MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 18 November 2013 at 4:00pm
City of Rockingham Boardroom
# Planning and Engineering Services Committee Minutes

**Monday 18 November 2013**

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## Agenda Items – Planning and Engineering Services Committee

### Planning and Development Services

- **PDS-006/13** Reconsideration of Decision – Baldivis District Shopping Centre (Metro South West Joint Development Assessment Panel)  
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- **PDS-007/13** Proposed Revised Design - Four Storey Mixed-Use Development (former Waikiki Hotel Site)  
  Page 24
- **PDS-008/13** Proposed Amendments to Planning Policy 3.3.10 – Home Occupations and Home Businesses  
  Page 50
- **PDS-009/13** Proposed Subdivision - Lot 404 Civic Boulevard and Lot 55 Central Promenade, Rockingham City Centre  
  Page 64
- **PDS-010/13** Specific Purpose Strategy: City Centre Transport Strategy  
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### Engineering and Parks Services

- **EP-026/13** Tender T13/14-30 Construction of Landfill Cell 14 and associated works at the Millar Road Landfill Facility, Baldivis  
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- **EP-027/13** Support for Speed Limit Change – Sixty Eight Road and Eighty Road, Baldivis  
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1. **Declaration of Opening**

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4.00pm**, welcomed all present, and recited the Acknowledgement of Country.

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

<table>
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<th>2.1 Councillors</th>
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<tr>
<td>Deputy Mayor Richard Smith</td>
<td>Chairperson</td>
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<tr>
<td>Cr Chris Elliott</td>
<td></td>
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<tr>
<td>Cr Ron Pease JP</td>
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<tr>
<td>Cr Deb Hamblin</td>
<td></td>
</tr>
<tr>
<td>Cr Joy Stewart</td>
<td>(Observer)</td>
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<td>Cr Justin Smith</td>
<td>(Observer)</td>
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<th>2.2 Executive</th>
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<td>Mr Andrew Hammond</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Chris Thompson</td>
<td>Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
<td>Manager Building Services (until 4.14pm)</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health Services (until 4.14pm)</td>
</tr>
<tr>
<td>Mr Allan Moles</td>
<td>Manager Integrated Waste Services</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
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| 2.3 Members of the Gallery: | 2 |
| 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**

4.01pm  The Chairperson invited members of the Public Gallery to ask questions. There were none.

5. **Confirmation of Minutes of the Previous Meeting**

Moved Cr Hill, seconded Cr Hamblin:

That Council **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 22 October 2013, 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**

4.01pm  The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. **Declarations of Members and Officers Interests**

4.01pm  The Chairperson asked if there were any interests to declare. There were none.

9. **Petitions/Deputations/Presentations/Submissions**

Nil

10. **Matters for which the Meeting may be Closed**

Nil

11. **Bulletin Items**

Planning and Development Services Information Bulletin – November 2013

**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
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
### 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 Stratas
   - 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)
   - 3.4 Karnup District Structure Plan (LUP/1546)
4. Information Items
   - 4.1 Lifting of Urban Deferment – Lots 21, 569 and 1263 Sixty Eight and Baldivis Roads and Portion of Baldivis Road, Baldivis
   - 4.2 Lifting of Urban Deferment Request – Lots 10, 921 and 922 Baldivis Road and Lot 3 Key Close, Baldivis

### 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
### Planning and Development Directorate

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   - Subdivision Clearances
   - Subdivision Survey Approvals
   - Subdivision Lot Production
   - Delegated Development Approvals
   - Delegated Development Refusals
   - Delegated Building Envelope Variations
   - Subdivision/Amalgamation Approved
   - Subdivision/Amalgamation Refused

### Committee Recommendation

That Councillors acknowledge having read the Planning Services Information Bulletin – November 2013 and the content be accepted.

Committee Voting – 5/0

### Engineering and Parks Services Information Bulletin – November 2013

#### Engineering Services

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - Delegated Authority for approval of Directional Signage
   - Delegated Authority for Thoroughfare Closures
   - Local Area Traffic Management and Road Safety Design Projects 2013/201
   - Delegated Authority for approval of Engineering Drawings - Subdivisions
   - Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions
   - Delegated Authority to approve the release of Bonds for private subdivisional works
   - Handover of Subdivisional Roads
   - Delegated Authority for the payment of Crossover Subsidies
   - Mundijong Road Extension Project

#### Engineering Operations

1. Engineering Operations Team Overview
2. Human Resource Updates
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 Municipal Works 2013/2014
   4.4 Road Resurfacing Program Municipal Works 2013/2014
   4.5 Footpath Construction Program Municipal Works 2013/2014
   4.6 Road Maintenance Program 2013/2014
   4.7 Passenger Vehicle Fleet Program 2013/2014
   4.8 Light Commercial Vehicles Program 2013/2014
   4.9 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 Bakewell to Port Kennedy Drive - Irrigation Project
   3.5 Warnbro Recreation Ground Irrigation Upgrade
   3.6 Rae Road Streetscape Project, Read Street to Seabrooke Avenue
   3.7 Dixon Road 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 Road condition inspection and modelling
   3.2 Footpath Condition Audit
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
   - 3.1 Asbestos condition audit
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 Proposed Shoalwater North Underground Power Project
   - 4.5 2013 Public Area Lighting and Arterial Lighting
   - 4.6 Lark Hill Wind Turbine
   - 4.7 Bent Street Boat Launching Facility – Proposed Navigation Channel
   - 4.8 Point Peron Boat Launching Facility – Design, Demolition and Replacement
   - 4.9 Aqua Jetty – Replace/Upgrade HVAC Services
   - 4.10 Bell Park Toilet – Replacement including Curfew Lockout System
   - 4.11 Baldivis Library and Community Centre – Design
   - 4.12 Challenger Court Electrical System Upgrade
   - 4.13 Secret Harbour Surf Life Saving Club – Renovation
   - 4.14 Val Street Jetty Design
   - 4.15 Point Peron Geotextile Sand Container Construction (C12/13-74)
   - 4.16 Administration Building Fire System Upgrade
   - 4.17 Settlers Hill Toilet Installation (Grice Reserve)
   - 4.18 Mike Barnett Sporting Complex Roof Replacement
   - 4.19 Administration Building Upgrade of BMS
   - 4.20 Rockingham Museum Roof Tiles Replacement
   - 4.21 Currie Street Reserve Sports Floodlighting
   - 4.22 City Centre Infrastructure Works Car Park Designs and Construction
   - 4.23 Administration Building Foyer Acoustic Panelling
   - 4.24 Aquatic Centre – Renovation Works
   - 4.25 Anniversary Park Change Rooms

**Waste and Landfill Services**

1. Waste and Landfill Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Waste kerbside collection
   - 4.2 240 litre recycling bin service
4.3 240 litre bin recycling participation statistics
4.4 Destroyed and stolen refuse bins
4.5 Landfill statistics
4.6 Education and promotion
4.7 T13/14-30 Construction of Landfill Cell 14 and associated works at the Millar Road Landfill Facility, Baldivis

**Committee Recommendation**

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin - November 2013 and the content be accepted.

Committee Voting – 5/0

4.14pm - Mr Richard Rodgers, Manager Building Services and Mr Rod Fielding, Manager Health Services left the Planning and Engineering Services Committee meeting.
## Planning and Development Services

### Planning and Development Services

#### Statutory Planning Services

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<th>Reconsideration of Decision – Baldivis District Shopping Centre (Metro South West Joint Development Assessment Panel)</th>
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<td>File No:</td>
<td>DD200.2012.290</td>
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<tr>
<td>Proponent/s:</td>
<td>Stockland Development Pty Ltd C/- Urbis</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
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<td>Date of Committee Meeting:</td>
<td>18 November 2013</td>
<td></td>
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<tr>
<td>Previously before Council:</td>
<td>25 June 2013</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
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| Site: | Lots 1 and 9084 Safety Bay Road, Baldivis |
| Lot Area: | Lot 1 = 8.0264ha  
Lot 9084 = 1.3726ha |
| LA Zoning: | District Town Centre |
| MRS Zoning: | Urban |
| Attachments: | Responsible Authority Report |
| Maps/Diagrams: | 1. Location Plan  
2. Aerial Photo  
3. Site Plan  
4. Approved IDGP  
5. Boundary Realignment Safety Bay Road/Settlers Avenue  
6. 2013 Planning Approval (existing boundary alignment) |
1. Location Plan

2. Aerial Photo
**Purpose of Report**

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an invitation from the State Administrative Tribunal (SAT) to reconsider its decision in relation to the Planning Approval granted on 8 March 2013 for the above development, in accordance with the SAT Order dated 30 October 2013.

**Background**

The following outlines the history of planning approvals on the site:
- July 2006 - Stage 1 Shopping Centre - conditional Planning Approval issued.
- March 2009 - McDonalds Restaurant - conditional Planning Approval issued.
- July 2010 - Car Park Extension - conditional Planning Approval issued.
- October 2011 - Red Rooster - conditional Planning Approval issued.
- November 2011 - Extension to Shopping Centre - conditional Planning Approval granted by the City. The Proponent chose not to commence this Planning Approval and instead lodged the subject application for a larger development.
- March 2011 – Extension to Shopping Centre – conditional Planning Approval issued by the SWJDAP.
- July 2013 – Extension to Shopping Centre – amendment to Planning Approval issued by the SWJDAP.
- August 2013 – Appeal lodged with the SAT contesting various approval conditions which is the subject of this report.

**Details**

The applicant lodged an appeal with the SAT for review of the following Planning Approval conditions, on the basis that some conditions were not appropriate or lacked appropriate clarity.

**Condition 1**

1. Microsimulation modelling of all Safety Bay Road intersections from the Safety Bay Road/Nairn Drive roundabout to the Safety Bay Road/Norseman Approach/Burlington Drive intersection must be undertaken. The microsimulation modelling shall:
   i. be undertaken for 2031 weekday PM peak hour traffic flows assuming full development of the Baldivis Activity Centre Structure Plan (BACSP) area. The model is to clearly show which vehicles are associated with the Stockland Baldivis shopping centre, which is the subject of this development application; and
   ii. model a base scenario that is to include the proposed Safety Bay Road left in/left out access and upgrading of Safety Bay Road/Settlers Avenue intersection proposed by this development application and the existing Safety Bay Road/Nairn Drive roundabout and the existing Safety Bay Road/Norseman Approach/Burlington Drive signalised intersection.

If the operation of the base case scenario road network is considered unsatisfactory, an improved scenario is to be developed with appropriate intersection improvements to achieve satisfactory operation (to be agreed between City of Rockingham and the applicant's traffic engineering consultants).

An alternative scenario is to be modelled with Nairn Drive/Safety Bay Road roundabout intersection replaced by a signalised intersection and the Settlers Avenue/Safety Bay Road intersection modified to a four-way signalised intersection with a connection to the south.

The findings of the microsimulation shall provide intersection designs (upgrades) and the development design modifications that are required to accommodate the appropriate level of service.

The microsimulation modelling must be completed prior to the issue of a Building Permit.”
Condition 2

“2. The development must be designed to exclude the car parking spaces, access ways and retaining walls north side of the location marked in red on the approved plan, prior to applying for a Building Permit.”

Condition 9

“9. A current Easement for the benefit of the public that is registered on the Certificate of Title (Deposited Plan 69965) for Lot 1 Safety Bay Road, Baldivis, specifying public access rights for the car park is to be amended to reflect the 12 April 2013 revised at-grade car park plan, in accordance with Section 195 and 196 of the Land Administration Act 1997. The Easement must continue to state as follows:-

“Public Access Easement for Carparking and Pedestrian Access”.

Condition 11

“11. The Service Vehicle access shall be designed and constructed to the satisfaction of the City, to provide for access to the loading docks from Nairn Drive, in the vicinity of Mennock Approach road reserve. The Service Vehicle access shall be in place prior to the occupation of the development and maintained for the duration of the development or until such time that Mennock Approach is constructed and dedicated as a public road.”

Condition 12

“12. The owner shall enter into a legal agreement with the City with a caveatable interest, for the construction of the portion of Mennock Approach on the Land, either:

(i) When the owner of the balance of Mennock Approach adjacent to the Land (“Balance”) announces an intention to construct the portion of Mennock Approach on the Balance; or

(ii) When the owner of the land obtains the balance of Mennock Approach; Prior to issue of a certificate of occupancy.”

Condition 19

“19. Access to service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.”

Condition 22

“22. Entries and window frontages of the ground floor tenancies facing Settlers Avenue must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times and all tenants are advised accordingly.”

Advice Note (ii)

“(ii) Condition 2 is required to ensure that sites, unencumbered by development such as walls, parking and vehicle access areas and able to be built on independently of the shopping centre, are made available for future buildings adjacent to Mennock Approach as identified on the adopted Integrated Development Guide Plan for the Baldivis Town Centre. The applicant’s proposal to retain car parking and walls in the building envelope locations is not considered to achieve the objective of providing sites unencumbered by the development and able to be developed independently of the shopping centre.”
3. Site Plan
Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration 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 3.2.4 – Baldivis Town Centre (PP3.2.4)
   PP3.2.4 provides guidance on development of land within the Baldivis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The Policy comprises both an Integrated Development Guide Plan (IDGP) and policy provisions to guide development in accordance with the Policy principles and requirements.

   **Integrated Development Guide Plan (IDGP)**
   PP3.2.4 contains an adopted IDGP for the Baldivis Town Centre. The purpose of the IDGP is to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. The adopted IDGP is shown in Figure 3 below.

4. Approved IDGP
   Conditions 2, 12 and Advice Note (ii) were imposed on the basis of the IDGP.
Planning Policy 3.3.1 – Control of Advertising (PP3.3.1)

PP3.3.1 provides guidance on advertisements within the City. Specifically it requires at least 50% of the ground floor facades of streetfront buildings to be transparent. Condition 22 was imposed to ensure this requirement was achieved.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

There are no provisions of TPS2 relevant to this reconsideration.

State Administrative Tribunal Act 2004

Section 31 of the State Administrative Tribunal Act 2004 provides the Tribunal with the power to invite the decision maker to review its decision. This report has been prepared as a response to the SAT inviting the SWJDAP to review its decision for the granting of Planning Approval for the additions and alterations to the Baldivis District Shopping Centre.

Comments

Discussion

The City is not the respondent to this SAT Appeal, as the determining authority for this application is the SWJDAP. The City was, however, invited to attend the proceedings to provide technical responses on the basis that City Officers assessed the application as part of the Responsible Authority Report.

Three mediation sessions were held as part of the SAT proceedings on 24 September, 17th October, and 31 October 2013, which the City was invited to participate in. The City attended the first two mediation sessions, but did not attend the third mediation as it understood the last mediation session was to be vacated.

Immediately prior to the third mediation session on 30 October 2013, the applicant and respondent reached an agreement on the conditions being considered.

The respondent was represented by the following parties:

- Presiding Member of the SWJDAP;
- Representative from the State Solicitor’s Office;
- Representation from the Department of Planning; and
- City Officers.

Given the mediation outcomes the SAT invited the SWJDAP to reconsider its decision, pursuant to section 31 of the State Administrative Tribunal Act 2004.

The following sets out the negotiated outcomes of the mediation.

Condition 1

The City confirmed in writing that this condition had been satisfied. Consequentially this condition was removed from the mediation items for discussion.

The City is satisfied with the outcomes of the SAT mediation and consequentially recommends no changes to Condition 1.

Condition 2

Condition 2 required the deletion of parking proposed on the northern side of the development, as shown in Figure 3. The car parking in this location was not supported by the SWJDAP based upon the following concerns raised by the City:

- Approval of staff car parking in this location has the potential to restrict the future development of the land along the future Mennock Approach, and it may impact on the actual construction of the road, especially given that the alignment is yet to be accurately determined.
- The proposed staff car parking would result in a conflict between heavy and light vehicles which result in safety issues for the light vehicles.
- The isolated nature of the loading dock areas is not considered to provide for a safe environment for people to be accessing their cars, whether they are staff or patrons and is therefore contrary to the principles of Crime Prevention through Environmental Design (CPTED).

Since the July 2013 Planning Approval, Stockland has acquired the land to the north of the subject site. During the mediation it was indicated that Stockland is investigating the realignment of Mennock Approach to a location further north than shown in the Baldivis Town Centre Integrated Development Guide Plan (IDGP). This would require formal modification of the IDGP, including assessment of the impacts of such a change on the overall form and functioning of the plan.

During the mediation it was agreed that the parking deleted by Condition 2 could be accepted until such a time as Mennock Approach is constructed.

On review of the mediation outcomes, further agreement was reached on the deletion of the legal agreement requirements relating to Mennock Approach. In this regard the following revised condition is recommended by the City:

“2. The 31 staff car parking spaces located on the northern side of the development are only permitted to remain and be used for parking until Mennock Approach is constructed. Once Mennock Approach is constructed, the staff car parking spaces must cease to be used for any parking.”

**Condition 9**

The subject site is burdened by easements to provide for car parking and access for the adjacent Lots 7 and 8 Settlers Avenue. The current easements will need to be amended to reflect the newly approved car park layout. Condition 9 was imposed to update the easement to ensure it reflected the approved carpark layout.

It was agreed through the mediation to apply the following modified condition:

“9. The car parking and access easement documentation in favour of Lots 7 & 8 Mennock Approach is to be updated to reflect the revised car parking layout. The easement documentation is to reflect no less than the number of car bays currently provided.”

The City is satisfied with the proposed mediated condition outlined above.

**Condition 11**

Condition 11 required the construction of a service vehicle access from Nairn Drive to the loading docks in the vicinity of the Mennock Approach Road Reserve as the use of the existing local road network by heavy vehicles was considered to be unacceptable by the City.

Stockland has recently acquired the land to the north of the subject site. During the mediation, Stockland advised that it would be prepared to construct that portion of Mennock Approach between Nairn Drive and Settlers Avenue instead of providing the service vehicle road. This proposal was considered to be acceptable to both parties during mediation, with a proposed new Condition 11:

“11. Mennock Approach is to be constructed between Nairn Drive and Settlers Avenue in accordance with engineering drawings and specifications submitted for approval of the City of Rockingham. The land required to construct Mennock Approach between Nairn Drive and Settlers Avenue is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to prior to applying for an Occupancy Permit.”

The City is satisfied with the proposed mediated condition outlined above.

**Condition 12**

Condition 12 required the Proponent to enter into a legal agreement for the future construction of that portion of Mennock Approach on the subject site. At the time the original application was determined, the future Mennock Approach road reserve was held in two separate land ownerships. The City considered that it was impractical to require the applicant to construct half a road. Consequently Condition 12 aimed to ensure the road was constructed in the future.
Condition 12 was agreed, through mediation, to be incorporated into an amended Condition 2 which is outlined above.

It is now proposed that Condition 12 be deleted, as the legal agreement has been identified as not being a preferred means for achieving the intent of this condition. Given that Stockland now owns the land to the north of the subject site, the City can achieve the provision of Mennock Approach through other means, outside of the terms of this approval.

**Condition 19**

Condition 19 restricted the hours of access for services vehicles and the operation of forklifts to be consistent with the *Environmental Protection (Noise) Regulations 1997* (EP Regulations). These hours have been applied by the City to shopping centres throughout the City to ensure the amenity of the locality is maintained, particularly for future residents in the town centre.

Through the mediation an Acoustic Report was prepared on behalf of the applicant and it was identified that the Stage 1 (already built) component of the shopping centre was operating under slightly different hours for access of service vehicles. It was agreed, through the mediation, that a Noise Management Plan could be prepared to provide a site specific response to the noise impacts and to address both existing and proposed components of the development. A new Condition 19 was agreed to as part of the mediation.

On review of the agreed condition it was determined that a slight rewording was required to give greater clarity and certainty to what was required by this condition. Thus, the City proposes the following amended Condition 19:

“19. A Noise Management Plan must be prepared for the operation of all service vehicles and forklifts in association with the Baldivis Shopping Centre. The Noise Management Plan is to demonstrate that all vehicles can operate and are to be operated in accordance with the *Environmental Protection (Noise) Regulations 1997*. The Noise Management Plan shall be submitted to and approved by the City of Rockingham prior to any application for an Occupancy Permit being lodged.

Service deliveries and the operation of forklifts must only be carried out or undertaken in accordance with the approved Noise Management Plan, for the duration of the development.”

**Condition 22**

As a result of the mediation, there was no change to Condition 22, which required no screening of the ground floor entries and windows of the buildings fronting Settlers Avenue.

A new advice note was agreed through mediation, to be added which reads:

“xiii. All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.”

**Advice Note (ii)**

Advice Note (ii) provided the rationale for Condition 2. There was no clear resolution on this as part of the mediation. The City recommends it be reworded to reflect the amended Condition 2:

“(ii) In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.”

**Condition 28**

During the second SAT Mediation on 17 October 2013, the City advised Stockland that it seeks the transfer of land at the intersection of Settlers Avenue and Safety Bay Road for road widening in response to the findings of the Microsimulation. The Microsimulation showed road widening for future intersection works. The land area required for road widening is approximately 43m², in accordance with Figure 5 below.
5. Boundary Realignment Safety Bay Road/Settlers Avenue

6. 2013 Planning Approval (existing boundary alignment)
The following condition is based on the discussions that occurred during the SAT mediation relating to Condition 1, which is the subject of the SAT appeal.

"28. The portion of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to prior to applying for an occupancy permit."

**Conclusion**

Following the three mediation sessions as part of the SAT proceedings, the disputed conditions of Planning Approval were settled, with the following modifications to the conditions agreed to by both the applicant and the respondent:

- Condition 2 modified to allow the parking for a time limited period.
- Condition 9 is amended to require the existing easement be amended to reflect the new car park layout.
- Condition 11 is amended to reflect the construction of Mennock Approach instead of a service vehicle access.
- Condition 12 is deleted.
- Condition 19 is amended to require a Noise Management Plan and operation of service vehicles and forklifts to be in accordance with such.
- No change to Condition 22.
- Updating of Advice Note (ii) to reflect the amended Condition 2.
- A new Advice Note to reflect proposed condition 22A.

Road widening was agreed to ‘in principle’ by Stockland and this is reflected in Condition 28.

<table>
<thead>
<tr>
<th>Voting Requirements</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Officer Recommendation</th>
</tr>
</thead>
</table>

That Council **ADOPT** the Responsible Authority Report for the reconsideration of the DAP Planning Approval for Additions and Alterations to Baldivis District Shopping Centre, over Lots 1 and 9084 Safety Bay Road, Baldivis, which recommends that the Metro South West Joint Development Assessment Panel reconsider its decision dated 8 March 2013, to approve the application, subject to the following amended conditions:

**Amended Conditions:**

2. The 31 staff car parking spaces located on the northern side of the development are only permitted to remain and be used for parking until Mennock Approach is constructed. Once Mennock Approach is constructed, the staff car parking spaces must cease to be used for any parking.

9. The car parking and access easement documentation in favour of Lots 7 and 8 Mennock Approach is to be updated to reflect the revised car parking layout. The easement documentation is to reflect no less than the number of car bays currently provided.

11. Mennock Approach is to be constructed between Nairn Drive and Settlers Avenue in accordance with engineering drawings and specifications submitted for approval of the City of Rockingham. The land required to construct Mennock Approach between Nairn Drive and Settlers Avenue is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to prior to applying for an Occupancy Permit.

12. Deleted.
19. A Noise Management Plan must be prepared for the operation of all service vehicles and forklifts in association with the Baldivis Shopping Centre. The Noise Management Plan is to demonstrate that all vehicles can operate and are to be operated in accordance with the Environmental Protection (Noise) Regulations 1997. The Noise Management Plan shall be submitted to and approved by the City of Rockingham prior to any application for an Occupancy Permit being lodged.

Service deliveries and the operation of forklifts must only be carried out or undertaken in accordance with the approved Noise Management Plan, for the duration of the development.

28. The 43m² of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to or prior to applying for an occupancy permit.

Advice Notes:

(ii) In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.

(xiii) All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.

Committee Recommendation

That Council ADOPT the Responsible Authority Report for the reconsideration of the DAP Planning Approval for Additions and Alterations to Baldivis District Shopping Centre, over Lots 1 and 9084 Safety Bay Road, Baldivis, which recommends that the Metro South West Joint Development Assessment Panel reconsider its decision dated 8 March 2013, to approve the application, subject to the following amended conditions:

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28. The 43m$^2$ of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to prior to applying for an occupancy permit.

Advice Notes:

(ii) In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.

(xiii) All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.

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-007/13</th>
<th>Proposed Revised Design - Four Storey Mixed-Use Development (former Waikiki Hotel Site)</th>
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<tr>
<td>File No:</td>
<td>DD020.2012.00000024.3 (D13/117059)</td>
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</tr>
<tr>
<td>Proponent/s:</td>
<td>TPG Planning and Design</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr John-Paul MacDonagh, Planning Officer</td>
<td></td>
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<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<td>Date of Committee Meeting:</td>
<td>18 November 2013</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 100 (No.434) Safety Bay Road, Safety Bay</td>
<td></td>
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<td>Lot Area:</td>
<td>1.313ha</td>
<td></td>
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<td>Attachments:</td>
<td>Responsible Authority Report</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
<td></td>
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<td></td>
<td>2. Location of the development site (Stage 2) within the Staging Plan</td>
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<td>3. Basement Plan</td>
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<td>4. Ground Floor Commercial and Short Stay Accommodation Plan</td>
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<td>5. Ground Floor Landscaped Deck Plan</td>
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<td>6. First Floor Plan</td>
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<td>7. Second Floor Plan</td>
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<td>8. Third Floor Plan</td>
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<td>9. North East and North West Elevations (Malibu Road)</td>
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<td>10. South West and South East Elevations</td>
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<td>11. Zoning Map</td>
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<td>12. Aerial Map</td>
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<td>13. Ground Floor Plan showing access</td>
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<td></td>
<td>14. Access Easement</td>
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1. Location Plan

**Purpose of Report**

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for amendment of a Development Assessment Panel (DAP) determination in relation to a number of variations proposed to a four storey Mixed Use and Short Stay accommodation development. The proposed development is on the former Waikiki Hotel site at Lot 100 (No.434) Safety Bay Road, Safety Bay.

**Background**

In May 2012, the SWJDAP conditionally approved an application for a four storey Mixed Use development comprising:
- 38 one and two bedroom Multiple Dwellings;
- 12 Short Stay accommodation units,
- 4 Shop/Office tenancies;
- Restaurant;
- 85 basement car parking spaces;
- 54 at grade car parking spaces;
- 8 on-street bays on the Malibu Rd verge;
- 49 bicycle parking spaces; and
- The retention of the existing commercial building on 432 Safety Bay Road.

In August 2012 the Western Australian Planning Commission (WAPC) granted conditional approval for a Survey Strata subdivision creating 36 lots over the eastern and southern portions of the subject site.

An application for ‘Green Title’ subdivision was also approved by the WAPC, which created two ‘Green title’ freehold lots that includes the 36 survey strata lots on one lot and the balance title lot being Lot 100, with an area of 1.3 hectares.
Details

The Proponent seeks an amended Planning Approval for a revised Mixed Use and Short-Stay Accommodation development comprising:

- 38 Multiple Dwellings (two bedroom);
- 14 Short Stay Accommodation units which may be approved for permanent ‘Residential’ use;
- 2 ground floor Commercial tenancies suitable for use as a Shop/Office;
- 3 ground floor Commercial tenancies suitable for use as a Shop/Office/Restaurant;
- 93 basement car parking spaces;
- 9 on-street carparking spaces along Malibu Road;
- 13 ground floor carparking spaces near the landscaped ‘pool deck’;
- The retention of the existing commercial building on the site; and
- An upgrade to the existing car park with a total of 51 ground floor car parking spaces proposed.

On 4 November 2013, the applicant advised the City that it was seeking a further change to the application as follows:

- 2 ground floor Commercial tenancies suitable for use as a Shop/Office;
- Commercial tenancies 1, 2 and 3 to be approved as a Shop/Office/Restaurant;
- Commercial tenancies 4 and 5 to be approved as an Office/Shop.

The applicant’s rational for the request is as follows:

- Commercial tenancy 1 has a side door with direct access to the service area including commercial bin store;
- Commercial tenancy 2 and 3 are close to the commercial bin store, where a Waste Management Plan would set out the management and access arrangements for waste disposal. If these tenancies were used for a restaurant, waste would be collected from the street frontage and taken to the commercial bin store after hours.

Description of Proposed Modifications

1. Storage and Services (Basement Level) - A revised parking layout is proposed with 38 enclosed lockable storage units and 93 car parking spaces including 2 parking bays for people with disability.

2. Short Stay Accommodation (Ground Level) - Two additional Short Stay accommodation units are proposed, which was achieved by reducing the overall width of the original 12 short stay accommodation units and the foyer. It is also requested that all Short Stay Accommodation units be approved for both short stay and/or permanent residential use.

3. Waste Storage Area (Ground Level) - The proposed development represents stage 2 of the overall development of the Waikiki Hotel site. Waste Collection is internalised and accessed via an access easement. The store room has been modified for easier collection of waste via openings out onto the access easement.

4. Revised Pool Area (Ground Level) - The landscaped deck or ‘pool area’ is modified to accommodate an additional 13 car parking bays, which replace excess landscaping. A carport is proposed to cover these 13 bays.

5. Revised Level 1 Floor Plan - all units now have 2 bedrooms, enclosed air conditioning and hot water units screened from view, minor awning and roof line changes.

6. Revised Level 2 Floor Plan - all units now have 2 bedrooms, enclosed air conditioning, and hot water units screened from view.

7. Revised Level 3 Floor Plan - all units now have 2 bedrooms, enclosed air conditioning and hot water units screened from view.
8. Roof Plan and Elevations - the awning to the building entrance is not proposed on the roof plan and has been relocated to Level 1. Minor modifications to render and glazing due to some internal modifications to internal apartment layouts and building facade improvements.

The development area is shown on Figure 12. The applicant intends to further subdivide the land to separate the development the subject of the report. Currently, the existing shops to the south-west of the development site are on the same property as the proposed development.
2. Location of the development site (Stage 2) within the draft Staging Plan
3. Basement Plan (Areas in Red Denote Design Changes)
4. Ground Floor Commercial and Short-Stay Accommodation Plan  
(Areas in Red Denote Design Changes)
5. Ground Floor Landscaped Pool Deck
(Areas in Red Denote Design Changes)
6. First Floor Plan (Areas in Red Denote Design Changes)
7. Second Floor Plan (Areas in Red Denote Design Changes)
8. Third Floor Plan (Areas in Red Denote Design Changes)
9. North East and North West Elevations (Malibu Road)
(Areas in Red Denote Design Changes)
10. South West and South East Elevations (Areas in Red Denote Design Changes)
Implications to Consider

a. Consultation with the Community

Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation sets out that where an application for planning approval to use or carry out development involves a ‘D’ use, or for any other development, the Council may give notice of the application in accordance with clause 6.3.3.

Consultation with the community was previously undertaken as part of the May 2012 Planning Approval for the four storey Mixed Use development. This Planning Approval was for a similar development but the ground floor commercial tenancies were approved as Shop/Office with only one tenancy approved as a restaurant (café).

The City does not consider that public consultation is required because the site is zoned Commercial and the development and land uses proposed are similar to the May 2012 Planning Approval.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration 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

The proposal complies with the R-Code requirements that relate to Mixed Use development on un-coded land (where a default code of R-AC3 applies), except for visual privacy. The R-Codes provide guidelines on built form for Mixed Use development with consideration of building size, building height, street setback and side setbacks. TPS2 does not allocate a density code to the Commercial zone and in this respect the R-Codes provide that residential elements of Mixed Use development within non-R-Coded land is to be assessed against the R-AC3 provisions.

The balconies of Units 11, 24, and 36 are located within 7.5m of the lot boundary and could overlook adjacent strata lots. It is recommended that a condition of Planning Approval includes a requirement to screen these balconies to protect the visual privacy of neighbours.

Planning Policy 6.3, Local Commercial Strategy (LCS)

The subject site forms part of the larger “Waikiki Hotel Site” centre in the City’s Local Commercial Strategy which includes the existing BP Service Station at 430 Safety Bay Road. The LCS allocates a maximum retail floorspace of 1,495m² NLA to the centre. The proposed development complies with the maximum permitted shop/retail floorspace.

Planning Procedure 1.16 – Carparking and Access Considerations for People with Disability

The proposed development complies with the accessible carparking requirements of Planning Procedure 1.16 – Carparking and Access Considerations for People with Disability. It is recommended the applicant provide direction signs to the accessible carparking bays as the route to the parking spaces for people with disability is not readily apparent from the vehicular entrance to the car park. The direction signs should comprise the international symbol for access and an arrow, to be placed at the entrance and at each change in direction to direct traffic to the spaces.
Planning Policy 3.3.14, Bicycle Parking and End of Trip Facilities

The purpose of PP3.3.14 is to ensure the provision of appropriate bicycle parking and end-of-trip facilities in new development. The application proposes 49 bicycle parking spaces in a 48m² Class 2 compound in the basement level which meets the requirements for long-term (staff and residents) parking under PP3.3.13. It is secured by a door approximately 1.2m wide which does not meet the design requirement of Australian Standard AS 2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities. In this regard, a passage at least 1.5m wide and 2.25m high is required.

An end-of-trip room is provided off the bicycle parking compound; it contains a shower and basin. The end-of-trip room facilities meet the requirements of PP3.3.14.

The application also proposes 8 bicycle parking spaces located in the Malibu Road verge near the front entries to the commercial tenancies. This meets the requirements of PP3.3.14 for short-term (customers and visitors) bicycle parking.

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

TPS2 controls the permissible land uses in the Commercial zone. The proposed uses and their permissibility in the Commercial zone are as follows:

- Multiple Dwellings are not permitted (‘D’) unless the City has exercised its discretion by granting Planning Approval;
- Short Stay Accommodation (‘D’ use);
- Restaurant (‘D’ use);
- Shop is a permitted (‘P’) land use, providing the use complies with the relevant development standards and the requirements of TPS2; and
- Office (‘D’ use).

The proposal is considered to be compliant with clause 4.6.2(A) of TPS2, which requires the Council to ensure that site planning, scale, built form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

Clause 5.6.14 – Developer Contributions for Infrastructure

Clause 5.6.14 of TPS2 requires developers of residential development and subdivision to provide a financial contribution towards the development and administration of community infrastructure in the district. Upon the commencement of development, the Developer Contribution is payable to the City.

Clause 4.15.1.3 – Car parking Requirements

The proposed development was assessed for compliance with clause 4.15.1.3 of TPS2 and the R-Codes, which requires car parking spaces to be provided as per the following table:

<table>
<thead>
<tr>
<th>Proposed Land Uses</th>
<th>Bays required</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 Multiple Dwellings (2 bedrooms)</td>
<td>48</td>
</tr>
<tr>
<td>Visitor parking</td>
<td>10</td>
</tr>
<tr>
<td>Short Stay Accommodation/Multiple Dwellings (1 bedroom)</td>
<td>14</td>
</tr>
<tr>
<td>3 x Shop/Office/Restaurant tenancies (1,2 and 3)</td>
<td>24</td>
</tr>
<tr>
<td>2 x Shop/Office tenancies (4 and 5)</td>
<td>10</td>
</tr>
<tr>
<td>Existing shops – 432 Safety Bay Road</td>
<td>31</td>
</tr>
<tr>
<td><strong>Total Required</strong></td>
<td><strong>137</strong></td>
</tr>
</tbody>
</table>

Table 1 – Car Parking Requirements
The parking rate for the Shop/Office/Restaurant tenancies has been calculated based on the ‘restaurant’ use which has a higher demand for parking.

Carparking provision is as follows:

<table>
<thead>
<tr>
<th>Car Parking Provision</th>
<th>Bays proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basement car park</td>
<td>93</td>
</tr>
<tr>
<td>On-street parking (Malibu Rd)</td>
<td>9</td>
</tr>
<tr>
<td>Parking adjacent to the Landscaped Pool Deck</td>
<td>13</td>
</tr>
<tr>
<td>Upgrade to existing car park next to Shops – 432 Safety Bay Road</td>
<td>51</td>
</tr>
<tr>
<td><strong>Total Provided</strong></td>
<td><strong>166</strong></td>
</tr>
</tbody>
</table>

Table 2 - Car Parking Provision

Based on the above tables, a total of 137 car parking spaces are required, when including the car parking requirements for the existing shops with the proposed development. Based on the development site, a total of 106 bays are required, in comparison with 115 bays proposed. The overall development has a surplus of 9 bays. The distribution of spaces is explained below:-

(a) There are sufficient basement spaces for at least 1 car parking bay for each multiple dwelling unit. Car parking was calculated on the basis of 0.75 bays per 1 bedroom and 1 per 2 bedroom units.

(b) The commercial component of the development requires the provision of 34 car parking bays. It is expected that some staff will utilise the basement carpark, and on this basis there is considered to be sufficient car parking provided for the commercial component of the development.

(c) The nine on-street car parking spaces provide short-term parking for visitors of the commercial units, plus provides for residential visitor parking. Residential visitors are no longer proposed to have the use of the carpark in front of the commercial building at 434 Safety Bay Road, but this is likely to occur after hours.

The proposal provided 9 spaces in excess of the minimum number of on-site car parking spaces required under TPS2. Due to basement parking access being at the rear of the development site, customers and visitors to the development may find it difficult to navigate to the proposed parking areas. Signage will be needed to direct customer and visitor parking to the rear of the development. It is recommended that the applicant prepare a car parking space allocation plan to the satisfaction of the City which designates the allocation of approved parking spaces to the various approved uses. The required visitor parking spaces shall be clearly delineated as such on-site in common ownership.

Clause 5.3 – Control of Advertisements

The application does not propose any advertisements, except for a 0.5m x 3m panel stating ‘Lumia Complex’ with raised lettering. Clause 5.3.1 of TPS2 states that the Council shall examine each application for advertisements in light of the objectives of TPS2 and with particular reference to the character and amenity of the locality within which it is to be displayed.

Advertisements on the Commercial tenancies fronting onto Malibu Road will need to be controlled to ensure that an active street frontage is maintained. This may be achieved through the imposition of a condition on the prospective Planning Approval prohibiting the covering, closing, or screening of entries and window frontages to ensure that a commercial, interactive frontage is available at all times.
Comments

Site Context

The subject site is zoned Commercial under TPS2. The site forms part of the larger “former Waikiki Hotel Site” local centre, which includes the existing service station at 430 Safety Bay Road on the corner of Malibu Road and a site zoned ‘Special Commercial’ at 21 Malibu Road (currently used as a single house). There is a three-storey, 55 Multiple Dwelling development known as ‘Seaside Apartments’ on 436 Safety Bay Road, which adjoins the southeast boundary of the subject site. The remainder of the locality comprises largely single-storey single houses on lot sizes between 500m$^2$ and 1,000m$^2$.

The site context is illustrated in the following extract from the TPS2 Scheme Map.

![Zoning Map](image)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 2 DECEMBER 2013

PRESIDING MEMBER

12. Aerial Map

Short Stay Accommodation/Multiple Dwellings
The City supports the Short Stay Accommodation Units being increased from 12 to 14 units, but it does not support these units being used as Multiple Dwellings (permanent accommodation) because the units are only single bedroom units which are designed for short stay accommodation. None of the floor plans for the 14 units include kitchens, laundries, and storerooms and are not included. The City does not consider that the 14 ground floor units are self-contained.

Commercial Tenancies
The City has no objection to Tenancies 1, 2 and 3 being used for a shop/office/restaurant, and Commercial Tenancies 4 and 5 being used as a shop/office, but the proposal raised issues associated with waste management.

The May 2012 approval by the SWJDAP supported the approval of commercial tenancy No.3 as a 'Restaurant' subject to the following condition:

"The development shall be designed to incorporate a rear door to the Restaurant tenancy for access to the service corridor to facilitate direct access to the bin store."
13. Ground Floor Plan showing corridor access

While commercial tenancy No.1 has a secondary door allowing direct access to the commercial bin store, the amended plans do not include rear doors to commercial tenancies Nos. 2 or 3 which are proposed as restaurants.

The applicant objects to a rear door to the corridor for the following reasons:

1. The doors would open into the corridor which services the Short Stay Accommodation units. This raises concerns with security, privacy and maintenance. We want to avoid people with delivery trolleys or bags of rubbish moving up and down this corridor.

2. The commercial floor levels are lower than the rear corridor therefore steps within the tenancies would be required. Not only is this impractical for deliveries, but it will also take up useable and therefore sellable space."

The applicant also advised that a Waste Management Plan will be prepared which will detail how waste will be stored within the tenancies and then transported to the bin store after hours’.

It is noted that there is an approximate 1.6m height difference between the rear corridor and the commercial tenancies. It is agreed that Tenancy 1 has good direct access to the bin service area where no concerns are raised by the City.

Without service corridor access from the rear of Tenancies 2 and 3 there would be a reliance on food waste being taken through dining areas, along Malibu Road, and down the service access road to the commercial bin store (bin store). The City’s Health Services considers that it is undesirable for restaurant tenancies not to have rear service access, given that waste may need to be taken to the bin store while the tenancy is operating.

It is considered appropriate to impose a condition consistent with the May 2012 approval stipulating that commercial tenancies 2 and 3 must include a rear door for access to the service corridor to facilitate direct access to the bin store.
Traffic Safety Audit
An Independent Traffic Safety Audit, Corrective Action Report of the proposed vehicle access point onto Malibu Road relative to the existing crossover to the adjoining shops must be undertaken to determine how the access point can be designed to operate in a safe manner and whether any turning pockets are required on Malibu Road, and the development designed to incorporate the recommendations of the Safety Audit, prior to applying for a Building Permit.

Built Form
The building height, street setback and side setbacks are unchanged from the May 2012 Planning Approval for the development.

Waste Disposal
The subject site has an access easement register on the title of Lot 100, which straddles the development site to service the proposed bin store. The collection of all waste bins by the City will occur from within the development and not from Malibu Road. Waste will also be collected by the City's Refuse Vehicles travelling in a one way direction through the Stage 1 development of 26 survey strata lots, via the access easement, which will travel past the north-west side of the proposed building permitting the service vehicle to exit in forward gear onto Malibu Road via an electronic operated secure roller door.

14. Access Easement

Awning Design
The cantilevered awning above the commercial tenancies does not include an awning valance and has insufficient height above ground level to incorporate under-awning advertisements. In this regard, a clearance of 2.7m is required under the City of Rockingham Street Verandahs Local 2000. The potential for integration of signage within the awning at the pedestrian level could be considered.

It is recommended that a clearance of 3.2m from the footpath to the awning is provided to facilitate the future installation of under-awning advertisements. Given the additional height, an awning valance should be considered.
Approval of the various encroachments proposed over Malibu Road is required under the Local Government (Miscellaneous Provisions) Act 1960, and will need to comply with the City of Rockingham Street Verandah Local Law 2000. The applicant should be reminded of this as a footnote to any approval.

Conclusion
The revised mixed-use development is generally compliant with TPS2 and Policy requirements. It is recommended that Council adopt the Responsible Authority Report, which seeks to approve the DAP application.

Voting Requirements
Simple Majority

Officer Recommendation
That Council ADOPT the Responsible Authority Report for the proposed Four Storey Mixed-use development (14 Short Stay Accommodation/Multiple Dwellings, 38 Multiple Dwellings and Three Commercial Tenancies - Shops/Offices/Restaurants, Two Commercial Tenancies – Shop/Office) at Lot 100 (No.434) Safety Bay Road Safety Bay, which recommends that the Metropolitan South West Joint Development Assessment Panel approve the application seeking Planning Approval, subject to the following conditions and advice notes:

Conditions
1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. A separate planning approval must be obtained from the City of Rockingham for the occupancy of any Commercial tenancy, prior to the occupation of the Commercial tenancy.
3. The 14 Short Stay Accommodation Units must only be used for Short Stay Accommodation and not as Multiple Dwellings (permanent accommodation).
4. A car parking space allocation plan being provided to the satisfaction of the City of Rockingham, prior to applying for a Building Permit, which designates the allocation of the approved parking spaces to the various approved uses. Such plan shall apply for the duration of the development. The required residential visitor parking spaces shall be clearly delineated as such on-site in common ownership and available for use by bona-fide visitors of the occupants of the dwellings the subject of this approval for the duration of the development. All commercial car parking bays must also be delineated as such on-site and be available for customer and staff parking during all operating hours of the commercial tenancies.
5. 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 the commencement of development.
6. Earthworks shall be stabilised to prevent sand blowing and dust nuisance, for the duration of development works.
7. A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to applying for a Building Permit. Works on the approved Landscaping Plan must be undertaken prior to occupation and be maintained at all times.
8. The carpark 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) include two car parking space(s) dedicated to people with disabilities and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Car parking for people with disabilities;
(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and

(iv) have lighting installed in the basement, prior to applying for an occupancy permit.

9. Nine on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior to applying for a Building Permit, and constructed prior to applying for an occupancy permit.

10. Forty-nine long term bicycle parking spaces and 8 short term bicycle parking spaces must be designed in accordance with AS 2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit. The bicycle parking facilities and end of trip facilities must be constructed prior to applying for an occupancy permit, and be maintained for the duration of the development.

11. Disused crossovers shall be removed and the verge, footpath, kerbing and landscaping must be reinstated, prior to occupation of the development.

12. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Malibu Road and Safety Bay Road.

13. Entries and window frontages of all Commercial tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Malibu Road, at all times.

14. Street verandahs shall be provided to Malibu Road across the full width of the proposed building at a minimum 2.5m wide and minimum clearance of 3.2m above the footpath, with lighting being provided under the street verandah.

15. All Multiple Dwellings are approved for both permanent and Short Stay accommodation.

16. The balconies of Units 11, 24 and 36 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of adjacent survey strata lots (WAPC Ref: 66-12) within 7.5m of the balconies, prior to applying for a Building Permit.

17. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.

18. A Waste Management Plan shall 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.

19. An Independent Safety Audit, Corrective Action Report of the proposed vehicle access point onto Malibu Road relative to the existing crossover to the adjoining shops shall be undertaken to determine how the access point can be designed to operate in a safe manner and whether any turning pockets are required on Malibu Road, and the development designed to incorporate the recommendations of the Safety Audit, prior to applying for a Building Permit.

20. An Acoustic Report must be prepared:

a) prior to applying for a Building Permit, demonstrating how all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997. Development must only be carried out in accordance with the Acoustic Report approved by the City of Rockingham’s Health Services; and
b) prior to applying for an occupancy permit, demonstrating how the completed
development complies with the *Environmental Protection (Noise) Regulations 1997*. In
the event that remediation works are required, such works must be implemented and
maintained for the duration of the development.

21. All service areas and service related hardware, including antennae, satellite dishes and air
conditioning units, being suitably located away from public view 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.

22. The development must be designed to incorporate a rear service door access for commercial
tenancies No’s 2 and 3 to access the service corridor, to facilitate direct access to the bin
store.

23. This Approval supersedes the previous Approval dated 3 May 2012.

**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 applicant is reminded of the need to obtain approval for the encroachments over the
street under the *Local Government (Miscellaneous Provisions) Act 1960*; contact the City’s
Building Services for more information. The applicant and owner should liaise with the City of
Rockingham’s Building Services in this regard.

3. A Sign Permit under the *City of Rockingham Signs, Hoardings and Bill Posting By-law* 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 Condition No.7, the applicant should liaise with the City of Rockingham’s
Parks Services to confirm requirements for the upgrading of the street setback area and
provision of on-street parking along Malibu Road.

5. The applicant is reminded of the need to obtain approval from the Executive Director of Public
Health at the Department of Health prior to the installation of the pools and spa; contact the
City of Rockingham’s Health Services for more information.

6. The applicant is advised that exhaust facilities associated with any future proposed restaurant
must be provided in accordance with Australian Standard AS1668.2 – 2002. The use of
ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air
containment control (excluding requirements for the health aspects of tobacco smoke
exposure) and be fitted with “state of the art” filtration and odour suppression devices.

7. A separate approved from the City of Rockingham’s Health Services is required under the
Food Act 2008 and Food Safety Standards, should any food premises be proposed to occupy
the commercial tenancies. The applicant should liaise with the City’s Health Services in this
regard.

8. In relation to Condition 6, the bicycle parking shall be designed with the following:
   - The doorway to the basement bicycle compound shall have a minimum width of 1.5m;
   - Bicycle parking spaces in the Malibu Road verge shall be setback at least 0.6m from
     the on-street car parking spaces.

9. The applicant is encouraged to consider the inclusion of an electrical outlet to charge and park
gophers within the carpark basement.

10. In relation to condition 20 the Final Acoustic Report must include the following information:
    - noise sources compared with the assigned noise levels as stated in the *Environmental
      Protection (Noise) Regulations 1997*, when the noise is received at the nearest ‘noise
      sensitive premises’ and surrounding residential area;
    - tonality, modulation and impulsiveness;
    - confirm the implementation of noise attenuation measures.
Committee Recommendation

That Council ADOPT the Responsible Authority Report for the proposed Four Storey Mixed-use development (14 Short Stay Accommodation/Multiple Dwellings, 38 Multiple Dwellings and Three Commercial Tenancies - Shops/Offices/Restaurants, Two Commercial Tenancies – Shop/Office) at Lot 100 (No.434) Safety Bay Road Safety Bay, which recommends that the Metropolitan South West Joint Development Assessment Panel approve the application seeking Planning Approval, subject to the following conditions and advice notes:

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21. All service areas and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view 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.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 2 DECEMBER 2013

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

22. The development must be designed to incorporate a rear service door access for commercial tenancies No's 2 and 3 to access the service corridor, to facilitate direct access to the bin store.

23. This Approval supersedes the previous Approval dated 3 May 2012.

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.

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6. The applicant is advised that exhaust facilities associated with any future proposed restaurant must be provided in accordance with Australian Standard AS1668.2 – 2002. The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with “state of the art” filtration and odour suppression devices.

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

Committee Voting – 5/0
Planning and Development Services
Statutory Planning Services

Reference No & Subject: PDS-008/13
Proposed Amendments to Planning Policy 3.3.10 – Home Occupations and Home Businesses

File No: LUP/1265-02
Proponent/s: Mr Mike Ross, Manager Statutory Planning
Author: 18 November 2013
Other Contributors: May 2008 (PD81/5/08)
Date of Committee Meeting: 18 November 2013
Previously before Council:
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter:

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments:
Maps/Diagrams:

Purpose of Report
To consider amending Planning Policy 3.3.10 – Home Occupations and Home Businesses (City Policy).

Background
The City supports the establishment of home based business through Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.10 – Home Occupations and Home Businesses (PP3.3.10). TPS2 sets out three categories of home based businesses, as follows:

Category 1. Home Office
Category 2. Home Occupation
Category 3. Home Business

The first step in the assessment of planning proposals is to determine if the land use can be included within one of these three land use categories. If the land use doesn’t comply with the land use interpretations of TPS2 below, the proposal is not assessed as a bona fide home based business. The TPS2 land use interpretations are as follows:
“Home Office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not entail clients or customers travelling to and from the dwelling, involve any advertising signs on the premises or require any external change to the appearance of the dwelling.”

‘Home Occupation’ means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(a) does not employ any person not a member of the occupier’s household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 20 square metres;
(d) does not display a sign exceeding 0.2 square metres;
(e) does not involve the retail sale, display or hire of goods of any nature;
(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
(g) does not involve the use of an essential service of greater capacity than normally required in the zone.

‘Home Business’ means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(a) does not employ more than 2 people not members of the occupier’s household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 50 square metres;
(d) does not involve the retail sale, display or hire of goods of any nature;
(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(f) does not involve the use of an essential service of greater capacity than normally required in the zone.

Home Office

When a proposal involves a Home Office, the City requests a letter from the proponent that explains the proposal. The City provides standard advice to proponents following confirmation that the activity is a Home Office in writing, as follows:-

“Under the City’s Town Planning Scheme No.2, ‘Home Offices’ are exempt from requiring Planning Approval. By interpretation within the Scheme, ‘Home Office’ means a business carried out solely within a dwelling by a resident of the dwelling but which does not entail clients or customers travelling to and from the dwelling, involve any advertising signs on the premises or require any external change to the appearance of the dwelling.

From the information provided in your submission, the activity is considered to fall under the interpretation of ‘Home Office’ and is exempt from Planning Approval, subject to the activity not occupying an area greater than 20m² and no clients visiting the property.”

Planning Approval is not required for a Home Office, pursuant to clause 6.1.2(i) of TPS2.

Home Occupation and Home Business

Any proposal for a Home Occupation or Home Business requires Planning Approval from Council, pursuant to the provisions of Part 6 of TPS2, prior to commencement of development.
All Home Occupation and Home Business applications are referred to neighbouring land owners and occupiers that could be affected by applications seeking public comments within a period of 14 days. When public submissions in objection are received applications are referred to Council for determination. If no submissions are received applications for Planning Approval are determined under delegated authority.

For the past two years 10 applications for Home Occupations and Home Businesses were determined by the Council following consideration of public submissions both for and against proposals. Of these applications, all were granted conditional Planning Approval by Council, where some submissions in objection were received as follows:-

- July 2013 (SP-039/13) Home Business Kite Boarding – 12 month approval.
- June 2013 (SP-026/13) Home Occupation Personal Training and Remedial Massage approved
- May 2013 (SP-21/13) Home Occupation Hairdressing – 12 month approval
- Feb 2013 (SP-004/13) Home Business Personal Training – 12 month approval
- August 2012 (SP-046/12) Home Occupation Music Lessons – 12 month approval
- April 2012 (SP-016/12) Home Occupation Dog Grooming approved
- February 2012 (SP-005/12) Home Occupation Dog Grooming approved
- November 2011 (SP-055/11) Home Occupation Dog Grooming approved
- September 2011 (SP-050/11) Home Occupation Cake Making approved
- June 2011 (SP-026/11) Home Business Dental Surgery approved

Council has consistently granted Planning Approvals for Home Occupation and Home Business applications, and applied conditions of Planning Approval to address concerns raised by submissioners. The types of conditions applied dealt with the following matters:-

- Planning Approval being limited to a 12 month approval period to allow for a review of the proposal;
- Client arrival and departure time restrictions;
- Limits on number of clients linked to the maximum number of expected clients per day;
- Client visits being via appointment only;
- Restrictions on retail sales, with the exception of internet sales;
- Restrictions on the size of signage;
- Health requirements relating to animals;
- Health requirements relating to personal services and food premises;
- Noise restrictions; and
- Courier deliveries.

**Delegated Authority**

The Delegated Authority Register 2013/2014 for Home Occupation and Home Business applications determined pursuant to TPS2, reflects the following arrangement:-

1. Delegated Authority Register 2013-2014 enables City Officers to approve applications for Home Occupation and Home Business, but this is subject to compliance with the requirements of Planning Procedure 1.1 – Delegated Authority, and also Planning Policy 3.3.10;

2. Planning Procedure 1.1 – Delegated Authority outlines the decision-making powers that the Chief Executive Officer has delegated to nominated Officers under Section 5.44(1) of the Local Government Act 1995 and clause 8.10.2 of Town Planning Scheme No.2 (TPS2); and

3. Planning Policy 3.3.10 refers to all applications for Home Occupations and Home Business in the Special Rural Zone being referred to the Council for determination. When applications generate substantiated objections following community consultation or where such applications have been received as a result of a complaint, they will be referred to the Council for determination.
All other applications for planning approval for the operation of Home Occupations and Home Businesses which comply in all respects with the objectives and provisions of PP3.3.10 are currently determined under delegated authority, pursuant to clause 8.10 of TPS2 and Planning Procedure 1.1 – Delegated Authority.

The City considers that Planning Policy 3.3.10 has been useful in identifying planning matters that need to be addressed by applicants, but this is not a substitute for the statutory requirements that apply to Home Occupations and Home Businesses under TPS2. There are a various Policy measures that need to be clarified or expanded upon which is the subject of this report.

Details

The purpose of reviewing Planning Policy 3.3.10 is to assist the Council in the determination of applications for Home Occupations and Home Businesses, by including new provisions relating to:

- Proposals must comply with the interpretations of either a Home Occupation or Home Business under TPS2;
- More than one Home Occupation or Home Business operating from the same property;
- Client arrival and departure hours;
- Deliveries;
- Car parking;
- Noise Management; and
- Delegation.

Town Planning Scheme No.2

All Home Occupation and Home Business applications comply with the land use interpretations in TPS2. An application that fails to comply with TPS2 is refused. Only applications that comply with the interpretation of Home Occupation or Home Business are considered by the City.

The TPS2 interpretations require the Home Occupation or Home Business to be undertaken by the occupier of the dwelling. Failure to comply with this policy requirement leads the City to consider that a proposal may not be a bona fide Home Occupation or Home Business. When the statutory requirements of TPS2 are compliant an application for a Home Occupation or Home Business is assessed against the planning criteria of PP3.3.10.

Method of Operation

Home Occupation and Home Business proposals have the potential to adversely affect the amenity of a neighbourhood, due to clients arriving and departing, increased local traffic and car parking requirements. These off-site impacts could increase if there are two Home Occupations or Home Businesses operating from the same property, but PP3.3.10 is unclear on this matter.

PP3.3.10 should be amended to clarify that any applications for both a Home Occupation and Home Business operating from the same premises will be assessed on its merits based on compliance with the Policy and compliance with TPS2. Applications must demonstrate that both a Home Occupation and Home Business can satisfactorily coexist without adversely affecting the amenity of the neighbourhood and will not involve any substantial overlap of clients or employees arriving and departing.

The City requires all Home Occupations and Home Businesses to comply with the requirements of TPS2 which states that the retail display, sale or hire of goods is not permitted. PP3.3.10 should be amended to explain when the retail of goods can occur and when goods may be ordered via telephone or the internet and where goods are dispatched via post, without conflicting with the retailing restrictions that apply in TPS2.

The method of operation in PP3.3.10 should be expanded to explain that when a business grows beyond the TPS2 interpretations for Home Occupation or Home Business, it is expected that they be relocated to a more appropriate Commercial or Industrial zone.

Client arrival and Departure hours

Proposed policy amendments establish acceptable times when clients can arrive and depart premises. This was based upon retail trading hours, with the exception of clients attending on Sundays and Public Holidays, as follows:
“Clients must only arrive and depart the premises between the hours of:-

a) 9.00am and 5:00pm on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays;

b) 9:00am and 7:00pm on Thursdays; and

don not at all on Sundays and Public Holidays.”

In addition, clients should only attend via appointments with 15 minute gaps between appointments to manage client arrivals, minimise car parking conflicts and traffic impacts.

There may also be circumstances when the Council needs to apply timeframes on the operating hours for a Home Occupation or Home Business, to avoid any adverse impact on the amenity of neighbours.

Deliveries

Some Home Occupation and Home Businesses could involve regular deliveries of goods and equipment which will increase traffic arriving and departing from a dwelling. PP3.3.10 should include measures requiring applicants to explain how deliveries will be managed; taking into account the following factors:-

(a) The nature of the goods delivered;

(b) Frequency of deliveries;

(c) Type of delivery vehicle used;

(d) Delivery Hours;

(e) Likely inconvenience to existing traffic.

A limit on delivery frequency could be applied in PP3.3.10, but it is difficult to formulate one set of rules that could apply through a ‘blanket approach’ as this is a matter for assessment on a ‘case by case basis’, having due regard to PP3.3.10 and TPS2.

Car Parking

PP3.3.10 does not include any policy measures that apply to car parking arrangements. New policy measures include the requirement to provide adequate on-site car parking for clients or visitors.

When visitor car parking cannot be provided on-site, PP3.3.10 should be amended to permit the use of on-street car parking for visitors and clients, when the car parking has been constructed as part of subdivision works.

Noise Management

PP3.3.10 should be amended to explain that all Home Occupation and Home Businesses must comply with the Environmental Protection (Noise) Regulations 1997, at all times. If the City considers that the proposal could generate off-site noise impacts to neighbours, the applicant may be required to engage a consultant to prepare an Acoustic Report demonstrating how the proposal will comply with the Environmental Protection (Noise) Regulations 1997.

Conditions of planning approval may also be required to control noise emissions, for example closing windows and doors while the Home Occupation or Home Business occurs.

The use of power tools is also limited in accordance with the Environmental Protection (Noise) Regulations 1997.

Delegation

The delegation arrangements outlined in PP3.3.10 are proposed to be amended to enable the City to determine all applications for Home Occupations and Home Businesses when objections are received following community consultation, pursuant to clause 8.10 of TPS2. The exception to this arrangement would require Council determination, when the Director, Planning and Development Services considers that the Home Occupation or Home Business could generate significant concern or adversely impact on the amenity of the locality.

The proposed changes to the delegation are as follows:-

“All applications for planning approval for the operation of Home Occupations and Home Businesses which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and the Delegated Authority Register.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 2 DECEMBER 2013

PRESIDING MEMBER
All applications for planning approval for the operation of Home Occupations and Home Businesses which generate objections following community consultation or where such applications have been received as a result of a complaint will be determined on the following basis:-

(a) A submission in objection to an application that does not include valid planning considerations associated with a proposal; and where the objection can be resolved through condition(s) of planning approval in the opinion of the Director Planning and Development, will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and the Delegated Authority Register.

(b) If in the opinion of the Director, Planning and Development Services an application for the operation of a Home Occupation or Home Business generates significant concern or could impact on the amenity of the locality in the opinion of the Director, Planning and Development Services, the application will be referred to the Council for determination.”

Subject to Council granting final adoption to the proposed changes to PP3.3.10, it is proposed to revoke Planning Procedure 1.1 – Delegated Authority, and amend Delegated Authority Register 2013-2014 accordingly.

<table>
<thead>
<tr>
<th>Implications to Consider</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Consultation with the Community</strong></td>
</tr>
<tr>
<td>Under TPS2, if the Council resolves to amend a Planning Policy, it is to publish a notice of the amended Planning Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of:-</td>
</tr>
<tr>
<td>(i) where the amended Planning Policy may be inspected;</td>
</tr>
<tr>
<td>(ii) the subject and nature of the amended Planning Policy; and</td>
</tr>
<tr>
<td>(iii) in what form and during what period, being not less than 21 days from the day the notice is published when submissions may be made.</td>
</tr>
<tr>
<td>The Council may also decide to publish notice of the amended Planning Policy in such other manner, and carry out such other consultation as the Council considers appropriate.</td>
</tr>
<tr>
<td><strong>b. Consultation with Government Agencies</strong></td>
</tr>
<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>c. Strategic</strong></td>
</tr>
<tr>
<td>Community Plan</td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>d. Policy</strong></td>
</tr>
<tr>
<td>The revised PP3.3.10 must be advertised in accordance with clause 8.9 (Planning Policies) of TPS2. The Policy changes include operational improvements to the Policy measures and include recommended changes to delegation arrangements.</td>
</tr>
<tr>
<td><strong>e. Financial</strong></td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td><strong>f. Legal and Statutory</strong></td>
</tr>
<tr>
<td>Under the provisions of section 8.9 of Town Planning Scheme No.2, the Council may prepare, modify or revoke a Planning Policy. If the Council resolves to amend the Planning Policy the City is required to advertise the proposed changes for a period of 21 days, seeking public comment.</td>
</tr>
<tr>
<td>PP3.3.10 is not part of TPS2, and does not bind the Council in respect of any application for planning approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.</td>
</tr>
</tbody>
</table>
Comments

Council approval is sought for consent to advertise the proposed amendments to PP3.3.10, following which any public submissions will be considered before referring the matter back to Council prior to adoption.

The proposed structure of PP3.3.10 is as follows:

1. Introduction
2. Policy Application
3. Policy Objectives
4. Policy Statement
   4.1 Town Planning Scheme No.2
   4.2 Method of Operation
   4.3 Customers and Clients
   4.4 Deliveries
   4.5 Scale of Operation
   4.6 Traffic Generation
   4.7 Parking
   4.8 Advertising Signs
   4.9 Food Requirements
   4.10 Noise Management
   4.11 Consultation
5. Application Procedure
6. Authority
7. Interpretations
8. Delegation
9. Adoption
10. Revocation

Following the Council’s consideration of any public submissions on the proposed changes to PP3.3.10, subsequent changes will be required to revoke Planning Procedure 1.1 – Delegated Authority, and amend the Delegated Authority Register 2013-2014 to include the proposed changes to delegation arrangements identified in revised PP3.3.10.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the revised (modifications in bold) Planning Policy 3.3.10 Home Occupations and Home Businesses, for the purpose of public advertising.

Committee Recommendation

That Council ADOPT the revised (modifications in bold) Planning Policy 3.3.10 Home Occupations and Home Businesses, for the purpose of public advertising, as follows:-
PLANNING POLICY 3.3.10
HOME OCCUPATIONS AND HOME BUSINESSES

1. Introduction

The City of Rockingham Town Planning Scheme No.2 provides for a small business to be carried out from a ‘dwelling’; provided that it does not adversely affect the ‘amenity’ of the locality. Such businesses are referred to as Home Occupations, Home Businesses and Home Offices. Town Planning Scheme No.2 defines these uses as follows:-

‘Home Occupation’ means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(a) does not employ any person not a member of the occupier's household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 20 square metres;
(d) does not display a sign exceeding 0.2 square metres;
(e) does not involve the retail sale, display or hire of goods of any nature;
(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
(g) does not involve the use of an essential service of greater capacity than normally required in the zone.

‘Home Business’ means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(a) does not employ more than 2 people not members of the occupier’s household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 50 square metres;
(d) does not involve the retail sale, display or hire of goods of any nature;
(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(f) does not involve the use of an essential service of greater capacity than normally required in the zone.

‘Home Office’ means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not entail clients or customers travelling to and from the dwelling, involve any advertising signs on the premises or require any external change to the appearance of the dwelling.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the ‘Council’ shall have due regard to in the assessment and determination of applications for planning approval for Home Occupations and Home Businesses.

Note: The planning approval of the Council is not required for a Home Office. Refer to clause 6.1.2(i) of Town Planning Scheme No.2.

In this regard, no person shall commence or carry out a Home Occupation or Home Business without first having applied for and obtained the planning approval of the Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2.

2. Policy Application

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Home Occupation use in Town Planning Scheme No.2 can be summarised as follows:-
The use is not permitted in the Residential, Development\(^1\), City Centre, Waterfront Village, Baldivis Town Centre, Rural, Special Rural and Special Residential zones unless the Council has exercised its discretion by granting planning approval;

(b) The use is not permitted in all other zones.

The permissibility of the Home Business use in Town Planning Scheme No.2 can be summarised as follows:-

(a) The use is not permitted in the Residential, Development\(^1\), City Centre, Waterfront Village and Baldivis Town Centre zones unless the Council has exercised its discretion by granting planning approval;

(b) The use is not permitted in the Special Rural Zone unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 6.3.3 of the Scheme;

(c) The use is not permitted in all other zones.

Town Planning Scheme No.2 requires that in assessing applications for planning approval, the Council shall take into account the objectives of the particular zone and any Policy pertaining to that zone and this Planning Policy.

The Scheme also requires the Council to consider specific issues including the method and location of the operation, the potential for nuisance to the surrounding neighbourhood, impacts on neighbours, hours of operation, traffic generation, carparking requirements and the location of any associated storage areas.

3. Policy Objectives

The objectives of this Planning Policy are as follows:-

(a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to operate a Home Occupation or a Home Business from a dwelling;

(b) To secure the amenity, health and convenience of the neighbourhood through appropriate development requirements; and

1. In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, landuses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2.

(c) To provide for economic growth and employment opportunities by facilitating the development of home based businesses.

4. Policy Statement

Applications for a Home Occupation and Home Business shall be assessed according to the following requirements.

4.1 Town Planning Scheme No.2

The Council shall only permit the operation of either a Home Occupation or Home Business that complies with Town Planning Scheme No.2 and the objectives and requirements of this Policy.

4.2 Method of Operation

The Council shall only permit the operation of a Home Occupation or Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation will not cause injury to or adversely affect the amenity of the neighbourhood. The operation of more than one Home Occupation or Home Business or a combination of both a Home Occupation and Home Business will be carefully considered by the Council based upon the applicant demonstrating compliance with TPS2 and objectives of this policy.

In this regard, a Home Occupation or Home Business that involves the retail sale, display or hire of goods of any nature will not be permitted.

Furthermore, a Home Occupation that includes provision for the fuelling, repair or maintenance of motor vehicles will not be permitted.
A proposed business operation that involves the use of the dwelling solely for administration purposes (ie. bookwork, telephone etc) would be deemed a Home Office that does not require planning approval.

A mobile business that conducts all activities at the client's address and where the dwelling is used solely for administration purposes would be deemed a Home Office that does not require planning approval. If maintenance of equipment associated with the mobile business is to be conducted within a dwelling or within the boundaries of a lot, the planning approval of the Council would be required.

The retail display, sale or hire of goods is not permitted on-site directly to customers, unless the retail of goods are ordered by customers via telephone or internet sales that are dispatched via post.

When a business grows beyond the scale of the Home Occupation or Home Business approved by the Council, it is expected that operators will relocate their business to a business premises that is compliant with TPS2 requirements.

4.3 Customers and Clients

The Council shall only permit a Home Occupation and Home Business operating where it is satisfied that customers and clients only arrive and depart the premises between the hours of:-

(a) 9:00am and 5:00pm on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays;

(b) 9:00am and 7:00pm on Thursdays; and

not at all on Sundays and Public Holidays.

When determining an application, the Council may limit the number of hours and/or days of clients visiting the premises or operation of a Home Occupation and Home Business, where it is necessary to protect the amenity of the surrounding area.

All customer and client visits must be made with 15 minute appointment intervals, unless the Council is satisfied that there is adequate on-site carparking and the Home Occupation or Home Business is unlikely to affect the amenity of the neighbourhood.

4.4 Deliveries

Regular deliveries of goods and equipment including deliveries carried out at daily intervals are generally not considered appropriate. Proposals involving deliveries will only be considered by the Council taking into account of the following factors:

(a) The nature of the goods delivered;

(b) Frequency of deliveries;

(c) Type of delivery vehicle used;

(d) Delivery Hours;

(e) Likely inconvenience to existing traffic.

4.5 Scale of Operation

(a) Home Occupation

The Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that the operation:-

- does not employ any person not a member of the occupier’s household;

- does not occupy an area greater than 20m²; and

- does not involve the use of an essential service of greater capacity than normally required in the zone.

(b) Home Business

The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation:-

- does not employ more than 2 people not members of the occupier’s household;
- does not occupy an area greater than 50m$^2$; and
- does not involve the use of an essential service of greater capacity than
  normally required in the zone.

4.6 Traffic Generation

Home Occupations and Home Businesses that generate vehicular traffic to a site have the
potential to adversely affect the amenity of the neighbourhood.

The Council will only give consideration to traffic generating Home Occupations and Home
Businesses when it can be demonstrated that visits to the site by clients can be controlled, i.e. by
appointment only.

When considering an appointment based Home Occupation or Home Business, the Council will
have due regard to the existing amenity of the neighbourhood. In this instance, the
current capacity and nature of the street will be a consideration. If the traffic generated by a
proposed Home Occupation or Home Business is likely to have an adverse impact upon
the existing nature of the street or its amenity, the Council is unlikely to approve the proposal.

A Home Occupation that involves the presence, use or calling of a vehicle more than 2 tonnes tare
weight will not be supported.

A Home Business that involves the presence, use or calling of a vehicle more than 3.5 tonnes tare
weight will not be supported.

4.7 Parking

(a) Home Occupation

The Council shall only permit the operation of a Home Occupation within a dwelling or within
the boundaries of a lot where it is satisfied that car parking is provided so as to adequately
cater for the expected number of visitors attending the site at any one time, in addition to
the bays associated with the dwelling on-site.

Where visitor car parking cannot be provided on-site, the Council may permit the use of on-
street car parking for visitors and clients, where this has already been constructed as part
of subdivision works.

(b) Home Business

The Council shall only permit the operation of a Home Business within a dwelling or within the
boundaries of a lot where it is satisfied that car parking is provided so as to adequately cater for
the expected number of visitors attending the site at any one time and any employees, in addition
to the bays associated with the dwelling on-site and does not result in traffic difficulties as a result
of the inadequacy of parking.

4.8 Advertising Signs

In accordance with the provisions of Town Planning Scheme No.2, a Home Occupation is
permitted to display a sign not exceeding 0.2m$^2$ in area (generally 0.4m x 0.5m). The Council will
apply the same 0.2m$^2$ maximum size requirement to Home Business signs.

A Home Occupation or Home Business sign shall only describe the name and type of business
being carried out on the land and the contact name(s) and telephone numbers.

No more than one sign per lot shall be permitted and the sign shall be erected on the land on
which the Home Occupation or Home Business is being carried out.

Pursuant to the provisions of Town Planning Scheme No.2 and the Council’s Signs, Hoardings and
Bill Posting Local-Law, a proposed advertising sign which does not exceed 0.2m$^2$ in area is exempt
from the requirement to obtain a Planning Approval and a Sign Licence.

4.9 Food Requirements

The use of a dwelling for commercial food preparation is limited by the provisions of the Health
(Food Hygiene) Regulations 1993. The Council’s Health Department should be consulted in this
regard.
4.10 Noise Management

A Home Occupation and Home Business must comply with the Environmental Protection (Noise) Regulations 1997 at all time. If a proposal is likely to generate off-site noise impacts to neighbours, the applicant may be required by the City to implement noise management measures or engage a consultant to prepare Noise Management Plan, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, and noise management measures recommended are to be implemented for the duration of the Home Occupation or Home Business.

4.11 Consultation

All applications for planning approval for the operation of Home Businesses in the Special Rural zone will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.

Unless otherwise determined by the Manager, Statutory Planning, all other applications for planning approval for the operation of Home Occupations and Home Businesses will be the subject of a process of community consultation in accordance with clause 6.3.3 of the Scheme and Planning Procedure No.1.3 - Community Consultation.

5. Application Procedure

Applications for planning approval for the operation of Home Occupations and Home Businesses shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

(a) A written submission describing the proposal, which should include the following information and confirmation that the requirements of this Planning Policy can be achieved:-

(i) Confirmation that the Home Occupation or Home Business is to be conducted by an occupier of the dwelling;

(ii) The number of persons to be employed in the Home Occupation/Home Business and their relationship to the applicant;

(iii) Hours of operation;

(iv) Method of operation, including any equipment used for the Home Occupation/Home Business;

(v) Details of the storage of goods or equipment (if appropriate);

(vi) Details on whether clientele will be attending the residence and if so, the manner in which appointments will be managed and likely frequency of visits.

(b) Such plans (to a scale of not less than 1:500) and other information that the Council may reasonably require to enable the application to be determined (Refer to clause 6.2.2 of Town Planning Scheme No.2). Plans to include:-

(i) The room/s within which the Home Occupation/Home Business will be conducted;

(ii) The location and layout of car parking areas intended to be provided;

(iii) The location and dimensions of any storage area associated with the Home Occupation/Home Business.

(c) Details of any proposed signage to be erected, together with a separate application for a sign licence to the Council's Building Department.

(d) The payment of an Administration Fee as detailed in the Council's Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services.

6. Approval Period

Approvals issued by the City for Home Occupations or Home Businesses are valid for a period of two years. If the use is not substantially commenced within two years, a fresh application is required to be lodged with the City.

The City may grant approval for an initial period of twelve months, where it has concerns regarding the potential operation of the use on the residential amenity of the locality.
In such cases, the applicant will be required to seek a renewal of approval to continue to operate the Home Occupation or Home Business.

7. Post Approval Considerations

(a) Should the scale of the Home Occupation/Home Business operation increase above that initially approved, a revised application for planning approval is required to be submitted. Any further assessment will be undertaken with reference to the Scheme provisions and the contents of this Planning Policy.

(b) Should the Council receive substantiated complaints from adjoining/ nearby residents regarding a Home Occupation/Home Business, or if the Council observes that conditions of planning approval are not being complied with, the Council will:-

(i) by written notice served on the owner and/or occupier of the land, require compliance with the conditions imposed on any approval granted; and/or

(ii) prosecute the owner or occupier of the land as the case may be pursuant to section 10 of the Planning and Development Act 2005.

8. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

9. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:-

Amenity means all those factors which combine to form the character of an area and include the present and likely future amenity.

Council means the Council of the City of Rockingham.

 Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:-

(a) a single person;

(b) a single family; or

(c) no more than six persons who do not comprise a single family.

10. Delegation

All applications for planning approval for the operation of Home Businesses in the Special Rural Zone will be referred to the Council for determination.

All applications for planning approval for the operation of Home Occupations and Home Businesses which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and the Delegated Authority Register.

All applications for planning approval for the operation of Home Occupations and Home Businesses which generate objections following community consultation or where such applications have been received as a result of a complaint will be determined on the following basis:-

(a) A submission in objection to an application that does not include valid planning considerations associated with a proposal; and where the objection can be resolved through condition(s) of planning approval in the opinion of the Director Planning and Development, will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and the Delegated Authority Register.
If in the opinion of the Director, Planning and Development Services an application for the operation of a Home Occupation or Home Business generates significant concern or could impact on the amenity of the locality in the opinion of the Director, Planning and Development Services, the application will be referred to the Council for determination.

11. Adoption
This Planning Policy was adopted by the Council at its ordinary Meeting held on the 27th May 2008.

12. Revocation
This Planning Policy supersedes the Council’s Statement of Planning Policy No.4.1 - Home Occupations.

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
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-009/13 Proposed Subdivision - Lot 404 Civic Boulevard and Lot 55 Central Promenade, Rockingham City Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/227</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Ms Tamara Vreeken, Special Projects Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
</tbody>
</table>

| Site:                   | Lot 404 Civic Boulevard and Lot 55 Central Promenade, Rockingham City Centre |
| Lot Area:               | 2,504m² and 24,416m²                                                                                                          |
| LA Zoning:              | Primary Centre City Centre                                                                                                    |
| MRS Zoning:             | Central City Area                                                                                                             |

Attachments: 1. Location Plan  
2. 2006 SKM Plan  
3. Indicative Subdivision Plan (Cadastre)  
4. Indicative Subdivision Plan (Aerial)  
5. Extract of City Centre Core Precinct Concept Plan
1. Location Plan

Purpose of Report

To consider proceeding with an amalgamation and subdivision process to increase the size of Lot 404 Civic Boulevard and to create Lot 405 Chalgrove Avenue, both owned by the City.

Background

Recent discussions with potential purchasers of Lot 404 Civic Boulevard has shown that the development potential of Lot 404 could be significantly enhanced through increasing the depth of lot between Civic Boulevard and the existing public car park.

The City has previously investigated the feasibility of increasing the size of the development sites along Civic Boulevard.

In 2006, the City commissioned consulting engineers SKM to investigate options to rationalise the boundaries of both Lots 403 and 404 Civic Boulevard (ie. make them bigger). A copy of the 2006 SKM plan is attached.

During the land sale process of Lot 403 to Property Matrix in 2008 and 2009, Lot 403 was increased in area to accommodate the building, which now houses Centrelink and the Rockingham Medical Centre.

The City has recently dealt with two parties regarding the potential sale of Lot 404. Negotiations with both parties have shown that increasing the depth of Lot 404 significantly enhances the development potential of the land, without adversely affecting the use of the public car park (a win-win outcome). The most recent party expressed a firm interest in purchasing an increased Lot 404, as it provided a greater range of development options.
2. 2006 SKM Plan

Details

Following discussions with the potential purchasers, City Officers have prepared a Project Scope for the subdivision/amalgamation of Lot 404. The Project Scope addresses:

- existing and new valuations.
- subdivision application costs (fees and surveying).
- servicing costs (any adjustments and headworks charges).
- project timelines.
- required Business Plan and Budget changes.
- required Council reports to progress process.

Milestones for the project have also been documented.

It is also proposed to include the creation of Lot 405 as part of this process.

Proposed Subdivision

It is proposed to include an additional 520m² into Lot 404, increasing its size from 2,504m² to 3,016m², by amalgamating a 7m wide strip of land along its eastern boundary. This strip of land is next to the existing public car park; its inclusion will not affect the operation of the car park. Refer to Figures 3 and 4.

It is also proposed to create Lot 405 using the same subdivision process for Lot 404, which will create another development site for the City. Lot 405 is located between the existing car park access and the Transit Mall. Lot 405 will be approximately 1,300m².
3. Indicative Subdivision Plan (Cadastre)
4. Indicative Subdivision Plan (Aerial)
### 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 11:** Planning for Population growth to ensure that future development and land-uses contribute to a sustainable city that provide for a genuinely desirable lifestyle.

**d. Policy**  
The proposed subdivision is consistent with the requirements of Planning Policy No.3.2.1 – Development Policy Plan City Centre Sector, in particular, the requirements of the Core Precinct.

**e. Financial**  
As part of the current Budget Review process (September 2013), $40,000 has been allocated to Account 210470.1732 (City Centre Development - Lot 80).  
The provisional subdivision application process for Lots 404 and 405 is expected to take approximately 10 months and cost $36,000.

**Valuations**  
McGees National valued Lot 404 in June 2013 at $1,200,000 (around $480 per sqm). Including the additional land will potentially increase the value of Lot 404 by approximately $245,000 (applying the $480 per sqm rate).  
Applying $480 per sqm rate to proposed Lot 405, the estimated valuation could be approximately $624,000 (to be confirmed).

**f. Legal and Statutory**  
Nil

### Comments

The proposed amalgamation and subdivision will create two development sites, which will facilitate buildings in locations consistent with the Core Precinct Concept Plan, as shown below.
5. Extract of City Centre Core Precinct Concept Plan

In light of the above, it is recommended that Council proceed with the amalgamation and subdivision process to increase the size of Lot 404 Civic Boulevard and to create a new Lot 405 Chalgrove Avenue, Rockingham.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVE** the amalgamation and subdivision process to increase the size of Lot 404 Civic Boulevard and to create a new Lot 405 Chalgrove Avenue, Rockingham.

**Committee Recommendation**

That Council **APPROVE** the amalgamation and subdivision process to increase the size of Lot 404 Civic Boulevard and to create a new Lot 405 Chalgrove Avenue, Rockingham.

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
### Purpose of Report

To consider endorsing the draft Specific Purpose Strategy - 'City Centre Transport Strategy' (November 2013), for the purpose of public advertising.

### Background

The City of Rockingham 'Community Plan' was adopted by the Council in March 2011 and launched by the Minister for Local Government in May 2011.

The Community Plan was prepared following an extensive research and consultation process.

To create the basis for the Plan, more than 4000 households were invited to participate in a series of five community workshops during August and September 2010. The workshops identified five Key Focus Areas for local residents of 'Community', 'Infrastructure and Services', 'Environment and Land Use' and 'Civic Leadership'.

---

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-010/13 Specific Purpose Strategy: City Centre Transport Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1389-04</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Bob Jeans, Director, Planning and Development Services</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>18 November 2013</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>
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<tr>
<td>Site:</td>
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<tr>
<td>Lot Area:</td>
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<tr>
<td>LA Zoning:</td>
<td></td>
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<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Draft Specific Purpose Strategy - 'City Centre Transport Strategy' (November 2013)</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Community Plan Aspirations</td>
</tr>
<tr>
<td></td>
<td>2. City of Rockingham Strategic Development Framework</td>
</tr>
<tr>
<td></td>
<td>3. Community Plan Context</td>
</tr>
<tr>
<td></td>
<td>4. Rockingham Strategic Metropolitan Centre Planning Envelope</td>
</tr>
</tbody>
</table>
Each Key Focus Area covers four related Aspirations (16 in total), as follows:

1. Community Plan Aspirations

The Aspirations are then supported by a range of activities, identified in Specific Purpose Strategies. Specific Purpose Strategies are key to the achievement of the Aspirations in the Community Plan, and drive the content of the Team Plans, Asset Management Plan and Infrastructure Projects Plan.

2. Strategic Development Framework

All Implementation actions identified in Specific Purpose Strategies are represented in Team Plans.
Details

This Specific Purpose Strategy deals with the 'City Centre Transport Strategy' activity, listed under 'Aspiration 6 - Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles'. Aspiration 8 also applies to this Strategy.

The relationship between the Community Plan Aspirations, the purpose of the Strategy and the Key Elements (which are required to successfully implement the Strategy) is shown below.

Scope:
This Specific Purpose Strategy applies to the Strategic Metropolitan Centre planning envelope, which covers approx. 600 hectares stretching from the Rockingham train station to the Rockingham beachfront. It includes the main shopping centre, Waterfront Village, joint tertiary education campuses, along with various commercial, residential and recreation uses.

The Specific Purpose Strategy 'City Centre Transport Strategy' (November 2013) details the required actions of implementing the public transport, movement network and major public parking infrastructure, necessary to successfully implement the adopted Centre Plan for the Rockingham Strategic Metropolitan Centre.

It sets out the expected time frames and estimated costs of that transport infrastructure.
4. Rockingham Strategic Metropolitan Centre Planning Envelope

**Purpose:**

The purpose of the 'City Centre Transport Strategy' is to:-

- consolidate the transport proposals from various state and local planning and transport strategies.
- identify what implementation actions have occurred to date.
- document the cost of works required to implement:
  - the Rockingham City Centre Transit System to full bus mode.
  - the Rockingham City Centre Transit System to light rail mode.
  - improvements to the road, cycle and pedestrian networks in the City Centre, Smart Village, Northern Smart Village, Northern Waterfront and Waterfront Village Sectors.
  - the construction of a major public parking station in the City Centre Sector.

A copy of the draft Specific Purpose Strategy 'City Centre Transport Strategy' (November 2013) is attached.

**Implications to Consider**

a. **Consultation with the Community**

The 'City Centre Transport Strategy' includes the various transport and movement network options and proposals that were contained within the approved 2009 Activity Centre Plan.

During the preparation of the Activity Centre Plan, the City undertook extensive community consultation on each of the two planning stages, including static displays, public exhibition sessions and detailed briefings to Government agencies and key stakeholders. The Stage 2 Activity Centre Plan Reports were posted on the City’s website and eight half-page colour advertisements were placed in local newspapers.
Letterbox drops of the Summary Brochure were undertaken to over 2,500 homes within the study area. Summary brochures were sent to all commercial landowners in the City Centre core and to all Real Estate agents operating in Rockingham. Major landowners within the Centre Plan boundaries were also consulted, through a series of one-on-one briefing sessions.

Notwithstanding the earlier consultation processes, it proposed that the consolidated transport proposals be the subject of a further round of public advertising, to provide the community with an opportunity to comment on this specific document.

b. Consultation with Government Agencies

The original Centre Plan was prepared in consultation with the Department of Planning (DoP), Western Australian Planning Commission (WAPC), Landcorp, Public Transport Authority (PTA), Murdoch University, Kolbe College, Challenger TAFE and the Department of Training (DoT).

The City will refer the 'City Centre Transport Strategy' to various relevant state Government agencies for comment.

c. Strategic Community Plan

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

Infrastructure Construction and Maintenance

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

Alternative Transport Systems

Aspiration 8: Transport systems that facilitate better use of public transport and promote non-car alternatives.

d. Policy

The 'City Centre Transport Strategy' is consistent with the 2009 Activity Centre Plan, which was prepared in accordance with the requirements of the WAPC 'Statement of Planning Policy 4.2 - Activity Centres for Perth and Peel' (August 2010).

It is also aligns with the Specific Purpose Strategy 'Rockingham City Centre - Activity Centre Plan', which was adopted by the Council in November 2011.

It also consistent with the various Development Policy Plans which have been adopted as Planning Policies (attached to the Town Planning Scheme, pursuant to Clause 8.9) for the various City Centre Sectors, as follows:-

- City Centre Sector - Planning Policy No. 3.2.1
- Smart Village Sector - Planning Policy No. 3.2.2
- Waterfront Village Sector - Planning Policy No. 3.2.5
- Northern Waterfront Sector - Planning Policy No. 3.2.6 (draft).

e. Financial

Costs of implementation are contained within the draft Specific Purpose Strategy, and are incorporated within the City’s Business Plan and respective Team Plans (as required).

Infrastructure costs associated with the provision of the public transport proposals are allocated to the State Government. The costs of providing new transport infrastructure within subdivisions and developments (such as the Smart Village Project) will be borne by the subdivider/developer.

The City's infrastructure funding costs relate primarily to the provision and upgrading of the local movement network components within the Activity Centre. These are detailed individually within the Specific Purpose Strategy.
Aspiration 6 of the Community Plan deals with “civic buildings, public places, and transport infrastructure of contemporary design, constructed and maintained using best practice principles”.

Within this Aspiration, there are eight Key Activities listed, dealing with:

- City Centre Transport Strategy
- Rockingham City Centre Activity Centre Plan
- Stormwater Drainage Plan
- Public Car Parking Strategy
- Local Planning Strategy
- Public Open Space Strategy
- Skate Park/Wheeled Sports Strategy
- Asset Management Plan

This particular Strategy deals with the Key Activity of ‘City Centre Transport Strategy’, covering public transport in the Strategic Metropolitan Centre (including a future light rail system), the staged implementation of the adopted movement network (road, cycle and pedestrian links) and the provision a major public parking infrastructure (a decked car park) within the core of the City Centre.

The City will be preparing a separate Specific Purpose Strategy dealing with the Key Activity of ‘Public Parking Strategy’, which will deal the management of public parking facilities and infrastructure within the City Centre and Waterfront Village precincts. It will address aspects such as location and capacity of public parking, extent of timed parking, paid parking strategies, cash-in-lieu of carparking, regulatory framework and enforcement options, and the future development of decked parking stations at the Waterfront Village. The Community Plan requires that this Specific Purpose Strategy be completed in 2015-16, however, preliminary work on the document has already commenced.

It is recommended that Council endorse the Specific Purpose Strategy ‘City Centre Transport Strategy’ (November 2013) to enable public advertising seeking comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ENDORSE the Specific Purpose Strategy ‘City Centre Transport Strategy’ (November 2013) to enable public advertising seeking comment.

**Committee Recommendation**

That Council ENDORSE the Specific Purpose Strategy ‘City Centre Transport Strategy’ (November 2013) to enable public advertising seeking comment.

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
Reference No & Subject: EP-026/13  Tender T13/14-30 Construction of Landfill Cell 14 and associated works at the Millar Road Landfill Facility, Baldivis

File No: T13/14-30

Proponent/s: Mr Allan Moles, Manager Integrated Waste Services

Author: Mr Allan Moles, Manager Integrated Waste Services

Other Contributors: Mr Allan Moles, Manager Integrated Waste Services

Date of Committee Meeting: 18 November 2013

Previously before Council: 18 November 2013

Disclosure of Interest: Executive

Nature of Council’s Role in this Matter: Executive

Site: Millar Road Landfill Facility, Baldivis

Lot Area:

LA Zoning:

MRS Zoning:

Attachments:

Maps/Diagrams:

Purpose of Report

Provide Council with details of the tenders received for Tender T13/14-30 – Construction of Landfill Cell 14 and associated works at the Millar Road Landfill Facility, Baldivis, to document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T13/14-30 – Construction of Landfill Cell 14 and associated works at the Millar Road Landfill Facility, Baldivis was advertised on Saturday, 14 September 2013. The tender closed at 2:00pm, Wednesday, 9 October 2013 and was publicly opened immediately after the closing time.

Details

Tender Summary:
The type of works to be undertaken under the Contract shall include:
The Scope of Works includes:

- Construction of Landfill Cell 14 and associated Works, Millar Road Landfill Facility, Baldivis
- Survey and setting out.
- Excavation and/or filling of the base for the new landfill cell.
- Tie-in to the existing Cell 12 and a portion of Cell 15 liner system.
- Construction of new landfill cell and leachate extraction system.
- Tie-in to the existing Cell 15 leachate extraction sump.
- Ancillary Works including, but not limited to removal of a temporary earth bund and such other Works as shown on the Drawings or as described in the Specification.
- Provision of "As Constructed" information.

An addendum was issued to provide for provisional items relating to the earthworks and base formation as the City may undertake the earthworks associated with the formation of the base of the landfill cell up to the underside of the perimeter embankments. Subsequently the City has decided to undertake these works using existing contracts therefore these provisional sums have not been included in the tender evaluation.

<table>
<thead>
<tr>
<th>Company</th>
<th>Estimated Cost excluding GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>WBHO Civil Pty Ltd</td>
<td>$1,337,846</td>
</tr>
<tr>
<td>Frew's Contracting</td>
<td>$1,530,024</td>
</tr>
<tr>
<td>Curnow Group Pty Ltd</td>
<td>$1,592,777</td>
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<tr>
<td>Ertech Pty Ltd</td>
<td>$1,668,764</td>
</tr>
<tr>
<td>Watpac Civil and Mining Pty Ltd</td>
<td>$1,677,173</td>
</tr>
<tr>
<td>Jaylon Environmental Systems Pty Ltd</td>
<td>$2,008,475</td>
</tr>
<tr>
<td>T C Drainage</td>
<td>Non-conforming</td>
</tr>
</tbody>
</table>

A submission from T C Drainage was received, however, as they did not attend the mandatory site meeting their submission has been deemed non-conforming. Clause 1.26 of the Conditions of Tender states that "Failure to attend the briefing/site inspection will render the tenderer ineligible to tender", and therefore their tender was not assessed.

A panel comprising the Manager Waste and Landfill Operations, Project Manager – Mundijong Road, and the City’s consulting engineer for the project 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>WBHO Civil Pty Ltd</th>
<th>Frew’s Contracting</th>
<th>Curnow Group Pty Ltd</th>
<th>Ertech Pty Ltd</th>
<th>WatPac Civil and Mining Pty Ltd</th>
<th>Jaylon Environment Systems Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>30%</td>
<td>24%</td>
<td>9%</td>
<td>24%</td>
<td>25%</td>
<td>24%</td>
<td>22%</td>
</tr>
<tr>
<td>Performance and Experience of Tenderer</td>
<td>30%</td>
<td>26%</td>
<td>13%</td>
<td>21%</td>
<td>27%</td>
<td>25%</td>
<td>23%</td>
</tr>
<tr>
<td>Tenderers Resources and Delivery/ Availability</td>
<td>10%</td>
<td>10%</td>
<td>4%</td>
<td>7%</td>
<td>9%</td>
<td>8%</td>
<td>7%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>30%</td>
<td>30%</td>
<td>26%</td>
<td>25%</td>
<td>24%</td>
<td>24%</td>
<td>20%</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>90%</td>
<td>52%</td>
<td>77%</td>
<td>85%</td>
<td>81%</td>
<td>72%</td>
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</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 15:** Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant.
d. Policy
e. Financial
   Capital works expenditure will be in accordance with the adopted 2013/14 budget a/c 414156 ($2.2 million) and operational expenditure will be in accordance with the Engineering and Parks Millar Road Landfill maintenance budgets.
f. Legal and Statutory

Comments

Following consideration of the submissions in accordance with the tender assessment criteria the panel agreed that WBHO Civil Pty Ltd demonstrated the experience, knowledge and capacity necessary to undertake this project within the timeframes required. Whilst many of the other Tenderers’ were also able to demonstrate their abilities, WBHO Civil’s previous experience in undertaking similar works, in-depth methodology statement, construction timelines, capacity to resource the works and contingency measures means that they have been considered the best value to the City and are therefore recommended as the preferred tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACCEPT** the tender submitted from WBHO Civil Pty Ltd, Level 1, 1 Centro Avenue, Subiaco WA 6904 for Tender T13/14-30 – Construction of Landfill Cell 14 and associated works at the Millar Road Landfill Facility, Baldivis in accordance with the tender documentation for the estimated value of $1,337,846 (excluding GST).

Committee Recommendation

That Council **ACCEPT** the tender submitted from WBHO Civil Pty Ltd, Level 1, 1 Centro Avenue, Subiaco WA 6904 for Tender T13/14-30 – Construction of Landfill Cell 14 and associated works at the Millar Road Landfill Facility, Baldivis in accordance with the tender documentation for the estimated value of $1,337,846 (excluding GST).

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>
## Reference No & Subject:

**EP-027/13**  
**Support for Speed Limit Change – Sixty Eight Road and Eighty Road, Baldivis**

### File No:
RDS/20

### Proponent/s:
Main Roads WA

### Author:
Mr Daryl Poole, Engineering Technical Officer - Traffic

### Other Contributors:

### Date of Committee Meeting:
18 November 2013

### Previously before Council:

### Disclosure of Interest:
Advocacy

### Nature of Council’s Role in this Matter:

### Site:
Sixty Eight Road and Eighty Road, Baldivis

### Lot Area:

### Attachments:

### Maps/Diagrams:
Locality Plan

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![Locality Plan](image-url)

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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 2 DECEMBER 2013**

**PRESIDING MEMBER**
Purpose of Report

For Council to consider a proposal to reduce the current posted speed limits along Sixty Eight Road and sections of Eighty Road in Baldivis, which will enable the implementation of 40 km/h school zones around the Mother Teresa Catholic School.

Background

BPA Engineering, representing the Mother Teresa Catholic School, formally approached Main Roads WA with regard to the possibility of establishing 40 km/h school zones on the perimeter roads abutting the school which is currently under construction and expected to be opened in 2014. The school is located to the north/west of the junction of Sixty Eight Road and Eighty Roads.

Both roads currently have posted speed limits of 80 km/h in what is still predominantly a rural environment, with Mother Teresa Catholic School being the first significant land development in that location.

For Main Roads WA to establish a 40 km/h speed zone, the approach speed limits must be reduced from 80 km/h to 70 km/h.

Details

Main Roads WA have inspected the site and made the following observations:

- Eighty Road and Sixty Eight Road are the only school frontage roads which meet the Department’s current criteria for school zones.
- Where possible, Main Roads’ preference is to implement 40 km/h school zones.
- 40 km/h school zones can only be applied to roads with a speed limit of 70 km/h or below.
- Eighty Road and Sixty Eight Road, adjacent to the new school, are currently subject to 80 km/h posted speed limits.
- There have been significant residential/commercial developments constructed along both roads in close proximity to the school, with further development ongoing.
- Sixty Eight Road east of Eighty Road has a series of horizontal curves which limit sight distance approaching the intersection and the new school.

As a consequence of these observations, Main Roads WA is prepared to facilitate the implementation of the 40 km/h school zone, based upon the following speed limit amendments.

- Eighty Road – Extend the existing 60 km/h speed limit, from 230 m south of Furnivall Parade to 135 m south of Sixty Eight Road.
- Sixty Eight Road – reduce the 80 km/h speed limit to 70 km/h, from Mandurah Road to Baldivis Road.

Implications to Consider

a. Consultation with the Community

The Committee of the Mother Teresa Catholic School have sought 40 km/h school zones around the school which, in turn, has necessitated a reduction in current speed limits. The wider community has not, and would not, normally be consulted.

b. Consultation with Government Agencies

Main Roads WA officers have inspected the site and determined a number of safety parameters which must be adopted if the school zones are to be implemented. Discussion between the City’s Engineering Services and Main Roads as to the best way to implement and locate the required speed zone changes also has occurred.
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 2:** A safe community where residents feel secure, relaxed and comfortable within their home, work and social environments.

d. **Policy**

Nil

e. **Financial**

All costs associated with speed zone changes are borne by Main Roads WA.

f. **Legal and Statutory**

Road Traffic Act 1974 (Regulations) Section 111 (2) (a) (iii) allows for the Governor of Western Australia to make regulations empowering Main Roads to erect traffic signs and traffic control devices.

Main Roads Act 1930 Section 16 (1b) and (1c): The Commissioner is deemed to always have the authorisation to operate traffic signs and traffic control signals and similar devices.

Local Government Act 1995 Section 9.46(1) provides that roads vested under the control and management of a local government are to be considered property of the local government.

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**Comments**

As both Sixty Eight Road and Eighty Road are under the care and control of the City of Rockingham, Main Roads is seeking Council’s support for these proposed amendments.

The reduction in posted speed limits, particularly for Eighty Road, will cause an ‘artificial’ reduction in normal vehicle operating speeds, which are currently around the 80km/h legal limit. The size of the proposed reduction is unusually timed as the road environment and adjacent developments do not yet match with the need for lower speed limits. However, the imminent opening of the school, rapidly advancing residential development and future extension of Nairn Drive which will dramatically alter the alignment of Eighty Road north of Sixty Eight Road will assist in the reinforcing of the lower speed limits to motorists.

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**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **SUPPORT** Main Roads WA’s proposal to implement a posted speed limit of 60km/h for that section of Eighty Road, 230 m south of Furnivall Parade to 135 m south of Sixty Eight Road, Baldivis and a 70 km/h speed limit for Sixty Eight Road, from Mandurah Road to Baldivis Road, Baldivis to accommodate a 40km/h school zone adjacent to the newly constructed Mother Teresa Catholic School.

**Committee Recommendation**

That Council **SUPPORT** Main Roads WA’s proposal to implement a posted speed limit of 60km/h for that section of Eighty Road, 230 m south of Furnivall Parade to 135 m south of Sixty Eight Road, Baldivis and a 70 km/h speed limit for Sixty Eight Road, from Mandurah Road to Baldivis Road, Baldivis to accommodate a 40km/h school zone adjacent to the newly constructed Mother Teresa Catholic School.

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
Purpose of Report

Provide Council with details of the tenders received for Tender T13/14-24 – Period provision of light poles and luminaires for public area lighting, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T13/14-24 – Period provision of light poles and luminaires was advertised in the West Australian on Saturday, 10 August 2013. The tender closed at 2:00pm, Wednesday, 4 September 2013 and was publicly opened immediately after the closing time.

Details

The scope of the contract is for the supply and delivery of light poles and luminaires for public area lighting.

The scope includes:
- Supply and delivery of light poles, complete with rag bolt assemblies, footing reinforcement cages and headframes where appropriate.
• Supply and delivery of luminaires, complete with all accessories such as lamps, control gear, control gear trays and terminals.
• Minor and incidental work and materials, specified or unspecified, which are required for completion of the goods to the true intent and meaning of the Specification and to the satisfaction of the Principal.

The scope does not include:
• Installation of luminaires.
• Installation of poles.

The Contract period shall be from date of award, for a 12 month period.

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpole Pty Ltd</td>
</tr>
<tr>
<td>Lefroy Bay Pty Ltd trading as Galvanised Poles Australia</td>
</tr>
<tr>
<td>Highlux Pty Ltd</td>
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<tr>
<td>Fyntrim Pty Ltd</td>
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<tr>
<td>Mondo Luce (Aust) Pty Ltd</td>
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<tr>
<td>Hayman Industries Pty Ltd</td>
</tr>
<tr>
<td>Sylvania Lighting Australasia Pty Ltd</td>
</tr>
<tr>
<td>Specialist Testing and Technical Services Pty Ltd</td>
</tr>
<tr>
<td>A.D. Coote &amp; Company (Sheetmetal) Pty Ltd</td>
</tr>
</tbody>
</table>

A panel comprising the Manager Asset Services, Project Engineer and Building Maintenance Officer undertook tender evaluations.

Due to the wide range of products required within the tender, the assessment matrices were separated into the various categories to enable the assessment panel to accurately compare products and companies. The tender allowed for the submission of various types of light poles and luminaires commonly used by the City and tenderers were also able to provide other products that could be used as alternatives to the nominated products.

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

**Supply and delivery of light poles – No powder coating**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Interpole Pty Ltd</th>
<th>Galvanised Poles Australia</th>
<th>A.D. Coote &amp; Co</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>13%</td>
<td>14%</td>
<td>13.7%</td>
</tr>
<tr>
<td>Performance and Experience of Tenderer</td>
<td>30%</td>
<td>23%</td>
<td>25%</td>
<td>27%</td>
</tr>
<tr>
<td>Tenderers Resources and Delivery/ Availability</td>
<td>15%</td>
<td>10.3%</td>
<td>12%</td>
<td>12.3%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>40%</td>
<td>15.3%</td>
<td>36.9%</td>
<td>36.9%</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>61.6%</td>
<td>87.9%</td>
<td>89.9%</td>
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</table>
### Supply and delivery of light poles – Powder coating

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Interpole Pty Ltd</th>
<th>Galvanised Poles Australia</th>
<th>A.D. Coote &amp; Co</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>13%</td>
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<tr>
<td>Performance and Experience of Tenderer</td>
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<td>Tenderers Resources and Delivery/ Availability</td>
<td>15%</td>
<td>10.3%</td>
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<td>12.3%</td>
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<tr>
<td>Tendered Price/s</td>
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<td>39.5%</td>
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<td>Total Weighted Scores</td>
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<td>67.8%</td>
<td>90.5%</td>
<td>83.8%</td>
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### Supply and delivery of light poles – Anodised Aluminium

<table>
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<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Fyntrim Pty Ltd</th>
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<tbody>
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<td>Level of Service</td>
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<tr>
<td>Tendered Price/s</td>
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<td>40%</td>
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<tr>
<td>Total Weighted Scores</td>
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<td>86.7%</td>
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### Supply and delivery of light poles – Solar lamps

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Specialist Testing and Technical Services Pty Ltd</th>
</tr>
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<tbody>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>11%</td>
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<tr>
<td>Performance and Experience of Tenderer</td>
<td>30%</td>
<td>17%</td>
</tr>
<tr>
<td>Tenderers Resources and Delivery/Availability</td>
<td>15%</td>
<td>10.7%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>78.7%</td>
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</tbody>
</table>
Supply and delivery of luminaires currently used in the City

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Sylvania Lighting Australasia Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>14%</td>
</tr>
<tr>
<td>Performance and Experience of Tenderer</td>
<td>30%</td>
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</tr>
<tr>
<td>Tenderers Resources and Delivery/Availability</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>94%</td>
</tr>
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</table>

Supply and delivery of luminaires – Powder coated currently used in the City

<table>
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<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Sylvania Lighting Australasia Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>14%</td>
</tr>
<tr>
<td>Performance and Experience of Tenderer</td>
<td>30%</td>
<td>27.7%</td>
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<td>Tenderers Resources and Delivery/Availability</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>94%</td>
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Supply and delivery of luminaires – Additional luminaires not currently used

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Sylvania Lighting Australasia Pty Ltd</th>
<th>Mondo Luce (Aust) Pty Ltd</th>
<th>Highlux Pty Ltd</th>
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<tbody>
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<tr>
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<td>20.3%</td>
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<tr>
<td>Tenderers Resources and Delivery / Availability</td>
<td>15%</td>
<td>12.3%</td>
<td>9%</td>
<td>10%</td>
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<tr>
<td>Tendered Price/s</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>94%</td>
<td>73.6%</td>
<td>80.3%</td>
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</table>
### Supply and delivery of column light poles

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Interpole Pty Ltd</th>
<th>Galvanised Poles Australia</th>
<th>A.D. Coote &amp; Co</th>
<th>Hayman Industries Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>13%</td>
<td>14%</td>
<td>13.7%</td>
<td>13.7%</td>
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<tr>
<td>Performance and Experience of Tenderer</td>
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<td>25%</td>
<td>27%</td>
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<tr>
<td>Tenderers Resources and Delivery/Availability</td>
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<td>12%</td>
<td>12.3%</td>
<td>11.3%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>40%</td>
<td>27.9%</td>
<td>15.4%</td>
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<td>40%</td>
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<tr>
<td>Total Weighted Scores</td>
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<td>74.2%</td>
<td>66.4%</td>
<td>74.9%</td>
<td>91.7%</td>
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### Supply and delivery of luminaires for column light poles

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Sylvania Lighting Australasia Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
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<td>14%</td>
</tr>
<tr>
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<td>27.7%</td>
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<td>Tenderers Resources and Delivery/Availability</td>
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<td>12.3%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>94%</td>
</tr>
</tbody>
</table>

### Supply and delivery of luminaires for column light poles – additional flood lighting luminaire

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Sylvania Lighting Australasia Pty Ltd</th>
<th>Highlux Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>14%</td>
<td>10%</td>
</tr>
<tr>
<td>Performance and Experience of Tenderer</td>
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<tr>
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<td>40%</td>
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<td>40%</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>94%</td>
<td>80.3%</td>
</tr>
</tbody>
</table>

The period of the contract shall be from the date of award for a period of 12 months.
Subject to the mutual agreement of both the Principal and the Contractor, and with the absolute discretion of either party not to extend, the Contract may be extended for an additional 12 calendar months.

### 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 buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

**d. Policy**


**e. Financial**

Historically the level of expenditure for this contract is estimated to be $270,000 on average per annum.

Capital works expenditure will be in accordance with the adopted 2013/14 budget accounts and operational expenditure will be in accordance with the Engineering and Parks 2013/2014 maintenance budgets.

**f. Legal and Statutory**


### Comments

The City’s lighting infrastructure consists of 2,994 poles and 4,321 luminaries. The variations in colour, type and height of poles and luminaires is extensive with over 40 different types of poles and over 80 variations of luminaires and globes.

The provision of lighting for public spaces such as busy intersections, sports ovals and car parks is directly aligned with the relevant occupational safety and health provisions and the associated security requirements and therefore it is important to replace these assets in the shortest timeframe possible.

As one sole tenderer was unable to supply all current listed items, the assessment panel considered it was essential to accept multiple suppliers. Orders will be issued according to product type and lowest cost in relation to the specific line item in the pricing schedules to achieve best value for the City. An emphasis will also be placed on developing a procurement strategy that reduces the number of variations in products over time.

Following consideration of the submissions and in accordance with the tender criteria the following companies were considered the best value to the City and are therefore recommended as the preferred tenderers.

**SEPARABLE PORTION NO. 1- SUPPLY AND DELIVERY OF LIGHT POLES**

Supply and delivery of light poles – no powder coating

- Galvanised Poles Australia - Recommended
- A.D. Coote & Co – Recommended
Supply and delivery of light poles – powder coating
- Galvanised Poles Australia - Recommended
- A.D. Coote & Co – Recommended

Two tender submissions were received with alternative products for this category from Fyntrim Pty Ltd for anodised aluminium lights and Specialist Testing and Technical Services Pty Ltd for Solar and Wind Lamps. The products offered within the two submissions were considered by the assessment panel, however, the panel considered that the products would not be a common purchase and should the City require these products, separate quotes would be obtained.

SEPARABLE PORTION NO. 2 – SUPPLY AND DELIVERY OF LUMINAIRES

Supply and delivery of luminaires
- Sylvania Lighting Australasia Pty Ltd – Recommended

Supply and delivery of luminaires – powder coated
- Sylvania Lighting Australasia Pty Ltd – Recommended

Three submissions were received with alternative products for this category and additionally all three companies are recommended as they provide a variety of products that the Assessment Panel considered would be used during the term of the contract.
- Modo Luce (Aust) Pty Ltd – Recommended
- Highlux Pty Ltd – Recommended
- Sylvania Lighting Australasia Pty Ltd – Recommended

SEPARABLE PORTION NO. 3 – SUPPLY AND DELIVERY OF COLUMN LIGHT POLES

Supply and delivery of column light poles
- Hayman Industries Pty Ltd – Recommended
- A.D. Coote & Co – Recommended

SEPARABLE PORTION NO. 4 – SUPPLY AND DELIVERY OF LUMINAIRES FOR COLUMN LIGHT POLES

Supply and delivery of luminaires for column light poles
- Sylvania Lighting Australasia Pty Ltd – Recommended

Supply and delivery of luminaires for column light poles – additional flood lighting luminaire
- Sylvania Lighting Australasia Pty Ltd – Recommended

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ACCEPT the tenders submitted from:
- Lefroy Bay Pty Ltd trading as Galvanised Poles Australia, 45 Briggs Street, Welshpool
- A.D. Coote & Co Pty Ltd, 51-57 Welshpool Road, Welshpool
- Sylvania Lighting Australasia Pty Ltd, 77 Truganina Road, Malaga, WA
- Hayman Industries Pty Ltd, 119 Airds Road, Minto, NSW
- Mondo Luce (Aust) Pty Ltd, 10 Weir Road, Malaga, WA
- Highlux Pty Ltd, 1 Coast Road, West Swan, WA

for Tender T13/14-24 – Period provision of light poles and luminaires for public area lighting in accordance with the tender documentation for the contract period being from the date of award for a 12 month period.
Committee Recommendation

That Council ACCEPT the tenders submitted from:
- Lefroy Bay Pty Ltd trading as Galvanised Poles Australia, 45 Briggs Street, Welshpool
- A.D. Coote & Co Pty Ltd, 51-57 Welshpool Road, Welshpool
- Sylvania Lighting Australasia Pty Ltd, 77 Truganina Road, Malaga, WA
- Hayman Industries Pty Ltd, 119 Airds Road, Minto, NSW
- Mondo Luce (Aust) Pty Ltd, 10 Weir Road, Malaga, WA
- Highlux Pty Ltd, 1 Coast Road, West Swan, WA

for Tender T13/14-24 – Period provision of light poles and luminaires for public area lighting in accordance with the tender documentation for the contract period being from the date of award for a 12 month period.

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
13. **Reports of Councillors**
   - Nil

14. **Addendum Agenda**
   - Nil

15. **Motions of which Previous Notice has been given**
   - Nil

16. **Notices of Motion for Consideration at the Following Meeting**
   - Nil

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**
   - Nil

18. **Matters Behind Closed Doors**
   - Nil

19. **Date and Time of Next Meeting**
   - The next Planning and Engineering Services Committee Meeting will be held on **Monday 2 December 2013** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**
    - There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **4.45pm**.