-019/21)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 413 (No.193) Rockingham Beach Road, Rockingham
Lot Area:	2,021m ²
LA Zoning:	Residential R40
MRS Zoning:	Urban
Attachments:	1. Applicant's Town Planning Report 2. Updated House Management Plan 3. Code of Conduct 4. Complaints Register 5. Schedule of Submissions
Maps/Diagrams:	1. Location Plan 2. Aerial Photograph 3. Summary Table of Non-Compliance with Conditions 4. Holiday House Customer Reviews (Extracted from Air BnB website) 5. 2021 Proposed Holiday Home (revised) 6. Proposed Site and Floor Plan 7. View from Rockingham Beach Road 8. View from Kent Street 9. Public Consultation Plan

Purpose of Report

To reconsider a modified proposal for a Holiday House at Lot 413 (No.193) Rockingham Beach Road, in the context of public submissions received during public advertising, following State Administrative Tribunal (SAT) mediation on a Development Application refused by Council in July 2020.



1. Location Plan



2. Aerial Photograph

Background

2018 Development Approval

In November 2018, the City granted conditional Development Approval for Short Stay Accommodation (Air BnB) at the subject site.

The conditions of approval included:

- "2. Temporary approval that is valid for only 12 months from the date of this approval. If the applicant wishes to continue the accommodation they must lodge a fresh application prior to the expiry date of this initial approval. The initial approval expires on the 5th November 2019;

3. *No more than twelve (12) persons are permitted to occupy the Short Stay Accommodation, at any one time;*
5. *No guest parking is permitted on the street or grassed verge;*
6. *No clients are to check in after 7:00pm and check out prior to 7:00am;*
7. *The accommodation must comply with the Environmental Protection (Noise) Regulations 1997 at all times;*
8. *The operation of the Short Stay Accommodation is to be carried out in accordance with a revised House Management Plan that must be approved by the City, prior to the commencement of the use, which must address the following matters:*
 - (i) *Providing clients with 24 hour contact details of the owner or a nominated property manager;*
 - (ii) *Establishing a complaints resolution procedure, this shall include maintaining a complaints register/ visitor log book;*
 - (iii) *Property maintenance and waste management;*
 - (iv) *Privacy screens to be erected on all major openings, including balconies and habitable rooms, that overlook adjoining properties, as stated in State Planning Policy 3.1 – Residential Design Codes (R-Codes);*
 - (v) *House rules, including the application of ‘Quiet Hours’;*
 - (vi) *Arrival and departure times consistent with condition 6; and*
 - (vii) *On-site vehicle parking.*

The revised House Management Plan must be implemented for the duration of the development.
9. *The landowner must:*
 - (i) *Provide visitors a copy of the information referred to in the House Management Plan;*
 - (ii) *Ensure that the house rules referred to in the House Management Plan are observed by the visitors; and*
 - (iii) *Provide a copy of the House Management Plan and emergency contact number to each adjoining household for use in the event of client non-compliance, in accordance with the attached consultation plan.*
10. *A Visitor Log Book must be maintained by the landowner recording who has stayed on the premises, client arrival and departure dates, and client length of stay.*
11. *By 30 June 2019, a report must be provided to the City which provides details of the operations of the development including, but not limited to:*
 - (i) *The length of stay of clients;*
 - (ii) *Arrival and departure times of clients; and*
 - (iii) *The number and type of complaints received from the public and responses to those complaints.*
12. *The procedure for managing public complaints must comply with the following:*
 - (i) *A telephone number or numbers and an email address or addresses must be maintained through which a complaint concerning the development may be made to the operator, at any time;*
 - (ii) *The owners and occupiers of properties, in accordance with the attached consultation plan, must be advised in writing of the telephone number or numbers and the email address or addresses through which a complaint may be made, prior to the use commencing;*
 - (iii) *A complaints log must be kept as part of the Visitor Log Book in which the following is to be recorded:*
 - (a) *The date and time of each complaint made and received;*

- (b) *the means (telephone or email) by which the complaint was made;*
 - (c) *any personal details of the complainant that were provided or, if no details were provided a note to that effect;*
 - (d) *the nature of the complaint;*
 - (e) *the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant; and*
 - (f) *if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken.*
- (iv) *A written response to how the complaint was resolved must be recorded within the complaints log no later than within 3 working days of receipt of the complaint by the operator; and*
- (v) *The complaints log must be provided to the City of Rockingham within 3 working days from the date of receipt of the complaint to the operator".*

2019 Complaints

In April 2019, the City received two complaints relating to the operation of the Short Stay Accommodation on the subject site:

- Y One complaint related to the accommodation not having Development Approval, which was not correct at the time.
- Y The other complaint related to:
- Use of the accommodation over the weekend of 16 March 2019 by youths creating a noise disturbance and that the maximum number of 12 permitted guests was likely to have been breached.
 - Unauthorised use of the rear garden to park two caravans, two camper trailers and toilet/ shower cabins over the weekend on 29 March 2019.

These complaints were investigated. There was insufficient evidence of a breach of the Development Approval in relation to the activities that occurred on 16 March 2019. In relation to the second event, it was understood to be a family gathering and no action was taken at that time.

Scheme Amendment No.173

In December 2019, Town Planning Scheme No.2 (TPS2) was amended in accordance with Scheme Amendment No.173, which had the effect of removing the land use term 'Short Stay Accommodation' from TPS2. The Scheme Amendment introduced a new land use definition called "Holiday House".

2020 Complaints

In April 2020, the City received a further complaint that the property was being used as a youth 'Party House' and generated excessive noise into the early hours of the morning.

The complaint stated that:

- Y Police were contacted regarding the incident;
- Y They never received the contact details of the operator of the accommodation and this was a condition of Development Approval; and
- Y Noise from the activities was having a serious impact on the enjoyment of their residential property.

Investigations conducted by the City led to the applicant to submit the 2020 application. Notwithstanding, the use continued to operate without Development Approval at the time.

Non-compliance with 2018 Development Approval

The Applicant had failed to comply with the following monitoring conditions of the Development Approval granted on 5 November 2018, as summarised in the Table below:

Condition No.	Condition Summary	Non-Compliance Summary
No.2	12 month Temporary Approval must be renewed	Applicant did not re-apply for Development Approval within the initial 12 month approval term and continued to operate unauthorised.
No.8	Providing the City with a revised House Management Plan which addresses providing contact details to neighbours, establishing a complaints procedure, making the dwelling R-Code complaint, revisiting house rules and check-in/ check-out times.	Not received by the City during the time period of this approval.
No.11	By 30 June 2019, a report by the operator to be provided to the City regarding complaints received by the public and responses to those complaints	Not received by the City during the time period of this approval.
No.12	Identifies procedure for complying with complaints and the procedure for communication between applicant and the complainant.	Not received by the City for any registered complaints during the time period of this approval.

3. Summary Table of Non-Compliance with Conditions

2020 Council Refusal

In July 2020, Council reconsidered a Development Application to renew the Holiday House. Following review of the public submissions, which included 14 submissions, of which 12 submissions objected to the proposal and 2 submissions in support, the Council resolved to refuse the application for the following reasons:

- "1. *The proposed scale and intensity of use as a Holiday House has the potential to adversely impact on the amenity of the surrounding residential area, as evidenced by previous noise complaints received by the City.*
2. *The Holiday House in this location is not compatible with its setting nor its relationship with other adjoining land in the locality.*
3. *The Applicant has a history of non-compliance with conditions of Development Approval. The City is not confident the Applicant can effectively manage or will adhere to conditions of Development Approval or Noise Management Plan, due to its ineffective attempt of managing this property over the past year and six months. Any renewal of this previous approval is likely to continue to adversely impact on the residential amenity of the locality.*
4. *The application is not in accordance with the requirements of orderly and proper planning."*

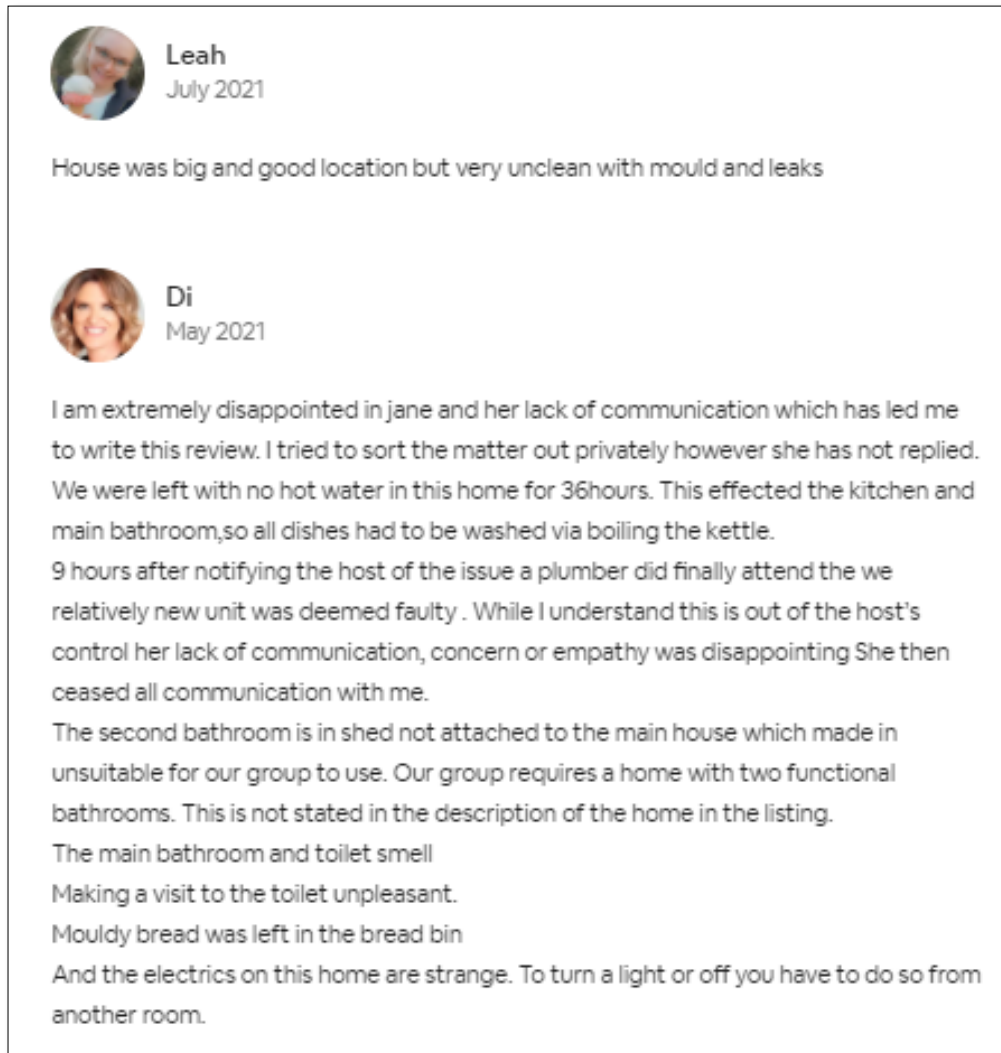
2021 Complaints

In July 2021, the City received a complaint regarding an alleged party that was held at the property during which the WA Police were called by an adjacent resident.

The City's Building and Development Compliance team undertook a compliance investigation and recorded the following:

- Friday, 13 August 2011 - At least four persons at the address who stated they were a group staying for the weekend (Thursday to Sunday) to celebrate a 21st birthday. Claimed to be friends of the property owner who would allegedly also be attending and they were non-committal about whether money had changed hands for use of the property;
- Monday, 16 August 2021 - One male at the address with a dog who stated he was the brother-in-law of the property owner and had stayed at the address over the weekend, leaving the previous day. He'd left item(s) behind and had returned that morning to collect them. He hadn't been present during, but was aware of our visit the previous Friday; and

- Two customer reviews were recorded on the Air BnB online platform for the Holiday House. One is dated May 2021 and the other is dated July 2021, during and post SAT proceedings.



4. Holiday House Customer Reviews (Extracted from Air BnB website)

State Administrative Tribunal (SAT) Appeal

In November 2020, the applicant lodged an Application for Review to the State Administrative Tribunal (SAT) to appeal the City's decision to refuse the Holiday House. Following two mediation sessions, the SAT issued an order inviting the Council to consider a revised proposal on or before 24 September 2021.

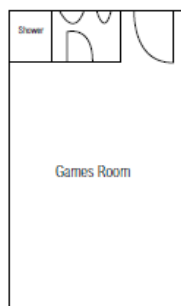
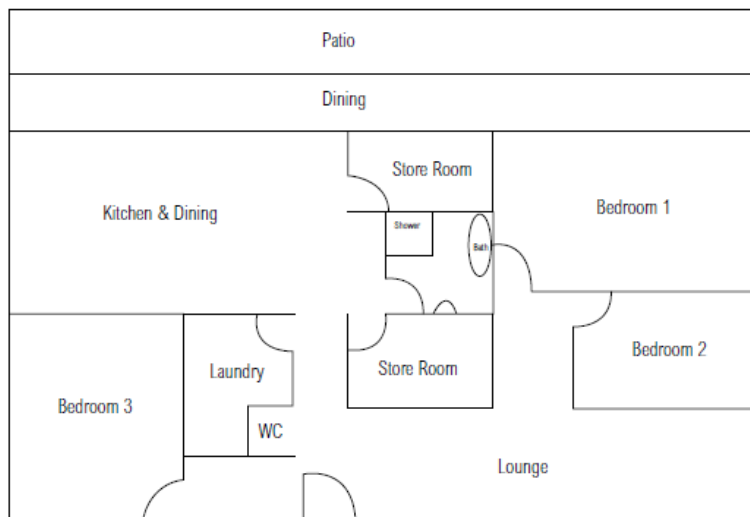
Details

The Applicant submitted revised Holiday House proposal following SAT mediation is as follows:

	2020 Development Refusal - Holiday Home	2021 Revised Holiday Home
Management Plan	Not provided	Provided
Code of Conduct	Not provided	Provided
Complaint Register	Not provided	Provided

	2020 Development Refusal - Holiday Home	2021 Revised Holiday Home
Maximum Number of People	12 guests	Four (4) adults or one (1) family with maximum of five (5) people.
Bond	\$350	\$400
Minimum Night Stay	Nil	Two (2) nights
Property Manager	Owner	Airbnb Homes (an Air BnB management company)
Complaints Person	Owner	Manager of Airbnb Homes who lives in Warnbro
Updated Plans	6 bedrooms	3 bedrooms
Use of Games Room	Nil	Only permitted to be used between 10:00am to 7:00pm.

5. 2021 Proposed Holiday Home (Revised)



193 ROCKINGHAM BEACH ROAD
ROCKINGHAM
NOT TO SCALE

6. Site and Floor Plan



7. View from Rockingham Beach Road



8. View from Kent Street

Implications to Consider

a. Consultation with the Community

The amended proposal was determined to be a 'Complex' application, as a Holiday House is a 'Use Not Listed' within the Zoning Table of TPS2. As such, in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was advertised in the following manner:

- Y Letters were sent to all owners/occupiers of residential properties within 200m of the subject site, as indicated on the Consultation Plan below;
- Y Details of the application were placed on the City's website for public viewing, stating that submissions will be received until 4 August 2021; and
- Y The applicant erected a Site Notice for public viewing at both entrances to the property, which stated that submissions will be received until 4 August 2021.

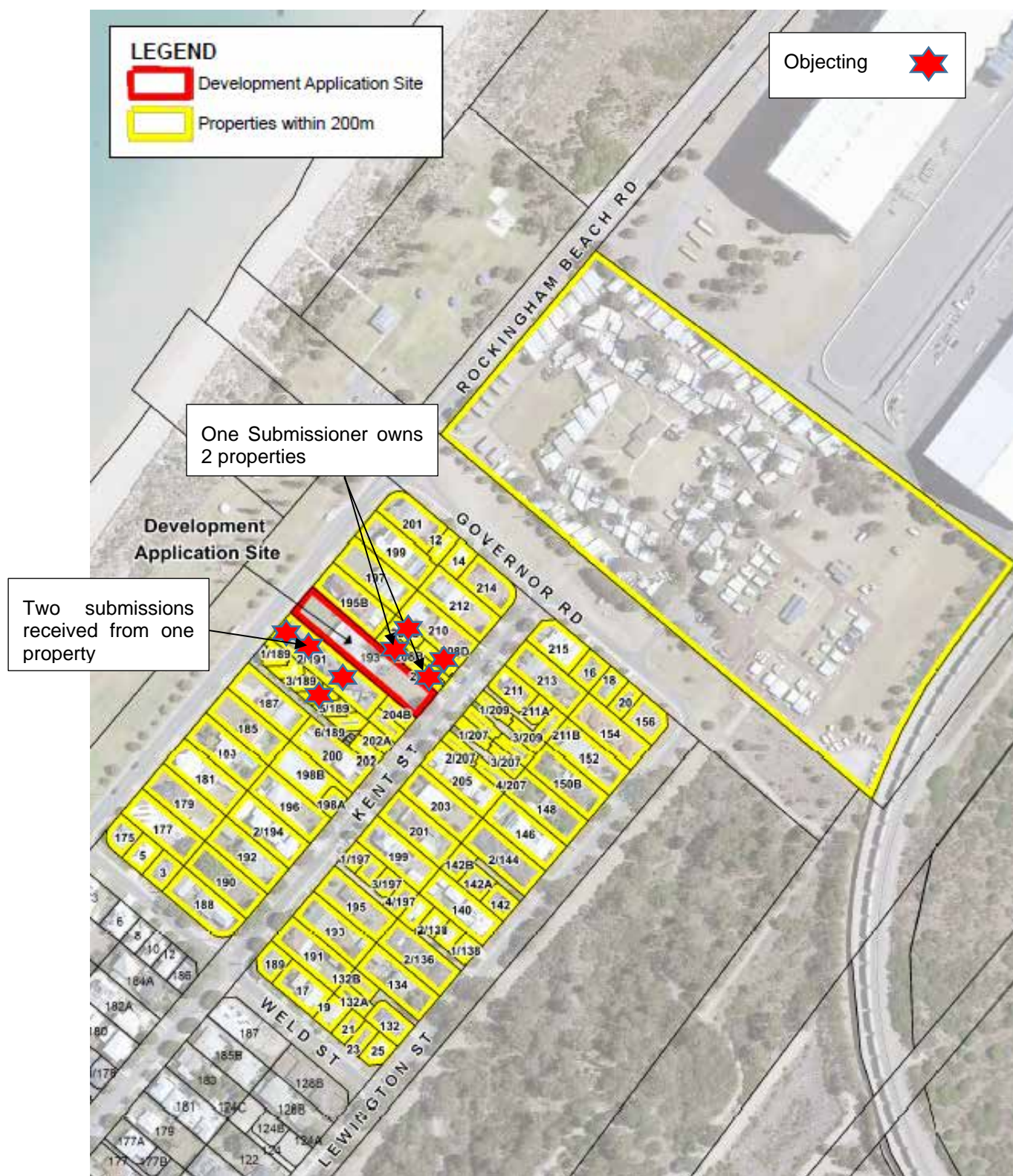
At the close of the submission period 11 submissions were received, as follows:

- Y 10 submissioners objected to the application;
- Y One submissioner was in support of the application.

Of the 11 submissions received:

- Three submissioners were outside of the Consultation Plan (i.e. Port Kennedy, Shoalwater and Calume Street, Rockingham). One submission was in support of the proposal and the other two were not in favour of the Holiday House;
- One submission from the owner of two adjacent properties on Kent Street was treated as two submissions; and
- Two submissions were treated by the City as one submission as they were received from the same property address.

While the Schedule of Submissions refers to 11 submissions reflecting the above, they need to be considered in the above context.



9. Public Consultation Plan

The following table is a summary of the main comments raised from the submissions received:

Non-Compliance with Previous Council Refusal & Non-Compliance with previous Development Approval Conditions
<p><u>Submissions:</u></p> <p>The property has been illegally advertised as a Holiday House on the online platform Air BnB during this reconsideration period. The business received two customer reviews in May 2021 and June 2021 which are viewable on Air BnB.</p> <p>On the 15th July 2021, it is alleged that at least 12 persons were partying at the property late into the night and playing loud music. This incident resulted in the Police being called due to excessive noise (Police Case #546676). Attempts were also made to call Tammie from the assigned Property Management company to resolve the matter, but she was not reachable.</p> <p>Due to the owners recent and previous history of non-compliance, nearby neighbours have no confidence in the owner to operate the Holiday House as publicly advertised.</p>
<p><u>Applicant's Comment:</u></p> <p>The amended proposal will ensure this property is managed properly by professionals. If approved by Council, Council are approving the private management company and professional complaints person along with the strict code of conduct, management plan and etc. If this is not approved the dwelling will be occupied privately either by the family or rented, whereby there will be no rules or regulations attached to these individuals.</p> <p>The amended application has addressed and considered all concerns raised by the residents, and if approved will be implemented ensuring professional management of the property with no under impact on the amenity.</p> <p>As discussed in the amended application, a local manager is appointed who can attend the site upon issues along with a formal company undertaking bookings and vetting. Further, the number of guests has been reduced by eight (8) people formally 12 people to a maximum of four (4) adults or one (1) family maximum of five (5) people. An increase in bond amount is proposed despite the reduction in numbers and reduced number of bedrooms from six (6) to three (3). These amendments will be implemented upon approval by Council and it will continuously be monitored.</p>
<p><u>City Response:</u></p> <p>The applicant's response fails to address the submissioners concerns regarding unlawful occupancy for Short-Stay Accommodation and the incident referenced. The applicant/landowner appears to have disregarded the Council's previous refusal decision, by recently continuing to advertise and operate the Holiday House. It has been alleged by the same submissioners that there was an excessive number of guests attending the premises and caused night-time noise disturbance to adjacent owners.</p> <p>While, taking into account the non-compliance with previous Development Approvals, the City has no confidence in the revised proposal for a Holiday House, as it considered likely that it will continue to adversely impact on the residential amenity of the locality.</p>
Holiday House (Anti-Social Behaviour/General)
<p><u>Submission:</u></p> <p>It is not farfetched to theorise that criminal activity such as drug labs and cannabis cultivation may occur at the Holiday House. While persons rent out their Holiday Homes with good intentions it does not mean tenants will follow the guidelines as set out for them. It has been on the news on many occasions difficult situations arise from short-term rentals making life for neighbours exceedingly difficult.</p>
<p><u>Applicant's Comment:</u></p> <p>Respectfully anecdotal, the owners need an opportunity to prove that they take the concerns of the residents seriously by the Council approving the strict management plans which requires a professional management company and local manager, which is exactly what the community was seeking for as part of the previous submissions.</p>

Holiday House (Anti-Social Behaviour/General) (cont...)

The owner(s) are now fully aware of their obligations under a new approval. They have appointed a town planning representative which has enabled them to fully comprehend the responsibilities of conditions and accordingly found merit in appointing a professional property manager and a complaints manager to ensure the proposed management plan and code of conduct is strictly applied.

City Response:

There is no evidence to attribute to this proposal that it will attract criminal activities. There has been past reports in the media on anti-social behaviour associated with some Holiday Houses which have been attributed to rentals being used as a 'Party House'.

Holiday Houses in Rockingham

Submission:

Support - The Holiday House is within a tourist zoned planning area, guided by Landgate and Rockingham City Council. RCC has spent \$15.75 million on the re-development of Rockingham foreshore to enhance and revitalise the beachside attraction.

Against - Whether or not, from a community perspective, Holiday Houses best serve community needs in an environment of excessively expensive housing rents and general shortage of affordable housing.

Applicant's Comment:

Support - Agreed.

Against - Respectfully disagree, the City has a tourism policy which seeks to have additional tourism accommodation.

City Response:

Holiday House Accommodation is generally encouraged in locations that present an advantage to visitors to the City, such as proximity to the beach, parks, shopping and restaurant facilities. It is acknowledged that the subject land is located in close proximity to the Rockingham Beach waterfront, within easy walking distance to all of these attributes.

Each application for Holiday Accommodation must be considered on their individual planning merits and should not be supported where it could negatively impact on the amenity of surrounding residents.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

d. Policy

State Government Policies

No current State Government Policies apply.

In 2019, the Western Australian Legislative Assembly Economics and Industry Standing Committee, following an enquiry into the regulation of Short-Stay Accommodation in Western Australia, released a report containing 10 recommendations.

In February 2020, the Western Australian Government (Government) issued its response to the enquiry which generally agreed with the report and indicated it will consider developing and/or adopting policy to give effect to the intent of the recommendations, including forming an interdepartmental working group to address some of the recommendations.

The recommendations included introducing a state-wide registration scheme for Short-Term Rentals, coupled with data provision requirements for on-line platforms. The City is awaiting the outcome of the State Government's response which could affect the WA planning framework.

Local Planning Policies

Nil

e. Financial

Nil

f. Legal and Statutory

State Administrative Tribunal (SAT)

The SAT is an independent body that makes and reviews a range of administrative decisions, including town planning matters.

SAT receives its power to hear matters from a number of different legislation such as the State Administrative Tribunal Act 2004 and for planning appeals triggered by the Planning and Development Act 2005. SAT was established to make the legal process more efficient, flexible, and informal for parties. SAT's approach is informal, flexible and transparent and encourages the resolution of disputes through mediation.

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject land is zoned Residential R40 within TPS2.

Clause 3.2.4 - Zoning Table

The proposed use is interpreted as a "Holiday House" which is defined to mean:

"A single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast".

As there is currently no provision for a 'Holiday House' in the Zoning Table, the application has been considered as a 'Use Not Listed'.

The main objective of the Residential zone is as follows:

"4.1 Residential Zone

4.1.1 Objective

The objective of the Residential Zone is to promote a high quality residential environment by maintaining and enhancing the quality of existing residential areas and providing for a range of residential densities and housing types throughout the Scheme Area."

The history of noise complaints arising from the use of this land under a previous Development Approval; the Applicant's history of non-compliance with conditions of Development Approval and the inability to resolve complaints when they arise indicate the use of the subject site for a Holiday House is incompatible within its setting. For this reason, the proposal is considered to be inconsistent with the Objective of the Residential Zone.

Clause 4.15.1.2 - Carparking

In accordance with *Table 2 - Car Parking Standards*, car parking for Holiday Accommodation shall be provided at 1 bay per unit and, plus 1 bay per employee.

The property is 2,021sqms in size and has large open spaces to accommodate on-site car parking on-site. Up to six cars can be comfortably accommodated on-site. Therefore, car parking for a maximum of five guests at any one time on site is adequate.

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

Clause 67 of the 'Planning Regulations' outlines matters to be considered by the Council in determining this application.

The relevant provisions of Clause 67 are described below:

- "(a) *The aims and provisions of this scheme;*
- (b) *The requirements of orderly and proper planning;*
- (m) *The compatibility of the development within its setting, including the relationship of the development to development on adjoining land or on other land in the locality;*
- (n) *The amenity of the locality including the following:*
 - (ii) *The character of the locality;*
 - (iii) *Social impacts of the development;*
- (w) *The history of the site where the development is to be located;*
- (x) *The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *Any submissions received on the application;*
- (zb) *Any other planning considerations the local government considers appropriate".*

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

As an outcome of two mediation sessions attended by City Officers with the Appellant, SAT issued Orders inviting the Council to reconsider its decision to refuse the Holiday House application in accordance with section 31(1) of the State Administrative Tribunal Act 2004.

The City agrees with the submission comments which express a concern regarding the operation of a Holiday House at this site. The owner has a history of non-compliance with conditions of Development Approval. While there have been improvements to the proposal such as reduced numbers from 12 people to 4 adults or a family of 5 people, the recent incident in July 2021 suggests that despite the applicant's assurances, it will continue to have an adverse impact on the amenity of adjacent owners.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **REFUSES** the reconsideration application for a Holiday House at Lot 413 (No.193) Rockingham Beach Road, Rockingham for the following reasons:

1. The amended proposal for a Holiday House, is situated adjacent to medium-density residential dwellings and will adversely impact the residential amenity of adjacent owners and occupiers associated with noise disturbance from guest activity.
2. The amended proposal for Holiday House and revised management approach has not adequately demonstrated that the proponent can effectively manage or adhere to conditions if the proposal was granted Development Approval.
3. The amended proposal fails to comply with the objective of the Residential Zone of Town Planning Scheme No.2.
4. The application is inconsistent with the requirements of orderly and proper planning.

Committee Recommendation

That Council **REFUSES** the reconsideration application for a Holiday House at Lot 413 (No.193) Rockingham Beach Road, Rockingham for the following reasons:

1. The amended proposal for a Holiday House, is situated adjacent to medium-density residential dwellings and will adversely impact the residential amenity of adjacent owners and occupiers associated with noise disturbance from guest activity.
2. The amended proposal for Holiday House and revised management approach has not adequately demonstrated that the proponent can effectively manage or adhere to conditions if the proposal was granted Development Approval.
3. The amended proposal fails to comply with the objective of the Residential Zone of Town Planning Scheme No.2.
4. The application is inconsistent with the requirements of orderly and proper planning.

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 **REFUSES** the reconsideration application for a Holiday House at Lot 413 (No.193) Rockingham Beach Road, Rockingham for the following reasons:

1. The amended proposal for a Holiday House, is situated adjacent to medium-density residential dwellings and will adversely impact the residential amenity of adjacent owners and occupiers associated with noise disturbance from guest activity.
2. The amended proposal for Holiday House and revised management approach has not adequately demonstrated that the proponent can effectively manage or adhere to conditions if the proposal was granted Development Approval.
3. The amended proposal fails to comply with the objective of the Residential Zone of Town Planning Scheme No.2.
4. The application is inconsistent with the requirements of orderly and proper planning.

Carried en bloc

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

Not Applicable

Engineering and Parks Services Asset Services



Reference No & Subject:	EP-018/21	Adoption of the Strategic Asset Management Plan
File No:	CPM/198	
Applicant:		
Owner:		
Author:	Miss Pollyanne Fisher, Acting Coordinator Strategic Asset Management	
Other Contributors:	Mr Tony Bailey, Acting Manager Operations and Fleet Services	
Date of Committee Meeting:	13 September 2021	
Previously before Council:	27 July 2021 (EP-014/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	<ol style="list-style-type: none">1. Strategic Asset Management Plan2. Community Feedback on the Strategic Asset Management Plan	
Maps/Diagrams:		

Purpose of Report

To consider adoption of the draft Strategic Asset Management Plan following the public comment period.

Background

The Strategic Asset Management Plan (SAMP) (Attachment 1) is a new Community Plan Strategy providing high level direction on asset management practices across the City.

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.

At the Ordinary Council meeting held on 27 July 2021, it was resolved:

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

Details

The SAMP was advertised for public comment through Rockport and Share your thoughts on the City website from 30 July 2021 to 25 August 2021. During this period, hardcopy feedback forms, along with copies of the Strategy, were made available in the City libraries and at the Main City Administration Office.

The public comment period was advertised in the Sound Telegraph newspaper on 11 August 2021.

Implications to Consider

a. Consultation with the Community

The City received 3 community submissions.

Two submissions included feedback that went outside the scope of the SAMP. This feedback was passed onto the relevant department within the City for consideration.

All feedback received is in the attachment to this report and a summary is provided below:

Community Feedback	City Comments	Amendments to the SAMP
One respondent suggested that the document could be improved by allowing for greater community engagement about service levels. The respondent identified that levels of service are documented within the Asset Management Plan and endorsed at Executive level, and suggested Council should be involved in the decisions to ensure they can be funded in long term financial planning.	Levels of Service are the key business drivers and influence all asset management decisions. A range of community engagement is utilised to develop and adjust Levels of Service including the annual Customer Satisfaction Survey, customer requests and feedback on various strategies and plans. It is also noted that many Levels of Service are directly related to risk assessments, public liability, work health and safety, technical requirements and technology. Levels of Service development and performance management is identified as a high priority area for improvement (see SAMP section 4.10.1).	Nil
One respondent observed that the plan is not all about parks and gardens and is a real attempt to look after community assets and deliver aspirations from the City's Strategic Community Plan. The respondent also expressed concerns regarding the waste to energy plant on Office Road.	The SAMP is relevant to: <ul style="list-style-type: none">• Sport and Recreation Facilities;• Coastal Facilities;• Community Facilities;• Open Space Management;• Transport Management; and• Stormwater Management. This feedback relating to the waste to energy plant has been passed onto the relevant department for consideration.	Nil
One respondent provided comment on specific levels of service provided in a Port Kennedy park.	This feedback has been passed onto the relevant department for consideration.	Nil

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

Nil

f. Legal and Statutory

Nil

g. Risk

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

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

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

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

Nil

Comments

The feedback received has been generally positive with no feedback opposing the SAMP.

Adopting 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 **ADOPTS** the 'Strategic Asset Management Plan'.

Committee Recommendation

That Council **ADOPTS** the 'Strategic Asset Management Plan'.

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 'Strategic Asset Management Plan'.

Carried en bloc

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

Not Applicable

Council Resolution – En bloc Resolution

Moved Cr Stewart, seconded Cr Liley:

That the committee recommendations in relation to Agenda Items GM-027/21, GM-028/21, CD-016/21 and CD-017/21 be carried en bloc.

Carried – 10/0

Corporate and Community Development Committee

**General Management Services
Strategy Marketing and Communications**



Reference No & Subject:	GM-027/21 Proposed Development of a Council Policy Signage Framework
File No:	CPM/120
Proponent/s:	
Author:	Ms Nollaig Baker, Manager Strategy, Marketing and Communications
Other Contributors:	Mr Michael Parker, Chief Executive Officer Ms Melissa Swaney, Acting Strategic Projects Coordinator
Date of Committee Meeting:	14 September 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 consider the preparation of a Council Policy on a Signage Framework.

Background

In December 2018 Council resolved to approve the development of entry statement designs for Safety Bay Road, Mandurah Road and Patterson Road based on the Kulija Road design. A project team was established to identify the exact locations. The project team liaised extensively with Main Roads for advice and in-principle support on the specific locations. The draft concept designs were presented at the January 2021 Councillor Engagement Session. At the March 2021 Council Meeting Council resolved to:

1. *DEFERS seeking public comment on the draft entry statement concept designs and locations until other alternate cost-effective options are investigated and presented for consideration.*
2. *DIRECTS the Chief Executive Officer to develop an overall (draft) signage strategy by September 2021 for the City to increase brand awareness, promote community events and services, locality / suburb boundaries and enticing tourists to visit.*

Following an internal review of signage under the control of the City, the outcomes were presented at the July 2021 Councillor Engagement Session. An alternate way forward to address the complex issue of signage was put forward. As such a Signage Framework Council Policy is proposed in lieu of a Signage Strategy taking into consideration that various aspects of signage are already addressed through legislation, Council Policies and Community Plan Strategies.

Details

At the March 2021 Council meeting Council directed the CEO to develop a draft Signage Strategy by September 2021 to address the following areas:

- increase brand awareness
- promote community events and services
- locality/suburb boundaries
- enticing tourists to visit.

As a result, the City undertook a review of its current management of signage. There is a large and varied amount of signage throughout the City of Rockingham, ranging from identification signage on the City's assets, to compliance/regulatory signage and advertising signage on private land. Different signage types have different objectives and target different audiences, from overnight tourists and day trippers, to local residents, pedestrians and daily commuters on their way to and from work. Many aspects of signage under the control of the City are being addressed through legislation, Council Policies, Community Plan Strategies and through operational guidelines such as the City's internal Style Manual.

Locality specific and entry statements which aim at identifying the City and the relevant suburb will be reviewed as part of the development of the Community Plan Strategy – Communications Strategy. The City's approach to branding is focused on the overarching brand identity of the City of Rockingham as a whole, rather than a fragmented approach. Building brand awareness and promoting the City no longer solely relies on hardstand informational signage and the City will explore the mediums that offer best value and return on investment.

The outcome of the review was presented at the July 2021 Councillor Engagement Session.

Based on the City's existing approach to signage, a Council Policy to govern Council's management of signage is recommended to ensure that there is an integrated and coordinated approach to the development and management of all signage. The objective of the proposed Policy is to identify a governance framework to address the following:

- improve governance of signage
- demarcate responsibility for the various signage types
- establish a signage hierarchy.

The proposed Signage Policy Framework will ensure that the City continues to manage signage that is contemporary, best practice and offers best value to deliver the required outcomes to meet both regulatory compliance and the City's Community Plan Aspirations.

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: *Develop and implement effective marketing approaches to promote the City as a destination of choice for the local community, visitors, investors and businesses.*

d. Policy

Planning Policy 3.3.1 – Control of Advertisements

e. Financial

Nil

f. Legal and Statutory

The proposed Signage Framework Council Policy will be informed by the following:

- Town Planning Scheme no. 2 (TPS2)
 - Clause 5.3: Control of Advertisements
 - Schedule No. 6: Exempted Advertising (under clause 5.3.4)
- City of Rockingham Parking Local Law 2018 specifically the specifications of signage for the management and regulation of parking within the district
- City of Rockingham Public Places and Local Government Property Local Law 2018.

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

Signage under the control of the City is currently managed and coordinated through various local laws, Council Policies and established Community Plan Strategies. To further integrate the governance of signage a Signage Framework Council Policy is proposed in lieu of a Signage Strategy. The proposed Policy will undergo community consultation in line with Council's Policy Framework.

The purpose of this proposed Policy is to enhance the governance of signage under the control of the City and to define the roles and responsibilities for various signage types.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **SUPPORTS** the preparation of a Signage Framework Council Policy in lieu of the development of a draft Signage Strategy.

Committee Recommendation

That Council **SUPPORTS** the preparation of a Signage Framework Council Policy in lieu of the development of a draft Signage Strategy.

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

That Council **SUPPORTS** the preparation of a Signage Framework Council Policy in lieu of the development of a draft Signage Strategy.

Carried en bloc

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

Not Applicable

General Management Services Strategy Marketing and Communications



Reference No & Subject:	GM-028/21	Proposed Development of a Council Policy – Community Engagement
File No:	CPM/120	
Proponent/s:		
Author:	Ms Nollaig Baker, Manager Strategy, Marketing and Communications	
Other Contributors:	Mr Michael Parker, Chief Executive Officer Ms Melissa Swaney, Acting Strategic Projects Coordinator	
Date of Committee Meeting:	14 September 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 consider the development of a Council Policy on Community Engagement.

Background

In the City of Rockingham Strategic Community Plan (2019-2029) under Aspiration 2 – Grow and Nurture Community Connectedness and Wellbeing, Community Engagement is a strategic objective which aims to facilitate comprehensive community engagement on issues facing the City, ensuring that residents and key stakeholders can provide input into shaping the City's future.

The City conducts extensive engagement through various methods and platforms with the outcomes assisting Council to make informed decisions. The City considers community participation as an essential component of good governance and leadership.

Currently community engagement is underpinned by two Council Policies: the Strategic Development Framework Policy and the Council Policy Framework. The implementation of these Policies is supported by an operational Community Engagement Framework which was recently reviewed. The review identified the development of a Council Policy for community engagement to provide guidance and certainty to ensure that community engagement is undertaken in a consistent manner.

The proposed Council Policy will define the community engagement process and align it with the community's aspiration to be part of shaping the community for future generations.

Details

In the 2019 Customer Satisfaction Survey 20% of respondents reported participating in a community consultation and in 2020 this figure increased to 24%. That is almost one in four of the survey population.

The Strategic Development Framework Council Policy outlines the review and consultation process for the City's strategic documents including the Strategic Community Plan and Community Plan Strategies. Council's Policy Framework outlines the consultation process for Statutory, Legislative and General Council Policy.

To support the delivery of community engagement within these Policies, the City developed an operational community engagement framework based on the best practice approach developed by the International Association for Public Participation. The City's approach is based on three levels of community engagement: *Inform, Consult and Participate* ensuring that the engagement with the community and key stakeholders is fit for purpose.

While an operational framework is already in place, the intent of this proposed Council Policy is to promote greater community visibility on a consultation process.

The proposed Policy will address the following key elements:

- Roles and responsibilities
- Statutory requirements
- Guiding principles
- Levels of participation (aligned to the International Association for Public Participation's Spectrum of Public Participation)
- Timeframes.

Implications to Consider

a. Consultation with the Community

As part of the Council Policy Framework all Policies are subject to community consultation.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

Strategic Objective: *Community engagement: Facilitate comprehensive community engagement on issues facing the City, ensuring that residents can provide input into shaping our future*

Aspiration 2: *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

The proposed Policy for Community Engagement will be informed by the following:

Strategic Development Framework Council Policy specifically the requirements relating to the forums for involvement of the community and elected members in the development of the review process of the City's Strategic Community Plan, Community Plan Strategies, and Major informing plans.

Council Policy Framework specifically the requirement for public consultation for the development and review of Council, Statutory and Legislative Policy.

e. Financial

Nil

f. Legal and Statutory

Nil

g. Risk

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

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

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

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

Nil

Comments

Community engagement plays an important role in supporting Council in its decision making and in informing the City of Rockingham organisation. While the City's community engagement process is currently informed by two Council Policies and supported by an operational framework, the development of a specific community engagement Council Policy will address the levels of participation, timeframes and process to reinforce the City's approach to community engagement. The key elements of the proposed Policy will be under pinned by the principles of the International Association for Public Participation's Spectrum of Public Participation which maintain a fit for purpose approach to community engagement.

The purpose of the proposed Policy is to foster a greater visibility on the City's community engagement processes.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **SUPPORTS** the development of a Council Policy for Community Engagement.

Committee Recommendation

That Council **SUPPORTS** the development of a Council Policy for Community Engagement.

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

That Council **SUPPORTS** the development of a Council Policy for Community Engagement.

Carried en bloc

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

Not Applicable

Community Development Library Services



Reference No & Subject:	CD-016/21	Rockingham Central Library – Proposed Change of Name
File No:	CSV/3474	
Proponent/s:		
Author:	Ms Alison Oliver, Manager Library Services	
Other Contributors:		
Date of Committee Meeting:	14 September 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

For Council to approve the renaming of Rockingham Central Library to Rockingham Library.

Background

The City assumed management responsibility for the Rockingham Campus Community Library from Murdoch University on 27 January 2016, originally under a three year sublease arrangement. Council resolved at its meeting held on 15 December 2015 to rename the library as *Rockingham Central Library* with the expectation that a new, centrally located multi-purpose facility would be constructed within the next three to five years hence the inclusion of the word *Central* in the library name.

Details

The Rockingham Central Library is located at the Murdoch University campus on Dixon Road, Rockingham. The City secured a sublease for a period of up to four years commencing 27 January 2016 (three years plus option to renew for a further year) and renamed the library from the Rockingham Campus Community Library to Rockingham Central Library. Planning and construction of a new library building, closer to the city centre had been included in the Community Infrastructure Plan however the updated position in the Community Infrastructure Plan 2018 – 2028 saw the removal of this project from the plan and it has subsequently not been included in any updated plans.

A new, up to ten year sublease was negotiated (five years plus option to renew for five years) with the expiry now set for 26 January 2029 based on successful renewal after five years.

At its meeting of 28 January 2020 Council approved a Development Application for proposed Offices, Health Studio, Restaurant, Showrooms and Service Station at Lot 301 (No.2-6) Council Avenue Rockingham. Named *Rockingham Central*, construction is underway for completion late 2021.

Since construction of *Rockingham Central* began there have been assumptions made by many that this is the location of the proposed new library building however there is no association with this development at all.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Library Board of Western Australia will be provided advice in writing of the change of name.

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 2: *Grow and Nurture Community Connectedness and Wellbeing*

Strategic Objective: *Services and facilities – Provide cost effective services and facilities which meet community needs.*

d. Policy

Nil

e. Financial

Replacement of signage at street entry and library entry doors approximately \$700 including design and installation to be sourced from the existing 2021/2022 Library Services budget. Other library promotional resources will be updated as and when they are required and will not incur additional costs.

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

Given the duplication of naming, the fact the proposed new, centrally located library building is no longer listed as a project in the Community Infrastructure Plan, and the confusion from many in the community as to whether the library will be moving in to the new development it is timely now to reconsider the naming of the current library building.

It is proposed to rename the library as Rockingham Library which is in keeping with the City's other standalone library at Safety Bay.

The City is currently developing a process for the dual naming of City facilities, Rockingham Library will be considered as part of this process.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the change of name from Rockingham Central Library to Rockingham Library.

Committee Recommendation

That Council **APPROVES** the change of name from Rockingham Central Library to Rockingham Library.

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

That Council **APPROVES** the change of name from Rockingham Central Library to Rockingham Library.

Carried en bloc

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

Not Applicable

Community Development Community Infrastructure Planning



Reference No & Subject:	CD-017/21 Community Infrastructure Plan 2021
File No:	CSV/1931-08
Proponent/s:	
Author:	Mr Gary Rogers, Manager Community Infrastructure Planning
Other Contributors:	
Date of Committee Meeting:	14 September 2021
Previously before Council:	CD-024/20 (15 September 2020); CD-024/19 (24 September 2019); CD031/18 (18 December 2018); CD-025/18 (25 October 2018); CD-025/17 (25 October 2017); CD-032/16 (25 October 2016); CD-044/15 (24 November 2015); CD-042/15 (27 October 2015); CIP-009/11 (24 May 2011); CIP-005/11 (22 March 2011)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
Attachments:	Community Infrastructure Plan 2021 (Draft)
Maps/Diagrams:	

Purpose of Report

To seek Council adoption of the Community Infrastructure Plan 2021 (CIP).

Background

The CIP was first adopted by Council in 2011. In 2019, the Strategic Development Framework Policy was revised and subsequently endorsed by Council. The policy requires the CIP to be reviewed annually, presented to the August Councillor Engagement Session, and submitted to the Ordinary Council Meeting in September every year for adoption.

Details

The CIP has been developed to;

- Guide the development, timing, design and location of community infrastructure over the next 10 to 15 years;
- Clearly identify the services and facilities required for the City's emerging population, based on supply and demand analysis, and identification of service catchments;
- Specifically identify the capital costs associated with proposed community infrastructure to inform the City's Business Plan

- Meet the requirements of State Planning Policy 3.6, providing a robust basis for the City's Development Contribution Plan; and
- Provide the City with a documented framework of community infrastructure planning principles and guidelines.

The purpose of the annual review of the CIP is to enable it to be updated to reflect current changes in community needs and trends as well as specific project circumstances. This is intended to ensure that the CIP reflects the ongoing rigour applied during the planning process, significantly reducing the likelihood and impact of rapid project scope and cost escalation.

In order to achieve this, the annual review identifies changes in scope, scale, form, function and timing for each project, and introduces new projects based on the community infrastructure planning principles and guidelines outlined within the document.

The review contains the following information for each project;

- Details of the original needs analysis and justification for each project, and whether it remains relevant when assessed against current information;
- Details of original and current scope, scale, form and function;
- Justification of any amendments to the scope, scale, form and function of the project; and
- Details of the original and current verified project costing.

The proposed development window for each project allows one year for planning, one year for detailed design, and identifies the year that construction will commence. Commissioning of the infrastructure is in the financial year following the construction being completed.

Following a detailed review of the City's outdoor hardcourt provision standards, the 2021 CIP proposes a scope change to the Baldivis District Sporting Complex to provide for eight outdoor multi-use courts and a modified junior pavilion design, along with the timing of the project being brought forward five years from 2027/2028 to 2022/2023.

The City wide hardcourt provision review was based on relevant provision standards and took into account existing infrastructure that required maintenance/upgrade as well as the demand for new courts. During this review, it was also determined that works are required on the outdoor courts at the Aqua Jetty to bring them up to a suitable standard for sporting training and competition. As such, the Aqua Jetty Stage 2 project budget has been increased to accommodate these works.

All other projects remain unchanged as part of the 2021 review.

Implications to Consider

a. Consultation with the Community

Consultation with key stakeholders will occur throughout the detailed development and design process for each specific project where relevant.

The annual review of the CIP is presented each year at the August Councillor Engagement session.

b. Consultation with Government Agencies

While the 2021 CIP has not been subject to broad consultation with government agencies, it should be noted that many individual projects are, or will be, the subject of consultation during detailed planning and design development.

Consultation with other agencies such as Department of Local Government, Sport and Cultural Industries and Lotterywest will occur in relation to the planning and funding of relevant projects.

The CIP enables the City to be position ready to approach State and Federal Governments in respect to any future funding or grant availability.

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 3: *Plan for Future Generations*

Strategic Objective: *Infrastructure Planning – Plan and develop community, sport and recreation facilities which meet the current and future needs of the City's growing population.*

d. Policy

The Strategic Development Framework Policy outlines the detail and timing of the annual Community Infrastructure Plan review which requires the draft CIP to be presented at the August 2021 Councillor Engagement session and report submitted to the September 2021 Ordinary Council Meeting.

The Sports and Community Facility Provision Policy guides the scale of sporting and community buildings.

e. Financial

The capital expenditure implications associated with the projects within the CIP Implementation Plan amount to \$120,280,050.

The cost summary for each project has been prepared by a qualified, independent accredited quantity surveyor, based on the scope and detail available at the respective development stage of each project. The cost of each project has been escalated to the year of construction.

Revenue through external grants and development contributions, assist in reducing municipal expenditure. However external grants are not reflected in the CIP as applications are made on a project by project basis.

f. Legal and Statutory

State Planning Policy 3.6 – Development Contributions for Infrastructure, allows for development contributions to be sought for items of infrastructure that are required to support the orderly development of an area. Development Contribution Plans for community infrastructure must be supported by the following:

- A community infrastructure plan for the area, identifying the services and facilities required over the next five to 10 years, supported by needs analysis and identification of service catchments
- A capital expenditure plan detailing at least five years into the future which identifies the capital costs of facilities, and revenue sources including capital grants and provision programs
- Project growth figures including the number of new dwellings to be created at suburb or district catchment level
- A methodology for determining the proportion of community infrastructure costs to be attributed to growth, and the proportion to be attributed to existing areas

The preparation and endorsement of the CIP contributes to meeting the above requirements to enable the City to implement a Development Contribution Plan.

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

There is one high financial risk identified within the CIP.

This risk relates to the inability to deliver the CIP Implementation Plan as a result of changes to the City's financial capacity. The potential outcome of this is that projects are deferred and cost increases occur due to escalations.

There is one medium financial risk

This risk relates to the changes to project budgets identified in the CIP as a result of price changes, varying markets, unforeseen project cost elements, or industry cost escalations beyond the control of the City. The potential outcome of this is that there could be issues

with affordability or timing with possible implications to developer contributions changes to scope may compromise community outcomes.

Both of the above Risks are controlled through the annual review of the CIP which includes annual project cost assessments by a qualified Quantity Surveyor in conjunction with Corporate Services, to ensure alignment of the CIP Implementation Plan with the City's annual budget and Business Plan preparations.

Comments

The 2021 review has considered significant impacts the building sector has experienced as a result of the COVID-19 health pandemic. The pandemic has impacted a variety of areas within the building sector including all aspects of planning, design and construction. The Commonwealth and State Governments' economic stimulus packages have greatly increased the demand within the building sector which as a result demand for labour and material has in many areas exceeded supply which is impacting both the affordability and timing of project completion.

As a result of the economic stimulus of the sector, the 2021 CIP review of project cost estimates has seen increases ranging from three percent to nine percent for a number of the projects in the CIP. In addition to the escalation experienced across the CIP projects, the cost estimates have also included an escalation estimate on projects within the next five years to allow for the current abnormal market conditions continuing during this period. This escalation estimate will be reviewed annually as part of the CIP annual review.

While community infrastructure planning principles and provision guidelines are the primary measure to determine project need and priority, the Implementation Plan to deliver these projects is guided both by project-specific dependencies and the financial capacity of the City to deliver the infrastructure through the City Business Plan.

There is an inherent risk with any document like the CIP, that specific project timeframes may be impacted by unforeseen circumstances which are beyond the control of the City. This presents a number of challenges in relation to project delivery and timeframes, however the City has a strong project management and governance framework in place to mitigate this risk.

The use of a strategic, planned approach to the future development of community infrastructure provides a strong basis for the City to engage with funding bodies such as Lotterywest and the Department of Local Government, Sport and Cultural Industries. This approach has proven successful with external funding commitments received for recent projects including Baldivis District Sporting Complex, Baldivis Indoor Recreation Centre, Aqua Jetty Stage 2, Koorana Reserve Master Plan, Baldivis South Community Centre, Singleton Sports and Community Centre, Golden Bay Sports Pavilion, Rockingham Youth Centre and Baldivis South Sports Pavilion, totalling in excess of \$26 million.

Subject to Council endorsement of the 2021 CIP, Officers will use the revised plan in future discussions with these agencies.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Community Infrastructure Plan 2021.

Committee Recommendation

That Council **ADOPTS** the Community Infrastructure Plan 2021.

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

That Council **ADOPTS** the Community Infrastructure Plan 2021.

Carried en bloc

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

Not Applicable

14.	Receipt of Information Bulletin
	<p>Moved Cr Liley, seconded Cr Stewart:</p> <p>That Council RECEIVES the Information Bulletin as follows:</p> <ol style="list-style-type: none">1. Planning and Development Services Bulletin – September 2021;2. Engineering and Parks Services Bulletin – September 2021;3. Corporate and General Management Services Bulletin - September 2021; and4. Community Development Bulletin – September 2021 <p style="text-align: right;">Carried – 10/0</p>

15. Report of Mayor

**City of Rockingham
Mayor's Report**



Reference No & Subject:	MR-009/21	Meetings and Functions Attended by the Mayor and Deputy Mayor
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:	21 September 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 25 August 2021 to 21 September 2021.

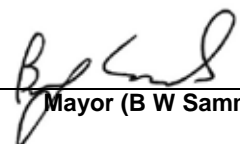
Background

Nil

Details

Date	Meeting/Function
25 August 2021	Open DFES Risk Management Workshop <i>Meeting with residents, Port Kennedy development - attended by Deputy Mayor Deb Hamblin</i>
26 August 2021	Open Seniors Recreation Council WA Aged Care Games
28 August 2021	Rockingham Senior High School – Production of Grease Annual Jarrod Lyle Golf Charity Day, Rockingham Golf Club <i>70th Anniversary of Safety Bay Bowling Club - attended by Deputy Mayor Deb Hamblin</i>
31 August 2021	CEO Performance Review Committee Special Council Meeting Behaviour Complaints Committee
1 September 2021	<i>Cyber Safety for Seniors, Baldivis - attended by Deputy Mayor Deb Hamblin</i> <i>97th Birthday of member of Petanque Club - attended by Deputy Mayor Deb Hamblin</i>
2 September 2021	<i>WALGA State Council meeting - attended by Deputy Mayor Deb Hamblin</i>
3 September 2021	Promotion for Coastal District Care Centre <i>Women's Health event - attended by Deputy Mayor Deb Hamblin</i>

Confirmed at a Council meeting held
on Tuesday 12 October 2021


Mayor (B W Sammels)

Date	Meeting/Function
5 September 2021	50 th Anniversary of the Rockingham Dog Club
6 September 2021	Australian Citizenship Ceremony
7 September 2021	Promotion for Rockingham Volunteer Centre <i>Rockingham High School Board meeting - attended by Deputy Mayor Deb Hamblin</i> <i>Warnbro High School Board meeting - attended by Deputy Mayor Deb Hamblin</i> Councillor Engagement Session
8 September 2021	Barista Art Competition 2021 Presentation to Rockingham Museum and District Historical Society <i>SMYL Women's Health meeting - attended by Deputy Mayor Deb Hamblin</i>
9 September 2021	Promotion for Junior Council Program
11 September 2021	<i>Opening of Safety Bay Bowling Club - attended by Deputy Mayor Deb Hamblin</i>
12 September 2021	Submarines Association Australia WA Memorial Service
13 September 2021	Planning and Engineering Services Committee
15 September 2021	South West Group Board meeting Sports Star Awards
16 September 2021	City Safe Advisory Committee
18 September 2021	<i>Soroptimist High Tea - attended by Deputy Mayor Deb Hamblin</i>
19 September 2021	Rockingham Bowling Club Season Opening
20 September 2021	<i>West Australian Local Government Association AGM - attended by Deputy Mayor Deb Hamblin</i> <i>Cycling Without Age meeting - attended by Deputy Mayor Deb Hamblin</i>
21 September 2021	Unveiling of Peace Pole (World Peace Day) 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 25 August 2021 to 21 September 2021.

Council Resolution

Moved Cr Edwards, seconded Cr Cottam:

That Council **RECEIVES** the Mayor's Report for the period 25 August 2021 to 21 September 2021.

Carried – 10/0

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

Not Applicable

16.	Reports of Councillors
	Nil
17.	Reports of Officers
	Nil
18.	Addendum Agenda
	Nil
19.	Motions of which Previous Notice has been given
	Nil
20.	Notices of Motion for Consideration at the Following Meeting
	Nil
21.	Questions by Members of which Due Notice has been given
	Nil
22.	Urgent Business Approved by the Person Presiding or by Decision of the Council
	Nil
23.	Matters Behind Closed Doors
	<p>Moved Cr Buchan, seconded Cr Cottam:</p> <p>That Council CLOSES the meeting to the members of the gallery and Officers (with the exception of the Chief Executive Officer and Manager Human Resource Development) in accordance with Section 5.23(2)(a) and (c) of the Local Government Act 1995 to allow Council to discuss Confidential Items HR-001/21 Chief Executive Officer Performance and Personal Development Review for 2021 (<i>Absolute Majority</i>) and HR-002/21 Chief Executive Officer Performance and Personal Development Review for 2022.</p> <p style="text-align: right;">Carried – 10/0</p> <p>6:24pm The Mayor requested that members of the gallery and Officers depart the meeting.</p> <p>The meeting resumed behind closed doors.</p>

Chief Executive Officer Performance Review Committee

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

This item may be discussed behind closed doors as per Section 5.23(2)(a) and (c) of the Act

**General Management Services
Chief Executive Officer Performance
Review Committee**



Reference No & Subject:	HR-001/21	Chief Executive Officer Performance and Personal Development Review for 2021 (Absolute Majority)
File No:	PSL/2287	
Author:	Mr Vince Ritorto, Manager Human Resource Development	
Other Contributors:		
Date of Council Meeting:	21 September 2021	
Disclosure of Interest:	Mr Michael Parker, Chief Executive Officer declared a Financial Interest in Item HR-001/21 Chief Executive Officer Performance and Personal Development Review for 2021, as per Sections 5.60A and 5.65 of the Local Government Act 1995, as the CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.	
Attachments:	Confidential attachment as per Section 5.95 of the Local Government Act 1995 <ol style="list-style-type: none">Minutes of the Chief Executive Officer Performance Review Committee meeting held on 18 August 2021.Chief Executive Officer Annual Performance Appraisal Report 2020-21.	

Purpose of Report

For the Chief Executive Officer Performance Review Committee to consider the draft Chief Executive Officer Performance Appraisal Report for 2020-21.

Officer Recommendation

That Council:

- ENDORSES** the CEO's overall rating recommended in the Performance Appraisal Reviewer Report.
- ENDORSES** the key focus areas for the 2021-22 as recommended in the Performance Appraisal Reviewer Report.

3. **ENDORSES** an increase in salary for the Chief Executive Officer in recognition of performance in the 2020-21 period; as detailed in the Performance Appraisal Reviewer Report.
4. **SCHEDULES** the next review of the CEO's performance to be commenced by 1 July 2022 and completed by the October 2022 Ordinary Meeting of Council.

Committee Recommendation

That Council:

1. **ENDORSES** the CEO's overall rating recommended in the Performance Appraisal Reviewer Report.
2. **ENDORSES** the key focus areas for the 2021-22 as recommended in the Performance Appraisal Reviewer Report.
3. **ENDORSES** an increase in salary for the Chief Executive Officer in recognition of performance in the 2020-21 period; as detailed in the Performance Appraisal Reviewer Report.
4. **SCHEDULES** the next review of the CEO's performance to be commenced by 1 July 2022 and completed by the October 2022 Ordinary Meeting of Council.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

This item may be discussed behind closed doors as per Section 5.23(2)(a) and (c) of the Act

General Management Services Chief Executive Officer Performance Review Committee		
Reference No & Subject:	HR-002/21	Chief Executive Officer Performance and Personal Development Review for 2022
File No:	PSL/2287	
Author:	Mr Vince Ritorto, Manager Human Resource Development	
Other Contributors:		
Date of Council Meeting:	21 September 2021	
Previously before Council:		
Disclosure of Interest:	Mr Michael Parker, Chief Executive Officer declared a Financial Interest in Item HR-002/21 Chief Executive Officer Performance and Personal Development Review for 2022, as per Sections 5.60A and 5.65 of the Local Government Act 1995, as the CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.	
Nature of Council's Role in this Matter:	Executive	
Attachments:	<p>Confidential attachment as per Section 5.95 of the Local Government Act 1995</p> <ol style="list-style-type: none">1. Minutes of the Chief Executive Officer Performance Review Committee meeting held on 31 August 2021.2. Proposal to undertake Chief Executive Officer Performance Review with proposed methodology for the assessment process	

Purpose of Report

For Council to consider:

- the selection of the independent facilitator to undertake the performance assessment of the Chief Executive Officer
- the 2022 performance appraisal methodology proposal developed by the consultant areas for the forthcoming year.

Officer Recommendation

That Council **APPOINTS** Mr John Phillips of John Phillips Consulting as the independent reviewer to undertake the CEO Performance Assessment in 2022 in accordance with the submitted proposal.

Committee Recommendation

That Council **APPOINTS** Mr John Phillips of John Phillips Consulting as the independent reviewer to undertake the CEO Performance Assessment in 2022 in accordance with the submitted proposal.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

6:41pm The Mayor invited members of the gallery and Officers to rejoin to the Council meeting and read aloud the Council Resolutions adopted behind closed doors -

Moved Cr Stewart, seconded Cr Buchanan

That Council OPENS the meeting to the gallery and officers.

Carried – 10/0

Moved Cr Edwards, seconded Cr Liley:

That Council:

- 1. ENDORSES the CEO's overall rating recommended in the Performance Appraisal Reviewer Report.*
- 2. ENDORSES the key focus areas for the 2021-22 as recommended in the Performance Appraisal Reviewer Report.*
- 3. ENDORSES an increase in salary for the Chief Executive Officer in recognition of performance in the 2020-21 period; as detailed in the Performance Appraisal Reviewer Report.*
- 4. SCHEDULES the next review of the CEO's performance to be commenced by 1 July 2022 and completed by the October 2022 Ordinary Meeting of Council.*

Carried by Absolute Majority – 10/0

Moved Cr Hamblin, seconded Cr Buchanan:

That Council APPOINTS Mr John Phillips of John Phillips Consulting as the independent reviewer to undertake the CEO Performance Assessment in 2022 in accordance with the submitted proposal.

Carried – 10/0

24.	Date and Time of Next Meeting
	The next Ordinary Council meeting for the City of Rockingham will be held on Tuesday 12 October 2021 commencing at 6:00pm in the Council Chambers, Civic Boulevard, Rockingham.
25.	Closure
	There being no further business, the Mayor thanked those persons present for attending the Council Meeting, and declared the meeting closed at 6:45pm .