MINUTES
Planning and Engineering Services Committee Meeting

Held on Monday 19 May 2014 at 4:00pm
City of Rockingham Boardroom
## CONTENTS

1. Declaration of Opening 4
2. Record of Attendance/Apologies/Approved Leave of Absence 4
3. Responses to Previous Public Questions Taken on Notice 5
4. Public Question Time 5
5. Confirmation of Minutes of the Previous Meeting 6
6. Matters Arising from the Previous Minutes 6
7. Announcement by the Presiding Person without Discussion 6
8. Declaration of Member’s and Officer’s Interest 6
9. Petitions/Deputations/Presentations/Submissions 6
10. Matters for which the Meeting may be Closed 6
11. Bulletin Items 6
   - Planning and Development Services Information Bulletin – May 2014 6
   - Engineering and Parks Services Information Bulletin – May 2014 6
12. Agenda Items – Planning and Engineering Services Committee
   - Planning and Development Services 12
     - PDS-038/14 Adoption of Updated Development Contribution Plan Report 12
     - PDS-039/14 Proposed Amendment No.127 to Town Planning Scheme No.2 Tavern and Reception Centre - Secret Harbour Golf Links 17
     - PDS-040/14 Proposed Street Naming Theme – 'Baldivis Parks' Estate 32
     - PDS-041/14 Proposed 8 Multiple Dwellings 37
     - PDS-042/14 Proposed Road Closure – Portion (50m²) of Paparone Road, Baldivis 53
     - PDS-043/14 Proposed Amendment No.144 to Town Planning Scheme No.2 – Bushfire Prone Areas (Initiation) 60
     - PDS-044/14 Joint Development Assessment Panel Application – Mixed Use Development (99 Multiple Dwellings and 2 Retail Shops) Council Avenue, Rockingham 89
   - Engineering and Parks Services 117
     - EP-011/14 Licence Agreement for Shared Use Facilities at Port Kennedy Primary School 117
     - EP-012/14 Tender T14/15-03 - Structural Lining of Deteriorated Drainage Pipelines, End Sealing and Sealing of Junctions 121
13. Reports of Councillors 127
14. Addendum Agenda 127
15. Motions of which Previous Notice has been given 127
<table>
<thead>
<tr>
<th></th>
<th>Notice of Motion for Consideration at the Following Meeting</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
<td></td>
</tr>
</tbody>
</table>
City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 19 May 2014 - Council Boardroom

1. **Declaration of Opening**

In the absence of the Chairperson the Chief Executive Officer assumed the Chair, declared the Planning and Engineering Services Committee Meeting open at 4.00pm, welcomed all present, and recited the Acknowledgement of Country. The Chief Executive Officer called for nominations for the position of Acting Chairperson.

*Moved Cr Hill, seconded Cr Pease:*

That Cr Elliott be appointed Acting Chairperson for the meeting.

Carried – 5/0

The A/Chairperson assumed the Chair.

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

<table>
<thead>
<tr>
<th>2.1 Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Richard Smith (Deputy Mayor)</td>
</tr>
<tr>
<td>Cr Chris Elliott</td>
</tr>
<tr>
<td>Cr Ron Pease JP</td>
</tr>
<tr>
<td>Cr Deb Hamblin</td>
</tr>
<tr>
<td>Cr Allan Hill OAM JP</td>
</tr>
<tr>
<td>Cr Matthew Whitfield</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.2 Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Andrew Hammond</td>
</tr>
<tr>
<td>Mr Bob Jeans</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
</tr>
<tr>
<td>Mr Chris Thompson</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
</tr>
<tr>
<td>Mr Scott Lambie</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
</tr>
<tr>
<td>Mr James Henson</td>
</tr>
<tr>
<td>Mr Allan Moles</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
</tr>
</tbody>
</table>

| 2.3 Members of the Gallery: | 4 |
2.4 Apologies: Nil

2.5 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

4.03pm The A/Chairperson invited members of the Public Gallery to ask questions.

4.1 Mr Guy Bennett, 229 Secret Harbour Boulevard, Secret Harbour - PDS-039/14 - Proposed Amendment No.127 to Town Planning Scheme No.2 Tavern and Reception Centre - Secret Harbour Golf Links

The A/Chairperson invited Mr Bennett to present his questions to the Planning and Engineering Services Committee.

Mr Bennett advised the Committee of his concerns with the City’s Report. He also discussed his objections to the proposed Tavern and requested tighter controls on the Function Room. Mr Bennett expressed concern about protecting the amenity of his property in regard to patron noise and disturbance from the premises. He also raised other concerns regarding the legality of the premises with respect to noise and land use.

4.2 Mr Mitchell Roberts, Director of Golf, Secret Harbour Golf Links - PDS-039/14 - Proposed Amendment No.127 to Town Planning Scheme No.2 Tavern and Reception Centre - Secret Harbour Golf Links

The A/Chairperson invited Mr Roberts to present his questions to the Planning and Engineering Services Committee.

Mr Roberts advised the Committee that Secret Harbour Golf Links operate a public golf course under a Special Facility Liquor Licence. He explained the need to diversify activities at the golf course to maintain its viability. Mr Roberts explained why the Tavern approval was required and how conditions of trade can be attached to a Liquor Licence. The manner of trade would be more akin to a restaurant than a Tavern.

4.30pm Cr Richard Smith joined the Planning and Engineering Services Committee meeting.

Mr Roberts explained how they are managing noise under a Noise Management Plan. He also expressed concern about the impact of not being able to hold Wedding and Birthday functions on the business in the interim. Mr Roberts sought the Committee’s support to the Tavern proposal together with the Reception Centre.

Cr Whitfield asked what the implications were should the Noise Management Plan not be adhered to. This question was taken on notice and Mr Fielding has subsequently provided the following response.

The majority of Noise Management Plans have a component of structural changes which have to be undertaken, and a number of behavioural and/or house management changes.

The structural changes are checked by our Environmental Health Officers prior to the continuation of any Wedding Receptions, parties or in fact, in the case of a household, the use of prescribed equipment.

The behavioural/house management changes can include times of operation, whether people are inside or outside, whether doors are open or closed, level of music and if windows/doors are closed.
These are things that must be undertaken to lessen the noise impacts. If the Health Services Team receives complaints, after all these recommendations within the Noise Management Plan are implemented, then measurements will be taken using the City’s monitoring equipment.

If the monitoring equipment shows that the noise is over the limits and depending by how much, Health Services will either work with the owners/proprietors, or issue a warning or a fine.

4.40pm There being no further questions the A/Chairperson closed Public Question Time.

4.41pm Cr Richard Smith assumed the Chair.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Hill, seconded Cr Pease:

That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 14 April 2014, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4.43pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. Declarations of Members and Officers Interests

4.43pm The Chairperson asked if there were any interests to declare.

There were none.

9. Petitions/Deputations/Presentations/Submissions

Nil

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – May 2014

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 Mosquito Control Program
   3.7 Ocean Water and Storm Water Sampling
<table>
<thead>
<tr>
<th>4. Information Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Mosquito-Borne Disease Notifications</td>
</tr>
<tr>
<td>4.2 Food Recalls</td>
</tr>
<tr>
<td>4.3 Food Premises Inspections</td>
</tr>
<tr>
<td>4.4 Public Building Inspections</td>
</tr>
<tr>
<td>4.5 Outdoor Public Event Approvals</td>
</tr>
<tr>
<td>4.6 After Hours Noise and Smoke Nuisance Complaint Service</td>
</tr>
<tr>
<td>4.7 Complaint - Information</td>
</tr>
<tr>
<td>4.8 Building Plan Assessments</td>
</tr>
<tr>
<td>4.9 Septic Tank Applications</td>
</tr>
<tr>
<td>4.10 Demolitions</td>
</tr>
<tr>
<td>4.11 Swimming Pool and Drinking Water Samples</td>
</tr>
<tr>
<td>4.12 Rabbit Processing</td>
</tr>
<tr>
<td>4.13 Hairdressing and Skin Penetration Premises</td>
</tr>
<tr>
<td>4.14 Family Day Care</td>
</tr>
<tr>
<td>4.15 Ranger Services</td>
</tr>
<tr>
<td>4.16 Emergency Services</td>
</tr>
<tr>
<td>4.17 Emergency Management and Recovery</td>
</tr>
</tbody>
</table>

**Building Services**

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually
   4.4 Demolition Permit
   4.5 Permanent Sign Licence
   4.6 Community Sign Approval
   4.7 Temporary Sign Licence
   4.8 Street Verandah Approval
   4.9 Occupancy Permits
   4.10 Strata Titles
   4.11 Unauthorised Building Works
   4.12 Monthly Caravan Park Site Approvals
   4.13 R Code Variations

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Karnup District Water Management Strategy (EVM/136)
   3.3 Water Campaign (EVM/56-02)
   3.4 Karnup District Structure Plan (LUP/1546)
4. Information Items
   4.1 Delegated Minor Change to Structure Plan

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 CouncilsOnline (Planning Products via the Web) formerly eDA
4. Information Items
4.1 Land Use – Planning Enforcement
4.2 Subdivision/Development Approvals and Refusals by the WAPC
4.3 Notifications and Gazettals
4.4 Subdivision Clearances
4.5 Subdivision Survey Approvals
4.6 Subdivision Lot Production
4.7 Delegated Development Approvals
4.8 Delegated Development Refusals
4.9 Delegated Building Envelope Variations
4.10 Subdivision/Amalgamation Approved
4.11 Subdivision/Amalgamation Refused
4.12 Night Club Scheme Amendment

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre Centre Plan Implementation (LUP/137-08)
   3.2 Northern Waterfront Sector - Development Policy Plan and Masterplan (LUP/1617)
   3.3 Northern Smart Village Sector - Development Policy Plan and Masterplan (LUP/1595)
   3.4 Campus Sector - Development Policy Plan and Masterplan (LUP/1618)
   3.5 Eastern Sector - Development Policy Plan and Masterplan (LUP/1619)
   3.6 Keralup
   3.7 Mangles Bay Marina
4. Information Items
   4.1 Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management and Draft Planning for Bushfire Risk Management Guidelines

Advisory Committee Minutes

Committee Recommendation

That Councillors acknowledge having read the Planning Services Information Bulletin – May 2014 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – May 2014

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Authority for approval of Directional Signage
   4.2 Delegated Authority for Thoroughfare Closures
   4.3 Local Area Traffic Management and Road Safety Design Projects 2013/2014
   4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions
   4.5 Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions
   4.6 Delegated Authority to approve the release of Bonds for private subdivisional works
4.7 Handover of Subdivisional Roads
4.8 Delegated Authority for the payment of Crossover Subsidies
4.9 Mundijong Road Extension Project
4.10 Submission tabled at March 2014 Council Meeting – Motorbikes on Esplanade
4.11 Correspondence from Western Power – Capital Contributions and recovery of taxation costs

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Road Construction Program Main Roads Direct Grant 2013/2014
   4.2 Road Construction Program Main Roads Grant 2013/2014
   4.3 Road Construction Program Federal Black Spot 2013/2014
   4.4 Road Construction Program State Black Spot 2013/2014
   4.5 Road Construction Program Municipal Works 2013/2014
   4.6 Road Resurfacing Program Municipal Works 2013/2014
   4.7 Footpath Construction Program Municipal Works 2013/2014
   4.8 Road Maintenance Program 2013/2014
   4.9 Passenger Vehicle Fleet Program 2013/2014
   4.10 Light Commercial Vehicles Program 2013/2014
   4.11 Heavy Plant Program 2013/2014

Parks Development
1. Parks Development Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Golden Bay Shared Use Oval
   3.2 Mornington Reserve Development
   3.3 Lake Richmond Boardwalk
   3.4 Warnbro Sound Avenue - Bakewell to Port Kennedy Drive Irrigation Project
   3.5 Warnbro Recreation Ground Irrigation Upgrade
   3.6 Rae Road Streetscape Project- Read to Seabrooke Avenue
   3.7 Dixon Road Environmental Management Plan Review
   3.8 Tramway Management Plan Review
4. Information Items
   4.1 Groundwater Monitoring
   4.2 Mundijong Road Environmental Offsets
   4.3 Climate Change Mitigation
   4.4 Lake Richmond Heritage Listing
   4.5 Delegated Subdivision Public Open Space Practical Completion
   4.6 Delegated Subdivision Public Open Space Handovers
   4.7 Delegated Public Open Space Approvals
   4.8 Memorial Seat Approvals

Parks Operations
1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Hourglass Reserve replacement of long jump running track
   3.2 Stan Twight Reserve replacement of netting to turf cricket practice nets
   3.3 Waterfront Village porous paving to tree surrounds
   3.4 Play Equipment Replacement
3.5 Anniversary Park AFL Boundary Fence Replacement

4. Information Items
   4.1 Parks Maintenance Program 2013/2014

**Asset Management**
1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 ROMAN Traffic Count Update
   3.2 Drainage/stormwater assets data collection
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems Management

**Building Maintenance**
1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal

**Procurement and Capital Projects**
1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
   4.4 Shoalwater North Underground Power Project
   4.5 2014 Public Area Lighting and Arterial Lighting
   4.6 Lark Hill Wind Turbine
   4.7 Bent Street Boat Launching Facility – Navigation Channel
   4.8 Baldivis Library and Community Centre - Design
   4.9 Secret Harbour Surf Life Saving Club - Renovation
   4.10 Val Street Jetty Design
   4.11 Point Peron Geotextile Sand Container Construction (C12/13-74)
   4.12 Settlers Hill Toilet Installation (Grice Reserve)
   4.13 Mike Barnett Sporting Complex Roof Replacement
   4.14 Administration Building Upgrade of BMS
   4.15 Currie Street Reserve Sports Floodlighting
   4.16 City Centre Infrastructure Works Car Park Design and Construction
   4.17 Administration Building Foyer Acoustic Panelling
   4.18 Aquatic Centre – Renovation Works
   4.19 Anniversary Park Change Rooms
   4.20 Lark Hill Sub Metering
   4.21 Barbecue Replacement Various Locations
4.22 Challenger Court Eaves
4.23 Port Kennedy Community Centre Acoustic Ceiling
4.24 Watts Road Toilet Roofing Rust Treatment
4.25 Arcadia Drive Toilet Roofing Rust Treatment
4.26 Waikiki Toilet Roofing Rust Treatment
4.27 Administration Building Solar System
4.28 Autumn Centre Solar System
4.29 Churchill Park Toilet System Solar System
4.30 Aqua Jetty Roof Replacement
4.31 Aqua Jetty Condensation Issue
4.32 Lake Richmond Boardwalk Replacement
4.33 Lions Park Upgrade

**Waste Services**
1. Waste and Landfill Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Kerbside collection
   - 4.2 Bulk verge collection
   - 4.3 Waste Diversion Percentage
   - 4.4 Fuel Tax Credit

**Millar Road Landfill and Recycling Facility**
1. Waste and Landfill Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Landfill Construction
4. Information Items
   - 4.1 Tip Passes
   - 4.2 Landfill Statistics
   - 4.3 Education and Promotion

**Advisory Committee Minutes**

---

**Committee Recommendation**

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – May 2014 and the content be accepted.

Committee Voting – 5/0

4.52pm - Mr Richard Rodgers, Manager Building Services departed the Planning and Engineering Services Committee meeting.
12. Agenda Items

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject: PDS-038/14</th>
<th>Adoption of Updated Development Contribution Plan Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No: LUP/909-03</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>19 May 2014</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>December 2011 (SPE-036/11), December 2012 (SPE-031/12), May 2013 (SPE-010/13)</td>
</tr>
<tr>
<td>Author: Mr Brett Ashby, Manager Strategic Planning and Environment</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Executive</td>
</tr>
<tr>
<td>Date of Committee Meeting: 19 May 2014</td>
<td></td>
</tr>
<tr>
<td>Previously before Council: December 2011 (SPE-036/11), December 2012 (SPE-031/12), May 2013 (SPE-010/13)</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nature of Council’s Role in this Matter: Executive</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Development Contribution Plan Report (May 2014)</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

Purpose of Report

To consider the adoption of an updated Development Contribution Plan Report (‘DCP Report’) for Development Contribution Plan No.2.

Background

In May 2011, the Council resolved to adopt (initiate) Amendment No.114 to Town Planning Scheme No.2 (TPS2) to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure through the introduction of Development Contribution Plan No.2.
Amendment No.114 was adopted for Final Approval by the Council in December 2011. At the same meeting, the Council also adopted an updated DCP Report dated November 2011, incorporating the latest available cost estimates.

Amendment No.114 was gazetted on the 26 March 2013 following approval by the Minister for Planning.

The DCP Report has since been regularly reviewed, with the Council most recently adopting an updated DCP Report in May 2013, which considered revised cost estimates and the priority and timing of infrastructure.

The DCP Report was further amended in August 2013 to take into account updated dwelling projections prepared by the City’s demographer. The updated projections suggested the City would experience stronger growth than previously anticipated, which had the effect of reducing individual contributions per Dwelling Unit (ie. the contributions towards infrastructure would be spread over a greater number of dwellings).

**Details**

Since the adoption of an updated Development Contribution Plan Report in May 2013, and subsequent adjustment in August 2013, the content of the Development Contribution Plan Report has been further reviewed as follows:

(i) the cost estimates have been reviewed by a Quantity Surveyor; and
(ii) the priority and timing of infrastructure being reviewed in conjunction with a review of the City’s Business Plan.

As a result of the above, the Development Contribution Plan Report has been updated and the estimated contributions per 'Dwelling Unit' revised as follows:

<table>
<thead>
<tr>
<th>Sub-Area</th>
<th>May 2013</th>
<th>August 2013</th>
<th>May 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldivis North</td>
<td>$2,202</td>
<td>$1,948</td>
<td>$1,963</td>
</tr>
<tr>
<td>Baldivis South</td>
<td>$2,910</td>
<td>$2,476</td>
<td>$2,449</td>
</tr>
<tr>
<td>Cooloongup</td>
<td>$1,876</td>
<td>$1,697</td>
<td>$1,676</td>
</tr>
<tr>
<td>Golden Bay</td>
<td>$2,733</td>
<td>$2,536</td>
<td>$2,440</td>
</tr>
<tr>
<td>Hillman</td>
<td>$1,876</td>
<td>$1,697</td>
<td>$1,676</td>
</tr>
<tr>
<td>Karnup</td>
<td>$1,710</td>
<td>$1,545</td>
<td>$1,527</td>
</tr>
<tr>
<td>Port Kennedy</td>
<td>$1,746</td>
<td>$1,582</td>
<td>$1,564</td>
</tr>
<tr>
<td>Rockingham</td>
<td>$1,876</td>
<td>$1,697</td>
<td>$1,676</td>
</tr>
<tr>
<td>Safety Bay</td>
<td>$1,876</td>
<td>$1,697</td>
<td>$1,676</td>
</tr>
<tr>
<td>Secret Harbour</td>
<td>$2,430</td>
<td>$2,258</td>
<td>$2,184</td>
</tr>
<tr>
<td>Shoalwater</td>
<td>$1,876</td>
<td>$1,697</td>
<td>$1,676</td>
</tr>
<tr>
<td>Singleton</td>
<td>$2,733</td>
<td>$2,536</td>
<td>$2,440</td>
</tr>
<tr>
<td>Waikiki</td>
<td>$1,743</td>
<td>$1,579</td>
<td>$1,560</td>
</tr>
<tr>
<td>Warnbro</td>
<td>$1,743</td>
<td>$1,579</td>
<td>$1,560</td>
</tr>
</tbody>
</table>
The recommended priority and timing is set out in the table below.

<table>
<thead>
<tr>
<th>Priority</th>
<th>Project</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Lark Hill Stage 2</td>
<td>2026/27</td>
</tr>
<tr>
<td>3</td>
<td>Secret Harbour Surf Life Saving Club Redevelopment</td>
<td>2014/15</td>
</tr>
<tr>
<td>17</td>
<td>Rockingham Youth Recreation Space Redevelopment</td>
<td>2020/21</td>
</tr>
<tr>
<td>5</td>
<td>Baldivis District Sporting Complex (Land Acquisition)</td>
<td>2014/15</td>
</tr>
<tr>
<td>22</td>
<td>Baldivis District Sporting Complex (Works)</td>
<td>2021/22</td>
</tr>
<tr>
<td>1</td>
<td>Kent Street Community Arts Centre</td>
<td>2011/12</td>
</tr>
<tr>
<td>9</td>
<td>Rockingham Youth Venue</td>
<td>2016/17</td>
</tr>
<tr>
<td>14</td>
<td>Baldivis Indoor Recreation Centre</td>
<td>2019/20</td>
</tr>
<tr>
<td>13</td>
<td>Rockingham Aquatic Centre Redevelopment/Relocation</td>
<td>2018/19</td>
</tr>
<tr>
<td>23</td>
<td>Aqua Jetty Stage 2</td>
<td>2025/26</td>
</tr>
<tr>
<td>2</td>
<td>Baldivis Library &amp; Community Centre</td>
<td>2012/13</td>
</tr>
<tr>
<td>10</td>
<td>Secret Harbour Community Library</td>
<td>2016/17</td>
</tr>
<tr>
<td>15</td>
<td>Baldivis Youth Recreation Space</td>
<td>2020/21</td>
</tr>
<tr>
<td>16</td>
<td>Stan Twight Reserve Active POS Clubroom Redevelopment</td>
<td>2020/21</td>
</tr>
<tr>
<td>7</td>
<td>Lawrie Stanford Reserve Active POS Master Plan</td>
<td>2015/16</td>
</tr>
<tr>
<td>6</td>
<td>Lot 1507 Active POS Development</td>
<td>2015/16</td>
</tr>
<tr>
<td>18</td>
<td>Baldivis South Youth Recreation Space</td>
<td>2020/21</td>
</tr>
<tr>
<td>19</td>
<td>Waikiki / Warnbro Youth Recreation Space</td>
<td>2020/21</td>
</tr>
<tr>
<td>20</td>
<td>Port Kennedy Outdoor Sport and Recreation Hardcourts</td>
<td>2020/21</td>
</tr>
<tr>
<td>8</td>
<td>Rhonda Scarrott Reserve Active POS Master Plan</td>
<td>2015/16</td>
</tr>
<tr>
<td>11</td>
<td>Baldivis South Active POS Development</td>
<td>2017/18</td>
</tr>
<tr>
<td>12</td>
<td>Baldivis South Multipurpose Community Centre</td>
<td>2017/18</td>
</tr>
<tr>
<td>21</td>
<td>Baldivis South HS Outdoor Sport &amp; Recreation Hardcourts</td>
<td>2020/21</td>
</tr>
<tr>
<td>4</td>
<td>Baldivis Primary Shared Use Reserve</td>
<td>2013/14</td>
</tr>
</tbody>
</table>

**Implications to Consider**

a. **Consultation with the Community**
   Not Applicable

b. **Consultation with Government Agencies**
   Not Applicable
c. **Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 5:** Community facilities delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods.

d. **Policy**

Nil

e. **Financial**

The financial implications of the proposed DCP have been considered in the preparation of the Business Plan 2014/15 - 2023/24, which was most recently updated in April 2014.

f. **Legal and Statutory**

Clause 5.6.11 of Town Planning Scheme No.2 requires the Council to adopt a Development Contribution Plan Report and Cost Apportionment Schedule within 90 days of the Development Contribution Plan coming into effect.

Clause 16 of Development Contribution Plan No.2 further states that, contemporaneously with its adoption of a Development Contribution Plan Report, under clause 5.6.11 of the Scheme, the City is to consider and determine the City’s desired timing and priority for the provision of the items of Infrastructure.

Clause 5.6.12.2 of the Scheme, and Clause 16 of Development Contribution Plan No.2, will require the Council to review and update the cost estimates and priority and timing of infrastructure at least annually.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Low:

- Negative feedback from the community or developers on adopted priority and timing.

**Risk Implications of Not Implementing Officer Recommendation**

Low:

- Negative feedback from the community or developers on adopted priority and timing.

---

**Comments**

The minor reduction in cost per Dwelling Unit from August 2013 reflects the adoption of a lower Building Price Index by the Quantity Surveyor.

The only recommended changes to priority and timing are:

- The Secret Harbour Life Saving Club Redevelopment moving from 2013/14 to 2014/15. This change has resulted from delays in securing land tenure for the facility.

- The Lot 1507 Active POS Development moving from 2014/15 to 2015/16. This change has resulted from delays in provisions of the POS by the developer.

It is recommended that the Development Contribution Plan Report dated May 2014, be adopted.

---

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**Committee Recommendation**


Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Planning and Development Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-039/14 Proposed Amendment No.127 to Town Planning Scheme No.2 Tavern and Reception Centre - Secret Harbour Golf Links</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/1753</td>
</tr>
<tr>
<td><strong>Risk Register No:</strong></td>
<td>397</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Private Horizons Planning Solutions on behalf of Newmarketing Pty Ltd (Lessee)</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Secret Harbour Pty Ltd</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr David Waller, Coordinator Statutory Planning; Mr Neil Travers, Senior Environmental Health Officer</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>19 May 2014</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Legislative</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Legislative</td>
</tr>
</tbody>
</table>

| **Site:**                     | Portion of Lot 9045 Secret Harbour Boulevard, Secret Harbour                                                     |
| **Lot Area:**                 | 16.24ha                                                                                                          |
| **LA Zoning:**                | Special Use No.9 (Golf Course and Ancillary Uses)                                                                 |
| **MRS Zoning:**               | Urban                                                                                                            |

| **Attachments:**              |                                                                                                                 |
| **1. Location Plan**          |                                                                                                                 |
| **2. Aerial View – Clubroom and Function Room** |                                                                                                      |
| **3. 2008 Planning Approval (Function Room)** |                                                                                                      |
| **4. Bar and Function Room**  |                                                                                                                 |
| **5. Secret Harbour Structure Plan** |                                                                                                      |
| **6. Clubhouse proximity to neighbours** |                                                                                                      |

### Purpose of Report

To consider a request to initiate an Amendment to Town Planning Scheme No.2 (‘TPS2’) to permit a ‘Tavern’ and ‘Reception Centre’ at Secret Harbour Golf Links, operated by Newmarketing Pty Ltd.
1. Location Plan

2. Aerial View - Clubroom and Function Room
Background

Land Use

On 21 May 2008, the City issued Planning Approval for Proposed ‘Additions to the Existing Clubhouse’, on the basis of the submitted application, which included a new function room and its use for corporate golf related events and golfers attending functions afterwards. There was also a reference to functions for non-golf related events such as small seminars. Based on the description of the proposal, it did not suggest using the function room for wedding receptions and birthday parties.

3. 2008 Planning Approval (Function Room)

In February 2011, the City became aware of the proposal for a Tavern through its consideration of an application for a Section 40 Certificate of Local Government under the Liquor Control Act 1988, which sought a change from a Special Facility Licence to a Tavern Licence. The City declined to issue a Section 40 Certificate for a Tavern Licence as the proposal was inconsistent with TPS2.

In September 2011, Newmarketing Pty Ltd responded by seeking a Scheme Amendment to TPS2 to permit the use of a ‘Tavern’ only. The City deferred its assessment of the proposed Scheme Amendment pending the preparation and implementation of the Noise Management Plan by Newmarketing Pty Ltd.
Liquor Licence Complaint

In February 2011, the Department of Racing, Gaming and Liquor (DRGL) received a complaint under Section 117 of the Liquor Control Act 1988 from three adjoining property owners, Lot 906 (No.231) Secret Harbour Boulevard, Lot 903 (No.233) Secret Harbour Boulevard and Lot 904 (No.235) Secret Harbour Boulevard, Secret Harbour.

The complaint alleged activities at Secret Harbour Golf Links were adversely affecting the amenity of the area. The main concern was the disturbance created by live entertainment at the premises, patron noise, anti-social behaviour, availability of taxi transport to move people out of the areas when they leave the licensed venue and noise from children playing in the surrounding grounds.

On 14 October 2013, the DRGL determined the Section 117 complaint. The delegate of the Director of Liquor Licensing dismissed the s117 complaint. While there was no evidence to suggest that the licensee operated the function facility in a manner that did not comply with the Liquor Control Act 1988, concerns were raised regarding circumventing the restrictive conditions of the Special Facilities Licence.
Noise
Since 2011, there have been 'function noise' complaints in March 2011, October 2012, November 2012, apart from the Section 117 and complaints about 'machinery noise'.

Since 2004, six complaints have been received by the City. Most of the following complaints relate to golf course equipment operating, as opposed to functions.

In 2013, there were noise incidents that may have exceeded the Environmental Protection (Noise) Regulations 1997, however, this was never established by the City’s Noise Officer. The City is continuing to work with Newmarketing Pty Ltd. In addition to the above, the City has been responding to recent complaints regarding the operations at the premises in regards to noise impacts.

In 2014, the City has received a number of letters in regard to alleged noise issues with the operation of the golf club. None of these complaints have been substantiated by the City’s Noise Officer.

In April 2014, the Scheme Amendment application was changed to include a Reception Centre, together with a Tavern.

Details
The applicant seeks approval to amend TPS2 to expand the ‘Special Use Zone’ provisions, to permit a ‘Tavern’ and this was recently modified to include a ‘Reception Centre’ on the land.

Tavern
The applicant has provided the following justification for the proposal:

- "The application is within the provisions of the Liquor Control Act 1988 relating to the sale, supply and consumption of liquor;
- The vast majority of the licensed area is not directly accessible to the bar facilities with 80% of the licensed building area being outside of the bar and consists of the function room and verandah;
- The granting of a Tavern licence will not increase the risk of harm or health to the patrons or the wider community. Nor do we believe the granting of a Tavern licence will alter the drinking habits of individuals, but will allow the applicants the flexibility to service the requirements of the non-golfing public and in particular, the wider Secret Harbour community;
- The granting of the Tavern licence will provide an acceptable alternative for the residents of Secret Harbour and enhance the variety of outlets. The provision of a variety of licensed premises with differing philosophies servicing the local community will bring much sought after diversity to the industry;
- The amenity of the residents within proximity of the Club will not change. The Club’s policy of no live music will continue. In the instance of a concert or special event, the Club will notify surrounding residents personally, and as per House Management Policy, will advise the City of Rockingham accordingly;
- The Secret Harbour Golf Club are mindful of noise concerns that may be generated by the Club, and are supportive of investigating and reviewing noise attenuation measures to assist in the remediation of these concerns;
- The Club has a 145 bay car park, which in the event there is an increase in patronage, there will be no adverse effect on residents accessing their homes."

A House Management Plan, Patrons Code of Conduct and Management Code of Conduct were submitted in support of the application. The City’s Health Services has also been liaising with Newmarketing Pty Ltd regarding its Acoustic Consultant’s Report and Noise Management Plan, which seeks to manage the impacts of noise from functions.

Newmarketing Pty Ltd has explained the intent of the proposal is not to complete with other taverns within the locality, but to provide for the service of alcohol to the patrons who are already attending the Golf Club whether they are playing, viewing or visiting the premises socially.
Newmarketing Pty Ltd has stated that since the function room extensions were completed, there has been community support for the venue on Thursday and Friday nights and Family Friendly Fridays where entire families attend. To comply with current trading conditions of the Special Facility Liquor Licence, putting competitions on the Friday nights have been conducted when dinner service is provided.

Receptions
The applicant has provided the following information in support of receptions:
- Approximately 20 weddings a year would be hosted;
- Approximately 10 private functions;
- 3 school graduations; and
- New Year’s Eve celebrations.

Implications to Consider

a. Consultation with the Community

If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the Town Planning Regulations 1967 for a minimum period of 42 days from the date of publication of an advertisement in a newspaper circulating in the area.

In response to an anonymous flyer distributed by a local resident living near the Secret Harbour Golf Links, the City received four submissions from three properties in objection to the Tavern proposal. These submissions will be examined should the Council decide to initiate a Scheme Amendment for the Tavern.

b. Consultation with Government Agencies

Consultation with relevant Government Agencies will only occur if the Scheme Amendment is initiated by the Council. Referrals can then be undertaken in accordance with the Town Planning Regulations 1967.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Zoning

The property is zoned ‘Special Use Zone No.9’ in Town Planning Scheme No.2 (TPS2). ‘Special Use No.9’ only permits the site to be used as a ‘Golf Course and Ancillary Uses’.

TPS2 defines the term ‘ incidental use’ as a premises that is ancillary and subordinate to the predominate use. The existing Bar, Pro Shop and function room are clearly ancillary to the Golf Course. A Tavern and Reception Centre are separate land uses that will attract a broader clientele to golf patrons using the golf course. Accordingly, a Tavern and Reception Centre require an Amendment to TPS2 for inclusion within the Special Use No.9.

A Tavern is interpreted as follows:

“Tavern means premises licensed as a tavern under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises.”
A Reception Centre is interpreted as follows:
“A Reception Centre means premises used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.”

Secret Harbour Structure Plan

A Comprehensive Development Plan (CDP) was approved by Council under former Town Planning Scheme No.1 in 1992, prior to its revision and adoption as a Structure Plan under TPS2. The former CDP included an international standard 18 hole public Golf Course and Country Club, which was to incorporate a range of sporting and recreational facilities. While various changes have been made to the CDP, its basic design and layout is still reflected on the adopted Secret Harbour Structure Plan below.

The Golf Club is situated adjacent to land which has been zoned for ‘Residential/Short Stay Accommodation’ and an Activity Centre on the foreshore. The Golf Course is situated adjacent to a future ‘Seaside Village’, shown on Figure 5 as R80 Residential Short Stay Accommodation.

The Secret Harbour District Centre is the social, cultural, commercial and activity centre for Secret Harbour and its surrounding area. This centre has been developed to include a shopping centre, tavern and ‘main street’ retail.

5. Secret Harbour Structure Plan

Car Parking

TPS2 requires the provision of 114 car parking bays to accommodate the car parking generated by golf patrons, clubhouse, Pro Shop and Warehouse (Golf Cart Store). There are 158 bays provided on-site resulting in a surplus of 44 bays.

A Tavern requires one bay per 5m² of bar and public areas, including lounges, beer gardens and restaurants. The existing bistro area is 83m² and the function room is 200m². If the proposal was to occupy these areas, the car parking requirement would be 57 bays. If the 90 seat alfresco verandah area (138m²) that surrounds the function room was included in the Tavern use, the car parking requirement is 84 car parking bays.
A maximum of 128 people could be on the golf course during a corporate golf event. Assuming a car parking ratio of 1 car bay per 3 golfers, the number of bays required will be 43 for the golf course.

If the Tavern use was operating at the same time as the golf course, the parking requirement would be 100 car parking bays (57 + 43). The existing car parking area has 158 bays plus 6 drop-off bays. A Tavern and Golf Course require 127 bays which is compliant with TPS2 parking requirements.

If non-golf related functions such as wedding receptions were held at the premises, the applicant has explained that the bistro bar would not be operating at the same time. On this basis, a reception centre car parking requirement is 1 bay for every 4 persons the building is designed to accommodate. The area of the function room is 200m² and based on the BCA accommodation, the number of occupants would be 200. The parking requirement for a Reception Centre would be 50 car parking bays. Accordingly, even if the golf course was operating at the same time as a function, car parking will comply with the requirements of TPS2.

Environmental Protection (Noise) Regulations 1997

Noise from the premises is controlled by the Environmental Protection (Noise) Regulations 1997. The City’s Health Services has been liaising with Newmarketing Pty Ltd regarding how its operations can comply with the Regulations. In response, Newmarketing Pty Ltd engaged Acoustic Consultants to prepare two Acoustic Reports (6 February and 28 November 2013) to assess the noise emissions from the function room.

In February 2013, an Acoustic Report was submitted by an acoustic consultant to the City. The Environmental Noise Report included modelling of the potential environmental noise emissions from Secret Harbour Golf Links to the adjacent neighbours. It considered noise from the function room and verandah areas. Noise modelling indicated that:

- Patrons will only be permitted in the verandah area up until 10pm at night, after which patron noise is likely to exceed the criteria established with the Regulations. This was also subject to the function room doors being closed after 7pm on Monday to Saturday and all day Sunday and Public Holidays.

- The external bi-fold doors can be left open until 7pm Monday to Saturday. They should be closed at all other times and all day on Sundays and Public Holidays.

- If music for entertainment purposes occurs other than background music, the bi-fold doors of the function room must be closed, music levels cannot exceed the limits discussed in the report. DJ entertainment would require further noise strategies. The City requested a revised Acoustic Report. As a result, Newmarketing Pty Ltd prepared a Noise Management Plan in June 2013. This was amended in December 2013 after the second Acoustic Report.

On 28 November 2013, the Acoustic Assessment identified that a reduction of at least 3 dB(A) from the music of the function room is required during the evening period to achieve compliance with the Regulations:

- Maximum noise levels were recommended at the edge of the dance floor at 10pm, and be included in the Secret Harbour Noise Management Plan; and

- Ensure the shutters to the north and west remain closed at all times after 7pm if music is played.

It was also observed that noise break out was occurring from the upper windows of the function room, that could be negating the full benefit of the shutters. Upgrading these windows or application of noise control would potentially reduce noise emissions and increase effectiveness of the shutters.

Noise Management Plan

The Noise Management Plan considers the following matters:

- Opening Hours

- Closing Time (e.g. awareness of employees and patrons, DJ)
- Bi-fold door operation
- Roller Shutter operation
- Modes of Operation (e.g. patron noise, amplified music)
- Measurement of Sound Levels (e.g. in-house measurements)
- Employee procedure to check compliance at 9pm
- A function booked with a DJ
- No live bands
- Complaints procedure

While noise still appears to be a matter in dispute with some neighbours, the City’s Health Services consider that provided Newmarketing Pty Ltd adhere to its Noise Management Plan (December 2013), the premises will comply with the Environmental Protection (Noise) Regulations 1997.

Town Planning Regulations 1967
In accordance with Regulation 13 of the Town Planning Regulations 1967, the Council is required to resolve to either adopt the Scheme Amendment or not proceed with a Scheme Amendment and notify the Western Australian Planning Commission (WAPC) in writing of its decision.

Liquor Control Act 1988
The City has assessed the proposed Scheme Amendment separately from the application which seeks a Restricted Tavern Licence under the Liquor Control Act 1988. In order for the applicant to obtain a Section 40 Certificate of Local Government for a Restricted Tavern Licence, TPS2 must first be amended to permit a Tavern.

g. Risk
Risk Implications of Implementing Officer Recommendation
Low:
- There is a risk if the Council does not proceed with a Scheme Amendment, that the Minister may still order the Council to prepare and submit the Amendment for approval, pursuant to the Planning and Development Act 2005, but this is unlikely to occur as the Council’s position is usually final.

Risk Implications of Not Implementing Officer Recommendation
Low:
- There is a risk if the Council decides to proceed with the Officer Recommendation to initiate a Scheme Amendment, as the EPA must decide if the Amendment will be formally assessed.
- If the Scheme Amendment is later adopted by the Council following advertising, there is also the risk of the WAPC and the Minister for Planning making a decision to either not proceed with the Scheme Amendment, or require its modification.

Comments

Site Context
Newmarketing Pty Ltd operates Secret Harbour Golf Links from a Clubhouse on the Secret Harbour Golf Course. The Clubhouse includes a bar/bistro, function room, alfresco area, and pro-shop. The Clubhouse is situated adjacent to dwellings to the northwest and southeast of the Clubhouse across the golf course. A development site for a new ‘Seaside Community’ is located adjacent to the Clubhouse across Secret Harbour Boulevard. This site is approximately 65m away as depicted in Figure 6 and has previously received Planning Approval for a multi-storey residential development.
6. Clubhouse proximity to neighbours

Tavern
The proposed Tavern raises the following planning considerations:
- A new interpretation of ‘Tavern – Restricted’ would be required if the Council was to consider amending TPS2, as the current land use interpretation of Tavern does not restrict the sale of packaged liquor.
- The Golf Course Clubhouse attracts golfers to the facility; whereas a Tavern would attract a much broader clientele that is not related to the Golf Course.
- A Tavern is not a land use contemplated by TPS2, for land and buildings within the Special Use No.9 zone.
- The hours of operation for a Tavern would substantially increase throughout the week to close at 10pm and midnight on Saturdays, in comparison to the current operating hours of 5pm to 10pm, Monday to Sunday.
- There are potential amenity impacts on existing and future neighbours in close proximity to the Clubhouse, due to the increased hours of operation, broader clientele not linked to golf patrons and possible disturbance associated with patrons leaving the premises.
- While the applicant has no intentions of selling packaged liquor over the bar, or from a drive thru bottle shop, this could occur if TPS2 is amended to permit a Tavern.

Reception Centre
The proposed Reception Centre raises the following planning considerations:
- In 2008, the City granted Planning Approval for ‘Additions to the Existing Clubhouse’, on the basis of the submitted application, which included a new function room and its use for corporate golf related events and golfers attending functions afterwards.
- Although a Reception Centre is not a land use contemplated by TPS2, for land and buildings within the Special Use No.9 Zone, the City considers that Wedding Receptions and Birthday functions could be acceptable land uses within the existing function room.
- While a Reception Centre will also increase patronage and hours of operation, the frequency of events is such that they are more likely to occur at various times of the year rather than each day of the week, which minimises any impact on neighbours.
- Through the City’s investigations, it has been established that approximately 25 of the 40 Golf Courses within the Perth Metropolitan Region hold Wedding Receptions from their Clubhouses.
- Patron numbers are already controlled by the Public Building Approval, which limits the premises to 250 persons at maximum capacity. At an operational level, it is understood that the function room would more likely be used by 136 people, based on information from caterers that 10m² per table of 8 is required and allowing for the shape of the room and service paths, leaving around 17 tables of 8 people at each table.

- There has been a history of on-going complaints from some neighbours who live close to Golf Links who are concerned about changes to the premises and the impact this is having on their lifestyle. The City's Health Services consider that provided Newmarketing Pty Ltd adhere to its Noise Management Plan (dated December 2013), the premises will comply with the Environmental Protection (Noise) Regulations 1997.

- There is still the potential for noise complaints from a Reception Centre as with a Tavern, however, Golf Links engaged an Acoustic Consultant to prepare an Acoustic Report and a Noise Management Plan.

To ensure the Reception Centre is controlled by TPS2, it is recommended that Special Conditions apply to Special Use No.9, as follows:

1. In these Special Conditions:
   - “Additional Purpose” means use of the Premises for the purpose of holding a Function:
   - “Function” means:
     (a) any wedding;
     (b) any birthday party; or
     (c) any ceremonious or formal function.
   - “Premises” means that part of any building on the land which is approved, by planning approval granted under the Scheme, for the Additional Purpose.

2. "Land" means Ptn of Lots 51, 52, 93 and 94 Secret Harbour Blvd, Secret Harbour.

3. No part of any building shall be used for the Additional Purpose except a building approved and developed for the use for the purpose of a golf clubhouse.

4. The Premises shall not be used for the additional purpose unless the Land is being used for the purpose of a golf course.

5. When the Premises are used for the Additional Purpose, the premises must not be occupied by more than 150 guests attending the Function.

6. The Premises shall not be used for the Additional Purpose except:
   (a) on any Monday, Tuesday, Wednesday, Thursday or Friday between 10:00am and 10:00pm
   (b) on any Saturday between 10:00am and midnight
   (c) on any Sunday between 10:00am and 10:00pm;
   (d) on Good Friday or Christmas Day between noon and 10:00pm;
   (e) on New Years Eve between 10:00am and 1:00am New Years Day;
   (f) on Anzac Day between noon and 10:00pm.

5. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.

In addition to the above, Planning Approval will be required should the Scheme Amendment be approved, pursuant to TPS2. The City can impose further conditions of Planning Approval that will maintain the amenity of the area, with respect to a Noise Management Plan and ensuring that the development complies with the Environmental Protection (Noise) Regulations 1997.

Conclusion

The City does not support the application for a Tavern within Special Use No.9, on the basis that the Tavern proposal could adversely impact upon the amenity of existing and future residents causing annoyance, disturbance or inconvenience to neighbours.
The City considers that the application for a Reception Centre is less likely to impact upon neighbours and could be supported subject to conditions that are intended to maintain the amenity of the area. If the Council initiates a Scheme Amendment for this aspect of the application, this will allow formal consultation to occur seeking public comment.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council

1. **NOT PROCEED** with an Amendment to Town Planning Scheme No.2 to permit a Tavern within Special Use No.9 on the basis that the Tavern proposal could adversely impact upon the amenity of existing and future residents causing annoyance, disturbance or inconvenience to neighbours.

2. **ADOPT** (initiate) Amendment No.127 to Town Planning Scheme No.2, to amend the permitted uses of Special Use Zone No.9 in Schedule No.3 to permit a Reception Centre as follows (in bold):

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Ptn of Lots 51, 52, 93 and 94 Secret Harbour Blvd, Secret Harbour</td>
<td>(1) Golf Course and Ancillary Uses&lt;br&gt;(2) The use of part of a building for the purpose of holding: &lt;br&gt;(a) any wedding;&lt;br&gt;(b) any birthday party; or&lt;br&gt;(c) any ceremonious or formal function.</td>
<td>1. In these Special Conditions:&lt;br&gt;&quot;Additional Purpose: means use of the Premises for the purpose of holding a Function: &quot;Function&quot; means: &lt;br&gt;(a) any wedding;&lt;br&gt;(b) any birthday party; or&lt;br&gt;(c) any ceremonious or formal function. &quot;Premises&quot; means that part of any building on the land which is approved, by planning approval granted under the Scheme, for the Additional Purpose. &quot;Land&quot; means Ptn of Lots 51, 52, 93 and 94 Secret Harbour Blvd, Secret Harbour.</td>
</tr>
</tbody>
</table>

1. Correction of numerical errors.
4. When the Premises are used for the Additional Purpose, the premises must not be occupied by more than 150 guests attending the Function.

5. The Premises shall not be used for the Additional Purpose except:
   (a) on any Monday, Tuesday, Wednesday, Thursday or Friday between 10:00am and 10:00pm
   (b) on any Saturday between 10:00am and midnight
   (c) on any Sunday between 10:00am and 10:00pm;
   (d) on Good Friday or Christmas Day between noon and 10:00pm;
   (e) on New Years Eve between 10:00am and 1:00am New Years Day;
   (f) on Anzac Day between noon and 10:00pm.

6. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.

Committee Recommendation

That Council

1. **NOT PROCEED** with an Amendment to Town Planning Scheme No.2 to permit a Tavern within Special Use No.9 on the basis that the Tavern proposal could adversely impact upon the amenity of existing and future residents causing annoyance, disturbance or inconvenience to neighbours.

   Committee Voting - 5/0

2. **ADOPT** (initiate) Amendment No.127 to Town Planning Scheme No.2, to amend the permitted uses of Special Use Zone No.9 in Schedule No.3 to permit a Reception Centre as follows (in bold):

---

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Cont...</td>
<td></td>
<td>4. When the Premises are used for the Additional Purpose, the premises must not be occupied by more than 150 guests attending the Function.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5. The Premises shall not be used for the Additional Purpose except:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(a) on any Monday, Tuesday, Wednesday, Thursday or Friday between 10:00am and 10:00pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(b) on any Saturday between 10:00am and midnight</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(c) on any Sunday between 10:00am and 10:00pm;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(d) on Good Friday or Christmas Day between noon and 10:00pm;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(e) on New Years Eve between 10:00am and 1:00am New Years Day;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(f) on Anzac Day between noon and 10:00pm.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.</td>
</tr>
<tr>
<td>No.</td>
<td>Site Description</td>
<td>Use</td>
<td>Special Conditions</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>9</td>
<td>Ptn of Lots 51, 52, 93 and 94 Secret Harbour Blvd, Secret Harbour</td>
<td>(1) Golf Course and Ancillary Uses (2) The use of part of a building for the purpose of holding: (a) any wedding; (b) any birthday party; or (c) any ceremonious or formal function.</td>
<td>1. In these Special Conditions: &quot;Additional Purpose: means use of the Premises for the purpose of holding a Function: &quot;Function&quot; means: (a) any wedding; (b) any birthday party; or (c) any ceremonious or formal function. &quot;Premises&quot; means that part of any building on the land which is approved, by planning approval granted under the Scheme, for the Additional Purpose. &quot;Land&quot; means Ptn of Lots 51, 52, 93 and 94 Secret Harbour Blvd, Secret Harbour. 2. No part of any building shall be used for the Additional Purpose except a building approved and developed for the use for the purpose of a golf clubhouse. 3. The Premises shall not be used for the additional purpose unless the Land is being used for the purpose of a golf course. 4. When the Premises are used for the Additional Purpose, the premises must not be occupied by more than 150 guests attending the Function. 5. The Premises shall not be used for the Additional Purpose except: (a) on any Monday, Tuesday, Wednesday, Thursday or Friday between 10:00am and 10:00pm (b) on any Saturday between 10:00am and midnight</td>
</tr>
<tr>
<td>No.</td>
<td>Site Description</td>
<td>Use</td>
<td>Special Conditions</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------</td>
<td>-----</td>
<td>-------------------</td>
</tr>
<tr>
<td>9</td>
<td>Cont…</td>
<td></td>
<td>(c) on any Sunday between 10:00am and 10:00pm;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(d) on Good Friday or Christmas Day between noon and 10:00pm;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(e) on New Years Eve between 10:00am and 1:00am New Years Day;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(f) on Anzac Day between noon and 10:00pm.</td>
</tr>
</tbody>
</table>

6. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.

Committee Voting – 3/2
(Crs Elliott and Hamblin voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

5.09pm - Mr Rod Fielding, Manager Health Services departed the Planning and Engineering Services Committee meeting.
## Proposed Street Naming Theme – 'Baldivis Parks' Estate

### Reference No & Subject:
- PDS-040/14
- LUP/1764
- 381
- Whelans Pty Ltd
- Bonvest Pty Ltd and Australand Industrial No.88 Pty Ltd
- Miss Nicole D’Alessandro, Planning Administration Officer
- Mr Dave Waller, Coordinator Statutory Planning
- Mr Mike Ross, Manager Statutory Planning

### Date of Committee Meeting:
- 19 May 2014

### Site:
- Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis
- 58.0637ha
- Development
- Urban

### Attachments:
- Location Plan
- Aerial View
- Endorsed Modified Structure Plan

### Maps/Diagrams:
- 1. Location Plan
- 2. Aerial View
- 3. Endorsed Modified Structure Plan
1. Location Plan
2. Areal View

**Purpose of Report**

To consider an application seeking approval for a street naming theme for the subdivision located at Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis, based on ‘Australian National Parks’.

**Background**

The Baldivis Parks Estate is a new residential development currently being undertaken by the Australand Property Group covering approximately 59 hectares and which will produce an approximate 1,000 lots.

The subdivision for Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis was approved by the Western Australian Planning Commission (WAPC) in March 2014. The approved plan of subdivision comprises 851 lots and 8 areas of Public Open Space.

The Baldivis Parks Local Structure Plan was approved by the Council in July 2013 and endorsed by the WAPC in February 2014.
3. Endorsed Modified Structure Plan

Details

The applicant advises that the Baldivis Parks Estate will be developed with a focus on the provision and role of parks within the community and has been designed to ensure residents are provided with excellent access to high quality usable parks. Australand has undertaken research within its existing communities to identify the features of park spaces that are valued by the community which will be implemented in the development of Baldivis Parks’ public open space areas.

The applicant seeks Council’s approval for the theme of ‘Australian National Parks’ to be used within the subdivision.

Examples of the proposed street names to be applied are as follows:

<table>
<thead>
<tr>
<th>Turon</th>
<th>Kakadu</th>
<th>Hassell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daintree</td>
<td>Auburn</td>
<td>Alton</td>
</tr>
</tbody>
</table>

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Consultation with the Geographic Names is required following the Council’s decision.

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

   Aspiration 15: Governance systems that ensure decision making and resource allocation is accountable, participative, legally and ethically compliant.
d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
The Land Administration Act 1997 (section 26A) requires developers of new subdivisions to submit street names for approval by the Council. The responsibility for approving street names rests with Geographic Names. The proposed theme is in accordance with Geographic Names Committee Principles, Procedures and Guidelines.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Low:
- There is the potential risk of the applicant being aggrieved by a refusal and may seek reconsideration of the Street naming (theme) application to Geographic Names Committee.

Comments
The proposed theme of ‘Australian National Parks’ is compliant with the City’s Planning Procedure 1.4 and the Geographic Names Committee Principles, Procedures and Guidelines which outlines street names which are ‘descriptive names appropriate to the features’ as one of the preferred sources of street names.

In light of the above, it is recommended that the Council support the street naming theme based on ‘Australian National Parks’ as it is keeping with the theme of the estate and provides opportunities for community infrastructure to be provided to educate and promote the significance and importance of these parks.

Voting Requirements
Simple Majority

Officer Recommendation
That Council ENDORSE the proposed street naming theme of ‘Australian National Parks’ for the Baldivis Parks Estate subdivision located at Lots 104, 105, 541, 543, 544 & 1000 Baldivis Road, Baldivis.

Committee Recommendation
That Council ENDORSE the proposed street naming theme of ‘Australian National Parks’ for the Baldivis Parks Estate subdivision located at Lots 104, 105, 541, 543, 544 & 1000 Baldivis Road, Baldivis.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-041/14 Proposed 8 Multiple Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000415.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Momentum Wealth Projects Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Rocko (WA) Developments Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Riaan Stassen, Senior Planner Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19 May 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
</tbody>
</table>

| Site:                  | Lot 4 (No.198) Kent Street, Rockingham |
| Lot Area:              | 1,012m²                                 |
| LA Zoning:             | Residential R5/40                       |
| MRS Zoning:            | Urban                                   |
| Attachments:           | Schedule of Submissions                 |
| Maps/Diagrams:        | 1. Location Plan                        |
|                       | 2. Aerial View                           |
|                       | 3. Feature Survey                        |
|                       | 4. Site Plan                             |
|                       | 5. Site/Ground Floor Plan                |
|                       | 6. Site/Upper Floor Plan                 |
|                       | 7. Floor Plans – Units 1 and 3           |
|                       | 8. Floor Plans – Units 2 and 4           |
|                       | 9. Floor Plans – Units 5 and 7           |
|                       | 10. Floor Plans – Units 6 and 8          |
|                       | 11. Elevations – Southern (Street) and Western |
|                       | 12. Elevations – Northern and Eastern    |
|                       | 13. Consultation Plan                    |
Purpose of Report

To consider an application seeking Planning Approval for 8 Multiple Dwellings at Lot 4 (No.198) Kent Street, Rockingham.

Background

In June 2012, the Western Australian Planning Commission (WAPC) granted Subdivision Approval of the original lots into four survey-strata lots with a common property driveway.

In November 2013, the WAPC granted conditional Subdivision Approval for the amalgamation of the previously approved strata subdivision and re-subdivision into 2 freehold lots. The newly created lots are in the process of being created but has not been issued new titles.

Proposed Lot 2 is the subject of this application.
3. Feature Survey

The applicant is seeking Planning Approval for a ‘Multiple Dwelling’ (Residential Apartments) development at Lot 4 (No. 198) Kent Street, Rockingham, comprising of a two storey building including the following:

- 4 x 2 bedroom apartments on ground floor;
- 4 x 2 bedroom apartments on the second floor;
- 8 x on-site car parking bays for residents and 2 x on-site visitor parking bays;
- Store rooms; and
- Bin storage

4. Site Plan
5. Site/Ground Floor Plan
6. Site/Upper Floor Plan
7. Floor Plans – Units 1 and 3

8. Floor Plans – Units 2 and 4
9. Floor Plans – Units 5 and 7

10. Floor Plans – Units 6 and 8
11. Elevations – Southern (Street) and Western

12. Elevations – Northern and Eastern
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation, the application was referred to adjacent and nearby owners and occupiers for comment for a period of 21 days.

At the close of the advertising period, one submission was received from the owners of No. 196 Kent Street, Rockingham. The consultation plan is depicted as follows:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Notices sent</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following is a summary of the primary concerns raised in the submission received:

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The subject property should be amalgamated with Lot 6 to the east to allow for a mirrored development option.</td>
</tr>
</tbody>
</table>

Applicant’s Response:
Momentum Wealth Projects represent the registered owner of the subject property (Lot 4 No. 198 Kent Street) and has not been instructed to negotiate a possible amalgamation with the owner of the lot to the east.

City’s Comment:
The Council must consider the current application on its merits and can either approve the development, with or without conditions or refuse the proposal.

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) The impact of the parapet walls on the boundary, which is noted to be an as of right under the R40 density coding, causes the new structure to be greater than the existing fence.</td>
</tr>
</tbody>
</table>

Applicant’s Response:
The development complies with all of the privacy requirements of the (R-Codes).

City’s Comment:
The height of the walls proposed on the boundary complies with the ‘Deemed to Comply’ provisions of the R-Codes. The average height proposed is 2.7m whilst the R-Codes provides for a maximum height of 3.5m with an average of 3.0m.
### Submission

(iii) **The R-Codes specifies a plot ratio of 0.6 as the deemed to comply standard. The scale and bulk of the development is not supported as by nature of the variation to 0.65, provides for greater bulk and scale of development.**

**Applicant's Response:**

The development of the building is at a bulk and scale that is consistent with the two storey height of dwellings in the locality. The internal configuration on site seems to provide an appearance from the street of modern apartments.

**City's Response:**

Design Principle 6.1.1 of the R-Codes states that the bulk and scale of the proposed development should be consistent with the existing or future desired built form of the locality. All the properties within Rockingham East and specifically this locality have an R40 density coding which confirms the potential of the area to be redeveloped with a similar product proposed on the subject site. The proposed plot ratio variation is considered to be in keeping with the desired built form and is therefore considered acceptable.

### Submission:

(iv) **A 7.035m external wall does not present development on a human scale when viewed from neighbouring properties. The maximum wall height should be 6m as per the R-Codes.**

**Applicant's Response:**

In order to promote consistency in building height, new developments should be compatible with desired building height as prescribed by local planning controls. The development is considered to comply as the building height does not impact the streetscape, does not adversely affect the character of the area or the neighbours as the height is contained within the 9.0m total height provisions of the R-Codes.
| City's Response: |
| The external wall referred to as not compliant with the height requirement of the R-Codes is located internal to the development and faces away from the objector’s property. This wall measures 7.035m in height. The design of the building proposes a sloped flat roof. The R-Codes makes provision for 7m high external walls in the case of non-pitched roofs. The slight variation of 0.035m can therefore be regarded as acceptable as the proposal is seen as within the maximum height restriction of 9m as per the R-Codes, which is permitted for pitched roofed dwellings and has minimal impact on overshadowing. |

| Submission: |
| (v) A variation in the setback from 2.8m to 2.42m along the communal side boundary will create visual intrusion and an unattractive façade. |

| Applicant's Response: |
| The proposed setback for the whole wall on the south western side does not comply with the deemed-to-comply provisions of the R-Codes. This wall is considered to comply with design principles for the following reasons: |
| - Does not impact on the amount of sunlight available and ventilation for buildings and open space associated with the adjoining property; |
| - Adjoining properties have access to direct sun; |
| - The proposal complies with the R-Codes requirements relating to privacy; and |
| - The variation is only minor being 0.38m. |

| City's Response: |
| The proposed setback variation from 2.8m to 2.42m (0.38m) has no impact on the privacy to the adjoining property. The design and placement of windows ensures the protection of privacy with window sill heights in excess of 1.6m as prescribed by the R-Codes. The applicant entered into negotiations with the objector but has been unable to resolve this matter. The City considers that the revised design and treatment allows for a variation in materials which allows for sufficient articulation of the façade and conforms to ‘Design Principle 6.1.4’ of the R-Codes. The high level windows proposed along this side boundary are based on the requirement within the R-Codes to protect the privacy between neighbouring properties. |
b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.


d. Policy
   State Planning Policy 3.1 - Residential Design Codes (R-Codes)
   The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia. For the purposes of assessing the residential development proposal on the subject site, the provisions relating to the ‘R40’ density code applies.

   The R-Codes provides ‘Design Principles’ for assessment purposes, where development fails to meet the ‘Deemed to Comply’ criteria. The City considers the variations proposed to be in line with the objectives of the ‘Design Principles’ for the ‘R40’ density code.

e. Financial
   Nil

f. Legal and Statutory
   Town Planning Scheme No.2 (TPS2)
   The subject land is zoned ‘Residential R40’, where a Multiple Dwelling is a ‘D’ use that is not permitted unless the Council has exercised its discretion by granting Planning Approval. TPS2 requires all residential development to be in accordance with the R-Codes.

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Low:
   - There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.
Risk Implications of Not Implementing Officer Recommendation

Low:
- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal

Comments

The extent of the proposed variations to the R-Codes are considered minor in nature and to be acceptable, as the proposal reflects the envisaged future urban character and built form of the area.

The variation to the building façade along to the submissioner’s property is broken up by materials and varying setbacks to reduce building’s scale and bulk. It is considered that the variations will not adversely impact the residential amenity of the adjoining property.

The proposed development is generally compliant with the R-Codes and is recommended for conditional Planning Approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application for 8 Multiple Dwellings at Lot 4 (No.198) Kent Street, Rockingham, subject to the following conditions:

1. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon commencement of any development.

2. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.

4. 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 calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.

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

5. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.

6. The car park must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

   The car park must comply with the above requirements for the duration of the development.
7. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

8. The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

9. Arrangements must be made for the amalgamation of Strata Lots 2, 3, 4 and 5 prior to applying for a Building Permit or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of Strata Lots 2, 3, 4 and 5 prior to the occupation of the development.

Committee Recommendation

That Council APPROVE the application for 8 Multiple Dwellings at Lot 4 (No.198) Kent Street, Rockingham, subject to the following conditions:

1. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon commencement of any development.

2. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.

4. 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 calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.
   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

5. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.

6. The car park must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   The car park must comply with the above requirements for the duration of the development.

7. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

8. The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.
9. Arrangements must be made for the amalgamation of Strata Lots 2, 3, 4 and 5 prior to applying for a Building Permit or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of Strata Lots 2, 3, 4 and 5 prior to the occupation of the development.

Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-042/14 Proposed Road Closure – Portion (50m²) of Paparone Road, Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1811</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>383</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Taylor Burrell Barnett Pty Ltd (on behalf of Peet &amp; Co)</td>
</tr>
<tr>
<td>Owner:</td>
<td>Crown</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19 May 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area:</td>
<td>50m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Local Roads</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
</tbody>
</table>

## Attachments:

1. Location Plan
2. Aerial View
3. East Baldivis District Structure Plan
4. Proposed East Baldivis Local Structure Plan
Purpose of Report

To consider an application to initiate a partial road closure of Paparone Road, Baldivis. The proposal is to close a small portion of a cul-de-sac to ensure orderly integration into a future residential development.
Background

East Baldivis District Structure Plan

In February 2014 the Council endorsed the East Baldivis District Structure Plan (EBDSP). This District Structure Plan provides a guiding framework for the preparation of Local Structure Plan proposals. The EBDSP designates Paparone Road as a future Neighbourhood Connector road and bus route, servicing the urban cell east of Baldivis Road.
2. Endorsed East Baldivis Structure Plan

Metropolitan Region Scheme (MRS) / City of Rockingham Town Planning Scheme No.2 (TPS No.2)

Land within the EBDSP area, including the section of Paparone Road subject to this closure, is currently being zoned as ‘Urban’ under MRS and as ‘Development’ under TPS No.2.

Local Structure Plan (subject land)

The City has yet to receive a Local Structure Plan over the subject land.
Local Structure Plan (Adjoining land)

In July 2013 Council resolved to adopt the East Baldivis Local Structure Plan, for land adjoining the subject site directly to the south, subject to modifications. The modifications were subsequently completed to the satisfaction of the City and the Structure Plan was forwarded to the Western Australian Planning Commission (WAPC) for its determination. In February 2014 the WAPC approved the Structure Plan. The revised Structure Plan documentation has not yet been submitted to the City for final adoption.

3. East Baldivis Local Structure Plan

Details

The applicant, on behalf of the adjoining landowner, Peet Ltd, seeks Council's support to close a small portion (approximately 50m²) of the Paparone Road road reservation so that it can be properly integrated into the future residential development of Lot 129 Baldivis Road.

Paparone Road is currently a rural cul-de-sac which will be reconfigured into a ‘Neighbourhood Connector’ profile road that will provide a continuous connection between the intersections of Baldivis Road with Kerosene Lane (to the north) and Amazon Drive (to the south), as provided for in the EBDSP.

Implications to Consider

a. Consultation with the Community

In order to comply with Section 58 of the Land Administration Act 1997 (the Act), a resolution of the Council is required to progress the closure of the portions of road reserve. Under the Act, the Council is required to advertise the proposed road closure by way of a publication in a newspaper for a period of 35 days.

b. Consultation with Government Agencies

The following authorities will be consulted during the advertising period:

- Department of Planning
- Western Power
- Water Corporation
- Telstra
c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

The responsibility for determining applications for the closure of road reserves rest with the Minister for Planning, on advice from the Department of Land Administration (State Land Services).

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- The Minister for Lands could refuse the road closure request if the Council fails to comply with s58 of the Act relating to advertising and considering public submissions.
- The Minister may alternatively, direct the Council to reconsider the request, having regard to any matters in that direction.

Risk Implications of Not Implementing Officer Recommendation

Low:
- There is the potential risk of the subdivision of land being held up due to the closure not proceeding on a timely manner or not occurring.

Comments

Given the minor extent of the proposed road closure, which will facilitate consistency with the endorsed East Baldivis District Structure Plan and the East Baldivis Local Structure Plan, it is recommended that Council initiate the road closure for the identified portion of Paparone Road, Baldivis.

Voting Requirements

Simple Majority

Officer Recommendation

That Council PROCEED, pursuant to Section 58 of the Land Administration Act 1997, for the purpose of advertising, the proposed closure of a portion of Paparone Road, Baldivis, to seek public comment.

Committee Recommendation

That Council PROCEED, pursuant to Section 58 of the Land Administration Act 1997, for the purpose of advertising, the proposed closure of a portion of Paparone Road, Baldivis, to seek public comment.

Committee Voting – 5/0
<table>
<thead>
<tr>
<th><strong>The Committee's Reason for Varying the Officer's Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Implications of the Changes to the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider initiating Scheme Amendment No.144 to Town Planning Scheme No.2 (TPS2) to introduce new provisions to designate Bushfire Prone Areas.

Background

Following the Perth Hills fires in 2011, a special inquiry was conducted which culminated in the “A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review”, prepared by Mr Michael Keelty. This report is known as the Keelty Report.

The Keelty Report provided 55 recommendations, of which two relate specifically to planning:

“Recommendation 3

The State Government transfer responsibility for declaring bushfire prone areas from local government to the Western Australian Planning Commission. The Western Australian Planning Commission should urgently assess those areas that should be declared bushfire prone.”
Recommendation 4

The State Government give legislative effect to the Planning for Bush Fire Protection Guidelines.”

To date the State Government has not declared any bushfire prone areas. The City has been advised that this will be forthcoming, however, the timing is not certain.

The WAPC has prepared a draft State Planning Policy 3.7 Planning for Bushfire Risk Management (SPP) and revising the Planning for Bushfire Protection Guidelines (Guidelines). The draft SPP and guidelines have been released for public comment as reported in the Bulletin.

In the absence of declared bushfire prone land, the City is not legally able to enforce the provisions of the Australian Standard (AS) 3959: Construction of buildings in bushfire-prone area. Consequently the City cannot enforce the construction of buildings with adequate protection against bushfire attack.

Given the recommendations of the Keelty report and the City’s duty of care, waiting for the State Government to declare bushfire prone areas is not considered appropriate.

Details

Intent of Amendment

The intent of this Scheme Amendment is to:

(a) identify land that is subject, or likely to be subject, to bush fire hazard;
(b) designate the land as a Bushfire Prone Area for the purposes of the Building Code of Australia;
(c) ensure an appropriate level of assessment is carried out for development, in accordance with the Planning for Bushfire Protection Guidelines (or subsequent replacement guidelines) on land that is subject, or likely to be subject, to bush fire hazard;
(d) ensure that development is appropriately located to avoid fire risk to life and property; and
(e) ensure that development effectively addresses the level of bushfire hazard applying to the land, in accordance with the Planning for Bushfire Protection Guidelines (or subsequent replacement guidelines).

Proposed Scheme Changes

The following provides a summary of the proposed scheme changes:

Scheme Text

Clause 5

Seeks to introduce a new Clause 5.7, immediately after Clause 5.6, to introduce Bushfire Prone Areas. Clause 5.7 provides:

- definitions relating to Clause 5.7;
- an outline of where the clause applies;
- for designation of Bushfire Prone Areas;
- an outline of the requirements for Planning Approval;
- an outline of the matters to be considered in the assessment of an application for Planning Approval;
- details the information required to accompany an application for Planning Approval;
- an outline of the consultation requirements; and
- details the information required to accompany a Structure Plan.

Scheme Map

The Scheme Map will be updated to include the additional 21 map pages titled “Bushfire Prone Area” as contained in the Attachment.
Implications to Consider

a. Consultation with the Community
   Scheme Amendments are required to be dealt with in accordance with the Town Planning Regulations 1967 (as amended), which includes a requirement to advertise proposals for public comment over a period of 42 days, prior to Council considering Final Adoption.

b. Consultation with Government Agencies
   Scheme Amendments are required to be referred to the Environmental Protection Authority to determine if an environmental assessment is required, prior to advertising.

c. Strategic
   Community Plan
   This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:
   Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy
   To be read and operate in conjunction with Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management.

e. Financial
   Nil

f. Legal and Statutory
   The procedures for dealing with proposals to amend a local planning scheme, as per the Planning and Development Act 2005, are set out in the Town Planning Regulations 1967. Regulation 13(1) provides that the City shall:
   (a) if it resolves to proceed with a Scheme Amendment, adopt the proposed Amendment in accordance with the Act; or
   (b) if it resolves not to proceed with the Scheme Amendment, notify the Western Australian Planning Commission, in writing, of that resolution.

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
   Risk Implications of Not Implementing Officer Recommendation
   Extreme
   - The City cannot enforce construction standards on new buildings to provide for protection of people and property against bushfires.

Comments

It is recommended that the Council initiate Amendment No. 144 to Town Planning Scheme No.2.

Voting Requirements

Simple Majority.

Officer Recommendation

That Council ADOPT (initiate) Amendment No. 144 to Town Planning Scheme No.2 in pursuance of Section 75 of the Planning and Development Act 2005, as follows:
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
CITY OF ROCKINGHAM
DISTRICT ZONING SCHEME
TOWN PLANNING SCHEME NO.2 – AMENDMENT NO.144

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, initiate an Amendment to the City of Rockingham Town Planning Scheme No.2 as follows:

1. A new clause 5.7 is added immediately after clause 5.6 as follows:

“5.7 Bushfire Prone Areas

5.7.1 Definitions

In this clause 5.7:

“Australian Standard” means the Australian Standard entitled “Australian Standard 3959” as published by Standards Australia, as amended from time to time;

“Bushfire Attack Level” has the same meaning as given in the Australian Standard;

“Building Code” means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

“Designated Bushfire Prone Area” means a portion of the Scheme area shown as a Designated Bushfire Prone Area on:

(a) the Scheme Map; or

(b) a Structure Plan;

“Proposed Structure Plan” has the same meaning as given in clause 4.2.1;

“State Guidelines” means the document entitled “Planning for Bush Fire Protection Guidelines” published by the WAPC and Fire and Emergency Services Authority, as amended or replaced from time to time;

“Structure Plan” has the same meaning as given in clause 4.2.1.

5.7.2 Application

This clause 5.7 applies to any Designated Bushfire Prone Area.

5.7.3 Designation for the purpose of the Building Code

For the purpose of the Building Code, a Designated Bushfire Prone Area is land designated as being subject, or likely to be subject, to bushfires.

5.7.4 Requirement for Planning Approval

Notwithstanding clause 6.1.2(c), the Zoning Table and any other provision of the Scheme, the planning approval of the Council is required for the development, in any Designated Bushfire Prone Area, of any single house or 2 group dwellings including any extension or ancillary outbuilding.

5.7.5 Additional matters to be considered

In addition to the matters set out in clause 6.6, in considering an application for planning approval for the use or development of land in a Designated Bushfire Prone Area, the Council is to have due regard to the State Guidelines.
5.7.6 Information to accompany application for Planning Approval

5.7.6.1 In addition to the plans and information specified in clause 6.2.2, an application for planning approval for development in a Designated Bushfire Prone Area is to be accompanied by:

(a) a determination of the bushfire attack level, carried out by a suitably qualified and experienced person and in accordance with the Australian Standard; and

(b) a report, prepared by a suitably qualified and experienced person, that meets the requirements of the State Guidelines.

5.7.6.2 Notwithstanding clause 5.7.6.1, an application for planning approval need not be accompanied by the documents required by clause 5.7.6.1, if:

(a) the application is accompanied by written evidence that the land within a radius of not less than 100 metres from any part of the proposed development is cleared; and

(b) the Council is satisfied that the clearing is permanent and will not revegetate.

5.7.7 Consultation

Without limiting clause 6.5.1, in considering an application for planning approval for development in a Designated Bushfire Prone Area, the Council may consult with the department of the Public Service principally assisting in the administration of the Fire and Emergency Services Act 1998.

5.7.8 Proposed Structure Plans

5.7.8.1 This clause 5.7.8 applies to a Proposed Structure Plan which relates to a part of a Development Area which part is, or includes, a Designated Bushfire Prone Area.

5.7.8.2 When a Proposed Structure Plan is submitted to the Council under clause 4.2.6.1, it is to be accompanied by:

(a) a bushfire hazard assessment, prepared by a suitably qualified and experienced person and in accordance with the State Guidelines; and

(b) a report, prepared by a suitably qualified and experienced person, that meets the requirements of the State Guidelines.

2. The Scheme Map is amended by adding additional map pages “Bushfire Prone Area”.

Committee Recommendation

That Council ADOPT (initiate) Amendment No. 144 to Town Planning Scheme No.2 in pursuance of Section 75 of the Planning and Development Act 2005, as follows:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
CITY OF ROCKINGHAM
DISTRICT ZONING SCHEME
TOWN PLANNING SCHEME NO.2 – AMENDMENT NO.144
RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, initiate an Amendment to the City of Rockingham Town Planning Scheme No.2 as follows:
1. A new clause 5.7 is added immediately after clause 5.6 as follows:

“5.7  Bushfire Prone Areas

5.7.1  Definitions

In this clause 5.7:

“Australian Standard” means the Australian Standard entitled “Australian Standard 3959” as published by Standards Australia, as amended from time to time;

“Bushfire Attack Level” has the same meaning as given in the Australian Standard;

“Building Code” means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

“Designated Bushfire Prone Area” means a portion of the Scheme area shown as a Designated Bushfire Prone Area on:

(a) the Scheme Map; or
(b) a Structure Plan;

“Proposed Structure Plan” has the same meaning as given in clause 4.2.1;

“State Guidelines” means the document entitled “Planning for Bush Fire Protection Guidelines” published by the WAPC and Fire and Emergency Services Authority, as amended or replaced from time to time;

“Structure Plan” has the same meaning as given in clause 4.2.1.

5.7.2  Application

This clause 5.7 applies to any Designated Bushfire Prone Area.

5.7.3  Designation for the purpose of the Building Code

For the purpose of the Building Code, a Designated Bushfire Prone Area is land designated as being subject, or likely to be subject, to bushfires.

5.7.4  Requirement for Planning Approval

Notwithstanding clause 6.1.2(c), the Zoning Table and any other provision of the Scheme, the planning approval of the Council is required for the development, in any Designated Bushfire Prone Area, of any single house or 2 group dwellings including any extension or ancillary outbuilding.

5.7.5  Additional matters to be considered

In addition to the matters set out in clause 6.6, in considering an application for planning approval for the use or development of land in a Designated Bushfire Prone Area, the Council is to have due regard to the State Guidelines.

5.7.6  Information to accompany application for Planning Approval

5.7.6.1 In addition to the plans and information specified in clause 6.2.2, an application for planning approval for development in a Designated Bushfire Prone Area is to be accompanied by:

(a) a determination of the bushfire attack level, carried out by a suitably qualified and experienced person and in accordance with the Australian Standard; and

(b) a report, prepared by a suitably qualified and experienced person, that meets the requirements of the State Guidelines.

5.7.6.2 Notwithstanding clause 5.7.6.1, an application for planning approval need not be accompanied by the documents required by clause 5.7.6.1, if:

(a) the application is accompanied by written evidence that the land within a radius of not less than 100 metres from any part of the proposed development is cleared; and
(b) the Council is satisfied that the clearing is permanent and will not revegetate.

5.7.7 Consultation

Without limiting clause 6.5.1, in considering an application for planning approval for development in a Designated Bushfire Prone Area, the Council may consult with the department of the Public Service principally assisting in the administration of the Fire and Emergency Services Act 1998.

5.7.8 Proposed Structure Plans

5.7.8.1 This clause 5.7.8 applies to a Proposed Structure Plan which relates to a part of a Development Area which part is, or includes, a Designated Bushfire Prone Area.

5.7.8.2 When a Proposed Structure Plan is submitted to the Council under clause 4.2.6.1, it is to be accompanied by:

(a) a bushfire hazard assessment, prepared by a suitably qualified and experienced person and in accordance with the State Guidelines; and

(b) a report, prepared by a suitably qualified and experienced person, that meets the requirements of the State Guidelines.”

2. The Scheme Map is amended by adding the following additional map pages “Bushfire Prone Area”. 

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JUNE 2014

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JUNE 2014

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JUNE 2014

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JUNE 2014
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JUNE 2014

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JUNE 2014

PRESIDING MEMBER

Committee Voting – 5/0
<table>
<thead>
<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### Planning and Development Services
#### Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-044/14 Joint Development Assessment Panel Application – Mixed Use Development (99 Multiple Dwellings and 2 Retail Shops) Council Avenue, Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000122.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Dynamic Planning and Development Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Yokine Investments Pty Ltd &amp; Sharose Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Riaan Stassen, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19 May 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
</tbody>
</table>

| Site:                  | Lot 61 (No.39) and Lot 62 (No.37) Council Avenue, Rockingham                                                                       |
| Lot Area:              | Lot 61 = 818.8m²  
|                        | Lot 8 = 1,818m²  
|                        | Total = 2,636.8m²                                                                                                                  |

| LA Zoning:             | Primary Centre City Centre                                                                                                          |
| MRS Zoning:            | Central City Area                                                                                                                  |

| Attachments:           | Responsible Authority Report (RAR)                                                                                                 |
| Maps/Diagrams:        | 1. Location Plan  
|                        | 2. Aerial View  
|                        | 3. Integrated Development Guide Plan                                                                                               |
|                        | 4. Access Easements                                                                                                                |
|                        | 5. View from Council Avenue                                                                                                       |
|                        | 6. View from the West (Goddard Street)                                                                                             |
|                        | 7. Site/Ground Floor Plan                                                                                                         |
|                        | 8. First Floor Plan                                                                                                               |
|                        | 9. Second Floor Plan                                                                                                              |
|                        | 10. Third Floor Plan                                                                                                              |
11. Fourth Floor Plan
12. Fifth Floor Plan
13. Sixth Floor Plan
14. Council Avenue Elevation (south-east)
15. Goddard Street Elevation (south-west)
16. McKinnon Street Elevation (north-east)
17. Lot 78 Parking Area Elevation (north-west)
18. City Centre Road Network
19. Proposed columns within Easement
20. Lot 78

---

1. Location Plan

---

2. Aerial View
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed mixed-use development, comprising 99 residential apartments and 2 retail shops on Lot 61 (No.39) and Lot 62 (No.37) Council Avenue, Rockingham.

Background

In February 1996, an Integrated Development Guide Plan (IDGP) was approved over the subject land. The approved IDGP makes provision for ‘Commercial’ use and an internal public roads system including public parking.

To achieve the objectives of the IDGP the subject site is affected by a number of access and parking easements which encumber all lots contained within the area bounded by Council Avenue, Mackinnon Street and Goddard Street.

In May 2013, the City issued a conditional Planning Approval for the development of a three storey mixed use development on the subject site.

3. Integrated Development Guide Plan
4. Access and Parking Easements

Details

The applicant seeks approval for a six storey mixed use development comprising the following:

- **99 Multiple Dwellings** in the following configuration:
  - **1st** Floor – 19 apartments comprising 5 single bedroom and 14 two bedroom units;
  - **2nd** Floor – 19 apartments comprising 5 single bedroom and 14 two bedroom units;
  - **3rd** Floor – 19 apartments comprising 10 single bedroom and 9 two bedroom units;
  - **4th** Floor – 19 apartments comprising 10 single bedroom and 9 two bedroom units;
  - **5th** Floor – 19 apartments comprising 10 single bedroom and 9 two bedroom units;
  - **6th** Floor – 4 two bedroom units and a communal roof top terrace.

- **Two retail shops** (179.8m²) (ground floor); and

- **108 car parking spaces**, of which 90 bays will form part of an on-site parking garage over 3 levels. The parking garage is based on a ‘parking stacker’ system.

The podium of the building along Council Avenue is proposed to extend over the access easement up to the Council Avenue street boundary of the subject site. The access easement will remain a public access way through the site.
5. View from Council Avenue

6. View from the West (Goddard Street)
7. Site/Ground Floor Plan
8. First Floor Plan
9. Second Floor Plan
10. Third Floor Plan
11. Fourth Floor Plan
12. Fifth Floor Plan
13. Sixth Floor Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JUNE 2014

PRESIDING MEMBER

14. Council Avenue Elevation (south-east)
15. Goddard Street Elevation (south-west)
16. McKinnon Street Elevation (north-east)
17. Lot 78 Parking Area Elevation (north-west)
Implications to Consider

a. Consultation with the Community
   The proposed land uses are defined as “D” uses under TPS2 which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. With a development which involves a “D” use the Council may give notice of the application to nearby owners and occupiers, if in the opinion of Council, they are likely to be affected by the development. The proposed development is not likely to adversely affect nearby owners and occupiers and this was not deemed to require notification.

b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:
   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. Policy
   Planning Policy 3.2.1 – Development Policy Plan City Centre Sector (PP3.2.1)
   The purpose of PP3.2.1 is to provide guidance on the type and form of development desired within the City Centre Sector. The subject site is located within the ‘Eastside Precinct’ of the Policy. The proposal is generally consistent with the requirements of PP3.2.1.
   A full assessment of the proposed development against the requirements of PP3.2.1 is included in Attachment 1 (RAR).
   Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)
   The purpose of PP3.3.14 is to ensure the provision of appropriate bicycle parking and end-of-trip facilities in new development and to provide guidance on the development and design of bicycle parking and end-of-trip facilities.
   The required bicycle parking for the proposed development has been calculated at 33 long-term bicycle parking spaces and 12 short-term bicycle parking spaces. A total of 36 Long-term bicycle parking spaces and 12 short-term spaces are proposed. Although no End-of Trip facilities are required for this development proposal, provision is made for two separate changing rooms on ground level (1 x male / 1 x female).
   It is recommended in the RAR that a condition be imposed requiring the construction of the required amount of bicycle parking spaces and associated end of trip facilities.

e. Financial
   Nil

f. Legal and Statutory
   Town Planning Scheme No.2 (TPS2)
   The proposal was assessed against the requirements of TPS2 and is compliant. Details of the relevant Clauses of TPS2 and an explanation of how the development is compliant are as follows:
   **Clause 4.3A.1 – Objectives of the ‘Primary Centre City Centre’ Zone**
   The subject site is zoned ‘Primary Centre City Centre’ under TPS2. The proposed development is considered to be consistent with the objectives of the Primary Centre City Centre Zone which include *inter alia*:
“(b) to contribute to the development of integrated retail, office, commercial, residential, civic and community facilities generally in accordance with the requirements of the Development Policy Plan for the City Centre Sector;

(c) to achieve high intensity land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transit system;

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

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

(g) to promote active day and night time retail and social environments;

(i) to encourage development that will provide a high calibre model of sustainable, transit oriented development;”

Clause 4.3A.3 – Minimum Residential Density

A minimum density of 1 dwelling per 125m² of land area is required in the Primary Centre City Centre Zone. Based on a site area of 2,637.36m², a minimum of 21 dwellings is required. The development provides for a total of 99 dwellings. This meets the minimum density requirements.

Clause 4.15.1.1 – Car parking Requirements

Where land is proposed to be developed in the Primary Centre City Centre Zone, the minimum number of car parking bays required, and the maximum number of car parking bays allowable, for the proposed development is to be determined in accordance with Table No. 3.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Multiple Dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 x 1 Bedrooms</td>
<td>0.75 / bedroom *</td>
<td>30</td>
</tr>
<tr>
<td>59 x 2 Bedrooms</td>
<td>1 / bedroom *</td>
<td>59</td>
</tr>
<tr>
<td>Shops</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 x shops (179.8m²)</td>
<td>1 / 22 (17)m² NLA</td>
<td>9(11)</td>
</tr>
<tr>
<td>Visitor parking</td>
<td>0.25 / dwelling *</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>123(125)</td>
</tr>
</tbody>
</table>

Notes:
- Maximum in brackets
- As per the R-codes, Location A.
- Includes two AS2890.6 spaces.

Parking provision for people with disability is based on the Building Code of Australia Requirements.

<table>
<thead>
<tr>
<th>Building Class</th>
<th>Requirement</th>
<th>Rate</th>
<th>Calculations</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 6 - Shops</td>
<td>1 space/50 car parking spaces</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Class 2 – Residential Building</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>
Further discussion on parking requirements and provision is provided in the Comments section of this report.

Clause 5.3 – Control of Advertisements

Clause 5.3.1 of TPS2 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2. There is no signage currently proposed as part of this development application.

Subsequent approval from the City would be required for any signage on the building.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- There is the potential risk of the applicant lodging either a request for reconsideration of a condition or an appeal to the State Administrative Tribunal if aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Medium:
- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an appeal to the State Administrative Tribunal.

Comments

Design

The proposal seeks an 11.6m podium height, which is a 1.1m exceedance of the maximum podium height requirement of 10.5m in PP3.2.1.

The podium height requirement of the Policy is applied to manage the presentation of a building with respect to human scale, overshadowing of properties and open spaces. The minor variation of 1.1m is considered acceptable considering that the proposed building presents appropriate human scale with the incorporation of awnings, façade articulation, open balconies, soft and hard landscaping and there will be no impact on overshadowing of adjoining properties.

Residential Density

PP3.2.1 recommends a residential density of minimum 80 and maximum 200 dwellings per hectare. In this instance, a residential density of 375 dwellings per hectare is proposed.

Density in the context of development control is considered to be one of a number of factors to be assessed when determining the potential impact of the bulk and scale of a building. The assessment of density is therefore done in conjunction with other development controls such as building height, setbacks, open space provision and treatment, parking etc. On the basis that the proposal satisfies all of the development provisions linked with the Eastside Precinct in PP3.2.1, the variation to residential density in the context of its location within the Primary Centre City Centre area is deemed acceptable.
18. City Centre Road Network
Density also directly impacts traffic generation. The adopted access and movement network for the Rockingham City Centre as depicted in PP3.2.1 includes a wide range of street types and has been modelled around the street based public transport system.

Key aspects of the network include:

- Well-connected linkages between the City Centre and the Rockingham foreshore;
- A fine grained and highly connected street network providing a high degree of robustness and flexibility for future planning;
- A direct and legible street network.

Traffic modelling has been undertaken by Uloth and Associates. One of the key findings from the traffic modelling was that traffic volumes on the fine grained street network within the Regional Centre are low.

In conjunction with a street based public transport system and anticipated varying residential density within the City Centre, the higher residential density as proposed is considered acceptable with no adverse impact on the functioning of the local transport network.

**Structures within Parking Area Easements**

The Deed of Agreement which forms part of the Certificate of Title for the subject site contains the operative details of the easements. With regard to the Right-of-Way/Parking Area Easements, it is noted that Condition 2.3 of the Deed of Agreement stipulates:

> The Proprietors nor the Users shall not without the prior written consent of the City, which consent shall not be unreasonably withheld, obstruct or fence off the Access Ways or Parking Areas in whole or in part from any adjacent area or dig any holes or trenches or in any way disturb the surface of the Access Ways or Parking Areas or build thereon any structures of any kind.'

There are eight structural columns proposed to be placed within the parking easement area. The columns are considered to be acceptable in this instance given the location and number of columns does not obstruct the safe movement of vehicles through the subject site or the ability of vehicles to park within the parking area easement. The proposed parking bays comply with AS 2890.1 – Parking facilities off-street car parking.

19.  Proposed columns within Easement

**Car Parking**

Under TPS2, the proposed development requires the provision of a minimum of 123 parking spaces and 125 maximum parking spaces.

Clause 4.15.4 of TPS2 allows for reciprocal parking of separate uses that operate at different times. The commercial uses are considered to operate at a different time to the visitor parking demand. In this regard the commercial parking requirements (9 spaces) can be considered to form part of the visitor parking requirements (25 space) This equates to a reduction of 9 parking spaces, bringing the total parking requirement for the proposed development to 114 (minimum) and 116 (maximum).
The development proposal provides for a total of 108 parking spaces on-site, of which 2 are designed in accordance with AS 2890.6 (parking for people with a disability). Lot 78, abutting the subject site to the north, currently contains 78 parking spaces which are available for use by occupants of lots surrounding Lot 78 within “Block 1” in accordance with the IDGP.

20. Lot 78

For Block 1, the IDGP makes provision for an allocation of parking calculated at 1 parking space per 45m² Gross Floor Area (GFA). The GFA for the subject site has been estimated on the IDGP as ±1,499m², which means that a total of 33 parking spaces have been allocated to the subject site. Thirty two spaces are indicated on the subject site (IDGP) which means that an additional 1 space can be occupied on Lot 78.

The development therefore provides for a total of 109 parking spaces, being 108 parking spaces on site and 1 space off-site (Lot 78). Based on a minimum requirement of 114 parking spaces, the development has a shortfall of 5 parking spaces.

Clause 4.15.6 of the City’s TPS2 makes provision for a “Cash-In-Lieu of Parking” provision. The City will accept the shortfall of 5 parking spaces to be dealt with under this provision.

It is therefore considered to comply with TPS2 parking requirements.

Access

The City’s Engineering Services raised minor concerns over safe vehicle and pedestrian movement along the northern section of the proposed development. This is regarded as a design detail which would not affect the approval of this development proposal. It is recommended that a condition be imposed to require further information be provided to the City to demonstrate how vehicles will be able to safely access and egress the on-site car park, manoeuvre around the site and the safe movement of pedestrians within this area.

Lot Amalgamation

Given the development is proposed over two lots, they will need to be amalgamated. In this regard, it is recommended a condition be imposed addressing this.
Waste Disposal

A bin store has been provided for the proposed development and a preliminary Waste Management Plan was attached to the application.

It is recommended that a condition be imposed requiring the preparation and implementation of a Waste Management Plan to the satisfaction of the City.

Conclusion

The proposed mixed-use development is compliant with TPS2 and generally all Policy requirements.

The proposed development complies with the intent and objectives of the Eastside Precinct and the Rockingham City Centre Sector and is considered to be suitable for the site and the locality.

It is recommended that Council adopt the Responsible Authority Report, which recommends conditional approval of the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the proposed mixed-use development, comprising 99 residential apartments and 2 retail shops at Lot 61 (No.39) and Lot 62 (No.37) Council Avenue, Rockingham (contained as Attachment 1) as the report is required to be submitted to the presiding member of the South-West Joint Development Assessment Panel pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

“That the Metro South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/14/00523 and accompanying plans DA01 to DA22 dated March 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any ground floor commercial tenancy, prior to the occupation of the tenancy.

3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit.

4. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.

5. 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.

6. All stormwater generated by the development shall be designed to be contained of on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
7. 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 calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study.

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

8. The car park must:
   (i) provide a minimum of 108 parking spaces on-site;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include two car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (v) have lighting installed, prior to the occupation of the development; and
   (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

9. A cash contribution, in lieu of the shortfall of on-site car parking for the development of five (5) car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to applying for a Building Permit - Certified.

10. Twelve short-term bicycle parking spaces and 36 long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

11. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of any adjacent public road or internal access street.

12. A Waste Management 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 of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
(iv) frequency of bin collections.

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

13. 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 approved by the City prior to applying for a Building Permit.

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

14. A Sign Strategy must be prepared and include the information required by *Planning Policy 3.3.1, Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.

15. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Council Avenue, at all times.

16. Public or customer access must be from Council Avenue.

17. Above-ground meter boxes must not be located in a street setback area at any time.

18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

19. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

**Advice Notes**

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

2. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.

3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

4. With respect to Conditions 7 and 8, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

6. With respect to Condition 10, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Carparking, which provides guidance on the calculation of the cash contribution.
That Council **ADOPT** the Responsible Authority Report for the proposed mixed-use development, comprising 99 residential apartments and 2 retail shops at Lot 61 (No.39) and Lot 62 (No.37) Council Avenue, Rockingham (contained as Attachment 1) as the report is required to be submitted to the presiding member of the South-West Joint Development Assessment Panel pursuant to Regulation 12(2) of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

*That the Metro South-West Joint Development Assessment Panel resolves to:*

**Approve** DAP Application reference DAP/14/00523 and accompanying plans DA01 to DA22 dated March 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any ground floor commercial tenancy, prior to the occupation of the tenancy.

3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit.

4. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.

5. 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.

6. All stormwater generated by the development shall be designed to be contained on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.

7. 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 calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study.

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

8. The car park must:
   (i) provide a minimum of 108 parking spaces on-site;
(ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;

(iii) include two car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

(v) have lighting installed, prior to the occupation of the development; and

(vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

9. A cash contribution, in lieu of the shortfall of on-site car parking for the development of five (5) car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to applying for a Building Permit - Certified.

10. Twelve short-term bicycle parking spaces and 36 long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

11. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of any adjacent public road or internal access street.

12. A Waste Management 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 of bin storage areas and bin collection areas;

(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;

(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and

(iv) frequency of bin collections.

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

13. 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 approved by the City prior to applying for a Building Permit.

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

14. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
15. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Council Avenue, at all times.

16. Public or customer access must be from Council Avenue.

17. Above-ground meter boxes must not be located in a street setback area at any time.

18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

19. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

2. The installation of security cameras linked to the City of Rockingham’s security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.

3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

4. With respect to Conditions 7 and 8, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

6. With respect to Condition 10, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Carparking, which provides guidance on the calculation of the cash contribution.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Engineering and Parks Services

### Parks Development

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-011/14 Licence Agreement for Shared Use Facilities at Port Kennedy Primary School</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>R/45193</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>406 and 414</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr James Henson, Manager Parks Development</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19 May 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council's Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 1425 St Raphael Crescent, Port Kennedy</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Aerial image of site area</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>
Purpose of Report

For Council to approve the Licence Agreement between the City of Rockingham and Minister for Education, for the maintenance of the shared community facilities at Port Kennedy Primary School, Lot 1425 on Deposited Plan 22128.

Background

The City of Rockingham and the Department of Education has a number of agreements which cover the shared facilities on adjoining landholdings.

The City has historically been responsible for the routine maintenance of the shared spaces and the respective schools agreed to contribute to specific proportions of the maintenance and other charges as the City was responsible for the ground allocation booking system for common use of the reserves.

Previously, the maintenance costs were reconciled per activity at the end of each financial year; however, this fiduciary process has been replaced with an agreed baseline rate; estimated across all the maintenance activities, which is then divided equally between the respective parties.

Details

An agreement covering the shared space adjacent to the Port Kennedy Primary School is not currently in place and the intent is to formalise the process in accordance with the new licence agreement developed in conjunction with the Department of Education.

The Minister and the City shall share the costs incurred for any routine maintenance on a 50/50 basis in which case the Minister will reimburse the City.

Based upon the total playing area of the facilities of 14,500 square metres, the total annual cost excluding GST of routine maintenance of the facilities is $30,638.50 as at the commencement date.

The cost per square metre of routine maintenance is calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Frequency Per annum</th>
<th>Hours</th>
<th>Unit Rate $</th>
<th>Total $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mowing Broadacre – Tractor</td>
<td>45</td>
<td>1</td>
<td>75</td>
<td>3,375</td>
</tr>
<tr>
<td>Mowing Surrounds</td>
<td>25</td>
<td>2</td>
<td>30</td>
<td>1,500</td>
</tr>
<tr>
<td>Granular Fertiliser Application</td>
<td>4</td>
<td>1</td>
<td>380</td>
<td>1,520</td>
</tr>
<tr>
<td>Foliar Fertiliser Application</td>
<td>3</td>
<td>1</td>
<td>290</td>
<td>870</td>
</tr>
<tr>
<td>Wetting Agent</td>
<td>2</td>
<td>1</td>
<td>650</td>
<td>1,300</td>
</tr>
<tr>
<td>Broadacre weed control</td>
<td>1</td>
<td>1</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>Sports Field Linemarking</td>
<td>2</td>
<td>1</td>
<td>480</td>
<td>960</td>
</tr>
<tr>
<td>Irrigation – Maintenance - Labour</td>
<td>25</td>
<td>1.5</td>
<td>60</td>
<td>2,250</td>
</tr>
<tr>
<td>Irrigation Maintenance – Parts</td>
<td></td>
<td></td>
<td></td>
<td>700</td>
</tr>
<tr>
<td>Irrigation Maintenance – Bore/pump</td>
<td></td>
<td></td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>Topdressing – 10 mm Biannually</td>
<td></td>
<td></td>
<td></td>
<td>2,500</td>
</tr>
<tr>
<td>Vertimow – biannually</td>
<td></td>
<td></td>
<td></td>
<td>2,500</td>
</tr>
<tr>
<td>Coring/Decompaction – Biannually</td>
<td></td>
<td></td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
<td></td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>Long Jump Pit</td>
<td></td>
<td></td>
<td></td>
<td>300</td>
</tr>
<tr>
<td>Cricket Practice Nets</td>
<td></td>
<td></td>
<td></td>
<td>500</td>
</tr>
<tr>
<td>Sports Goal Post Repairs</td>
<td></td>
<td></td>
<td></td>
<td>350</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Square Metre Rate</strong></td>
<td></td>
<td></td>
<td>2.113</td>
<td></td>
</tr>
<tr>
<td><strong>Per Hectare cost (x10,000m)</strong></td>
<td></td>
<td></td>
<td>21,125</td>
<td></td>
</tr>
<tr>
<td><strong>Total 1.45 hectares</strong></td>
<td></td>
<td></td>
<td>30,638.50</td>
<td></td>
</tr>
<tr>
<td><strong>50/50 share</strong></td>
<td></td>
<td></td>
<td><strong>15,319.25</strong></td>
<td></td>
</tr>
</tbody>
</table>
The Minister shall pay the sum of $15,319.25 (exclusive of GST) to the City annually in arrears commencing on the first anniversary of the commencement date. The Contribution for routine maintenance has been calculated using the figures set out per item in accordance with the above schedule.

### Implications to Consider

<table>
<thead>
<tr>
<th>a. Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b. Consultation with Government Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negotiation regarding the development of the final agreement has been done in consultation with the Department of Education.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. Strategic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Plan</td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:</td>
</tr>
</tbody>
</table>

**Aspiration 5:** Community facilities and services delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods.

**Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant.

**Aspiration 16:** A Council which engages with all elements of the community in order to make decisions that respect Rockingham’s unique sense of place whilst positively contributing to its future prosperity.

<table>
<thead>
<tr>
<th>d. Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e. Financial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funds are allocated in the Parks Operations budget for expenditure relating to the overall reserve maintenance.</td>
</tr>
</tbody>
</table>

It has been agreed between the City and the Minister that the following cost sharing arrangements for maintaining the facilities will apply:

- The cost of routine maintenance of the grassed area of the facilities is $2.113 per square metre, per annum calculated as $21,125 per hectare as at the commencement date, with a Consumer Price Index (CPI) increase annually.

<table>
<thead>
<tr>
<th>f. Legal and Statutory</th>
</tr>
</thead>
<tbody>
<tr>
<td>The agreements are governed by the laws of the State of Western Australia. The Parties irrevocably submit to the non-exclusive jurisdiction of the courts of Western Australia.</td>
</tr>
</tbody>
</table>

The Reserve Management Order has been amended to allow the City the power to licence for the purpose of Public Recreation the whole of any portion thereof for a term of twenty one (21) years, pursuant to the provisions of section 18 of the Land Administration Act 1997.

In addition, in principal approval has been obtained from the Minister of Lands for the licence. This in principle approval to deal in Crown land is valid for six (6) months following execution of the documents and final approval is required by producing the final document to the Department of Regional Development and Lands for endorsement.

<table>
<thead>
<tr>
<th>g. Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Implications of Implementing Officer Recommendation</td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>
Risk Implications of Not Implementing Officer Recommendation

Low:
- Continued complications with fee structuring and pecuniary contributions for use of a City controlled reserve.
- Increased public liability exposure associated with the use of a reserve vested with the City.

Comments

The final draft has been vetted by City Officers and is considered to represent good value when compared with equivalent expenditure for sports oval maintenance across the City.

In addition, the agreement does not negate any potential changes to existing land uses for future development.

It is therefore recommended that Council approve the signing of the Licence Agreement.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVE** the Licence Agreement between the City of Rockingham and Minister for Education for the maintenance of the shared space located at Port Kennedy Primary School, Lot 1425 on Deposited Plan 22128.

Committee Recommendation

That Council **APPROVE** the Licence Agreement between the City of Rockingham and Minister for Education for the maintenance of the shared space located at Port Kennedy Primary School, Lot 1425 on Deposited Plan 22128.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Engineering and Parks Services  
Procurement and Project Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-012/14 Tender T14/15-03 - Structural Lining of Deteriorated Drainage Pipelines, End Sealing and Sealing of Junctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>T14/15-03</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>162 and 406</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Aulad Hossain, Senior Maintenance Coordinator</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Darren Dropulich, Construction Engineer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Luke James, Coordinator Engineering Operations</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19 May 2014</td>
</tr>
</tbody>
</table>

Purpose of Report

Provide Council with details of the tenders received for Tender T14/15-03 – Structural Lining of Deteriorated Drainage Pipelines, End Sealing and Sealing of Junctions, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T14/15-03 – Structural Lining of Deteriorated Drainage Pipelines, End Sealing and Sealing of Junctions, was advertised in the West Australian on Saturday, 22 March 2014 and the Sound Telegraph on Wednesday 26 March 2014. The Tender closed at 2.00pm, Wednesday, 9 April 2014 and was publicly opened immediately after the closing time.

Details

The scope of the contract is for the Structural Lining of Deteriorated Stormwater Drainage Pipelines, End Sealing and Sealing of Junctions.

The period of the contract shall be from 1 July 2014 to 30 June 2016.
Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverjet Pipeline Solutions</td>
</tr>
<tr>
<td>Interflow Pty Limited</td>
</tr>
</tbody>
</table>

**Price Schedule – Schedule of Rates**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Unit</th>
<th>Riverjet Pipeline Solutions</th>
<th>Interflow Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Price valid to 30/06/2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rate ($)</td>
<td>0-100 metres</td>
<td>101-300 metres</td>
</tr>
<tr>
<td>T14/15-03 - STRUCTURAL LINING OF DETERIORATED DRAINAGE PIPELINES, END SEALING AND SEALING OF JUNCTIONS</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**5.4.1 CCTV AND STRUCTURAL PIPE RELINING**

**5.4.1.1 Stormwater Pipeline CCTV**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Unit</th>
<th>Price valid to 30/06/2016</th>
<th>Rate ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilisation</td>
<td>Each</td>
<td>$340.00 $340.00 $340.00 $340.00</td>
<td>$2,219.29 $1,479.52 $986.35 $986.35</td>
</tr>
<tr>
<td>DN150 – DN225</td>
<td>Linear metre</td>
<td>$1.80 $1.80 $1.80 $1.80</td>
<td>$7.80 $7.20 $6.96 $6.96</td>
</tr>
<tr>
<td>DN300 – DN375</td>
<td>Linear metre</td>
<td>$1.90 $1.90 $1.90 $1.90</td>
<td>$7.80 $7.20 $6.96 $6.96</td>
</tr>
<tr>
<td>DN450 – DN600</td>
<td>Linear metre</td>
<td>$2.00 $2.00 $2.00 $2.00</td>
<td>$7.80 $7.20 $6.96 $6.96</td>
</tr>
<tr>
<td>DN750 – DN900</td>
<td>Linear metre</td>
<td>$2.10 $2.10 $2.10 $2.10</td>
<td>$7.80 $7.80 $7.56 $7.56</td>
</tr>
</tbody>
</table>

**5.4.1.2 Stormwater Pipeline Rehabilitation by Structural Lining**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Unit</th>
<th>Price valid to 30/06/2016</th>
<th>Rate ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilisation</td>
<td>Each</td>
<td>$2,612.86 $2,612.86 $2,612.86 $2,612.86</td>
<td>$3,147.24 $3,147.24 $3,147.24 $3,147.24</td>
</tr>
<tr>
<td>DN150</td>
<td>Linear metre</td>
<td>$197.88 $197.88 $197.88 $197.88</td>
<td>$184.24 $142.28 $128.29 $121.30</td>
</tr>
<tr>
<td>DN225</td>
<td>Linear metre</td>
<td>$201.65 $201.65 $201.65 $201.65</td>
<td>$202.24 $174.27 $160.28 $139.30</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Unit</td>
<td>Price valid to 30/06/2016</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>----------</td>
<td>---------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rate ($)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>0-100 metres</td>
</tr>
<tr>
<td>5.4.1.2.4</td>
<td>DN300 Linear metre</td>
<td>$ 207.73</td>
<td>$ 207.73</td>
</tr>
<tr>
<td>5.4.1.2.5</td>
<td>DN375 Linear metre</td>
<td>$ 224.03</td>
<td>$ 224.03</td>
</tr>
<tr>
<td>5.4.1.2.6</td>
<td>DN450 Linear metre</td>
<td>$ 305.75</td>
<td>$ 305.75</td>
</tr>
<tr>
<td>5.4.1.2.7</td>
<td>DN525 Linear metre</td>
<td>$ 392.00</td>
<td>$ 392.00</td>
</tr>
<tr>
<td>5.4.1.2.8</td>
<td>DN600 Linear metre</td>
<td>$ 413.77</td>
<td>$ 413.77</td>
</tr>
<tr>
<td>5.4.1.2.9</td>
<td>DN675 Linear metre</td>
<td>$ 441.17</td>
<td>$ 441.17</td>
</tr>
<tr>
<td>5.4.1.2.10</td>
<td>DN750 Linear metre</td>
<td>$ 532.88</td>
<td>$ 532.88</td>
</tr>
<tr>
<td>5.4.1.2.11</td>
<td>DN825 Linear metre</td>
<td>$ 643.06</td>
<td>$ 643.06</td>
</tr>
<tr>
<td>5.4.1.2.12</td>
<td>DN900 Linear metre</td>
<td>$ 769.21</td>
<td>$ 769.21</td>
</tr>
</tbody>
</table>

### 5.4.2 JETTING & ROOT CUTTING

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Riverjet Pipeline Solutions</th>
<th>Interflow Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.2.1</td>
<td>Mobilisation</td>
<td>Each</td>
<td>$ 150.00</td>
<td>$ 432.00</td>
</tr>
<tr>
<td>5.4.2.2</td>
<td>Stormwater Pipeline High Pressure Water Jetting</td>
<td>Hourly</td>
<td>$ 170.00</td>
<td>$ 216.00</td>
</tr>
<tr>
<td>5.4.2.3</td>
<td>Stormwater Pipeline Root Cutting</td>
<td>Hourly</td>
<td>$ 170.00</td>
<td>$ 234.00</td>
</tr>
</tbody>
</table>
### 5.4.3 REPAIR ITEMS

#### 5.4.3.1 Localise Stormwater Pipeline Repairs (On Pipes for Depth and Repair Length Up to 1.5 Metres)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Price valid to 30/06/2016</th>
<th>Price valid to 30/06/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.3.1.1</td>
<td>Mobilisation</td>
<td>Each</td>
<td>None</td>
<td>$2,640</td>
<td></td>
</tr>
<tr>
<td>5.4.3.1.2</td>
<td>DN150 – DN225</td>
<td>Rate Only</td>
<td>Per Repair</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>5.4.3.1.3</td>
<td>DN300 – DN375</td>
<td>Rate Only</td>
<td>Per Repair</td>
<td>$4,800</td>
<td></td>
</tr>
<tr>
<td>5.4.3.1.4</td>
<td>DN450 – DN600</td>
<td>Rate Only</td>
<td>Per Repair</td>
<td>$5,400</td>
<td></td>
</tr>
<tr>
<td>5.4.3.1.5</td>
<td>DN750 – DN900</td>
<td>Rate Only</td>
<td>Per Repair</td>
<td>$11,400</td>
<td></td>
</tr>
<tr>
<td>5.4.3.1.6</td>
<td>Extra-Over Items 5.4.3.1.2, 5.4.3.1.3, 5.4.3.1.4 &amp; 5.4.3.1.5 for repair depths between 1.5m and 3.5m</td>
<td>Rate Only</td>
<td>Per Repair</td>
<td>$1,800</td>
<td></td>
</tr>
<tr>
<td>5.4.3.1.7</td>
<td>Extra-Over Items 5.4.3.1.2, 5.4.3.1.3, 5.4.3.1.4 &amp; 5.4.3.1.5 for repair depths greater than 3.5m</td>
<td>Rate Only</td>
<td>Per Repair</td>
<td>$3,000</td>
<td></td>
</tr>
</tbody>
</table>

#### 5.4.3.2 Civil Works Standard Extra – Over Items

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Price valid to 30/06/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.3.2.1</td>
<td>Mobilisation</td>
<td>Each</td>
<td></td>
<td>$815</td>
</tr>
<tr>
<td>5.4.3.2.2</td>
<td>Extra Over for Road Opening Permit</td>
<td>Rate Only</td>
<td>Each</td>
<td>Cost + 5%</td>
</tr>
<tr>
<td>5.4.3.2.3</td>
<td>Extra Over for Excavation in Rock</td>
<td>Rate Only</td>
<td>M³</td>
<td>$107</td>
</tr>
<tr>
<td>5.4.3.2.4</td>
<td>Extra Over for Bitumen Reinstatement</td>
<td>Rate Only</td>
<td>M³</td>
<td>$120</td>
</tr>
<tr>
<td>5.4.3.2.5</td>
<td>Extra Over for Concrete Pavement Restoration</td>
<td>Rate Only</td>
<td>M³</td>
<td>$95</td>
</tr>
<tr>
<td>5.4.3.2.6</td>
<td>Extra Over for Turf Restoration</td>
<td>Rate Only</td>
<td>M²</td>
<td>$30</td>
</tr>
</tbody>
</table>
A panel comprising Construction Engineer, Senior Maintenance Coordinator and Coordinator Engineering Operations undertook tender evaluations.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Riverjet Pipeline Solutions</th>
<th>Interflow Pty Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>40%</td>
<td>24%</td>
<td>32%</td>
</tr>
<tr>
<td>Performance and Experience of Tenderer</td>
<td>20%</td>
<td>13%</td>
<td>17%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>40%</td>
<td>35%</td>
<td>29%</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>72%</td>
<td>78%</td>
</tr>
</tbody>
</table>

**Implications to Consider**

a. **Consultation with the Community**
   Not Applicable

b. **Consultation with Government Agencies**
   Not Applicable

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

   **Aspiration 6:** Civic building, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

d. **Policy**

e. **Financial**
   Expenditure in accordance with the City’s standard operational requirements.

f. **Legal and Statutory**
   ‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $100,000 unless sub regulation (2) states otherwise’.

g. **Risk**
   **Risk Implications of Implementing Officer Recommendation**
   Medium:
   - Failure of tender/quote documentation to establish compliance and assessment criteria for selection of the tender submission that would be most advantageous.
**Risk Implications of Not Implementing Officer Recommendation**

Medium:
- Potential damage to the City’s procurement reputation thereby adversely impacting on the possible competitive advantage gained through the open tender process.

### Comments

Clarification was sought from both tenderers with adequate responses received in writing.

Interflow is the City’s current structural pipe relining contractor. Under the current contract Interflow has shown the capability to provide quality workmanship in a timely manner.

Following consideration of the submissions in accordance with the tender assessment criteria Interflow Pty Ltd represents best value to the City and is therefore recommended as the preferred tenderer.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ACCEPT** the tender submitted by Interflow Pty Ltd, Unit 4/76 Berriman Drive, Wangara WA 6065, for Tender T14/15-03 – Structural Lining of Deteriorated Drainage Pipelines, End Sealing and Sealing of Junctions in accordance with the tender documentation for the contract period 1 July 2014 to 30 June 2016.

### Committee Recommendation

That Council **ACCEPT** the tender submitted by Interflow Pty Ltd, Unit 4/76 Berriman Drive, Wangara WA 6065, for Tender T14/15-03 – Structural Lining of Deteriorated Drainage Pipelines, End Sealing and Sealing of Junctions in accordance with the tender documentation for the contract period 1 July 2014 to 30 June 2016.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td><strong>Reports of Councillors</strong>&lt;br&gt;Nil</td>
</tr>
<tr>
<td>14.</td>
<td><strong>Addendum Agenda</strong>&lt;br&gt;Nil</td>
</tr>
<tr>
<td>15.</td>
<td><strong>Motions of which Previous Notice has been given</strong>&lt;br&gt;Nil</td>
</tr>
<tr>
<td>16.</td>
<td><strong>Notices of Motion for Consideration at the Following Meeting</strong>&lt;br&gt;Nil</td>
</tr>
<tr>
<td>17.</td>
<td><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong>&lt;br&gt;Nil</td>
</tr>
<tr>
<td>18.</td>
<td><strong>Matters Behind Closed Doors</strong>&lt;br&gt;Nil</td>
</tr>
<tr>
<td>19.</td>
<td><strong>Date and Time of Next Meeting</strong>&lt;br&gt;The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 16 June 2014</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td>20.</td>
<td><strong>Closure</strong>&lt;br&gt;There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>5.25pm</strong>.</td>
</tr>
</tbody>
</table>