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<table>
<thead>
<tr>
<th></th>
<th>Date and Time of Next Meeting</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>20</td>
<td>Closure</td>
<td></td>
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</tbody>
</table>
## City of Rockingham
### Planning and Engineering Services Committee Meeting Minutes
#### Monday 18 January 2016 - Council Boardroom

<table>
<thead>
<tr>
<th>1. Declaration of Opening</th>
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<tbody>
<tr>
<td>The Chairperson declared the Planning and Engineering Services Committee Meeting open at <strong>4.00pm</strong>, welcomed all present, and delivered the Acknowledgement of Country.</td>
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<table>
<thead>
<tr>
<th>2. Record of Attendance/Apologies/Approved Leave of Absence</th>
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<tbody>
<tr>
<td><strong>2.1 Councillors</strong></td>
</tr>
<tr>
<td>Cr Chris Elliott</td>
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<tr>
<td>Cr Matthew Whitfield</td>
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<tr>
<td>Cr Deb Hamblin (Deputy Mayor)</td>
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<td>Cr Leigh Liley</td>
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<td>Cr Barry Sammels (Mayor)</td>
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<td>Cr Kelly McManus</td>
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<td>Cr Justin Smith</td>
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<td>Cr Lee Downham</td>
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<td><strong>2.2 Executive</strong></td>
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<tr>
<td>Mr John Pearson</td>
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<td>Mr Mike Ross</td>
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<td>Mr John Woodhouse</td>
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<td>Mr Allan Moles</td>
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<td>Mr Peter Ricci</td>
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<td>Mr Brett Ashby</td>
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<td>Mr Richard Rodgers</td>
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<td>Mr Greg Delahunty</td>
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<td>Mr Rod Fielding</td>
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<td>Mr Darren Dropulich</td>
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<tr>
<td>Mr Kelton Hincks</td>
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<td>Mr James Henson</td>
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<td>Mr Stuart McCarthy</td>
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<tr>
<td>Mr Adam Johnston</td>
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<td>Ms Melinda Wellburn</td>
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<td><strong>2.3 Members of the Gallery:</strong></td>
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<td><strong>2.4 Apologies:</strong></td>
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<td><strong>2.5 Approved Leave of Absence:</strong></td>
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### Responses to Previous Public Questions Taken on Notice

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| 3.1 | Mr Bo Hannington, 1140 Baldivis Road, Baldivis - PDS-086/15 - Urban Potential within South Baldivis - ‘Baldivis Landowners Group’  
At the December Committee meeting held on the 7 December 2015, Mr Hannington asked the following questions that where taken on notice and the Director Planning and Development Services provided a response in a letter dated 24 December 2015, as follows:  
**Question**  
1. Can the Planning Committee and Council explain the purpose and planning rationale of the Karnup Road exit/entry point at the freeway towards Baldivis Road, which was built at a cost of many millions of taxpayer dollars?  
**Response**  
No. Decisions on infrastructure planning and expenditure on freeways and other major arterial roads is the responsibility of the State Government through Main Roads WA. Rather than speculate on the rationale for the freeway interchange, it is suggested that your enquiry be forwarded to Main Roads WA.  
**Question**  
2. And can you confirm that its intent was to service the southern Baldivis precinct, including our precinct, because at that time our precinct was designated as Ultimate/Future Urban?  
**Response**  
Refer to response to Question 1.  
**Question**  
3. If it is now the intention of the Council and WAPC to retain the majority of our precinct as Rural, can you justify the huge waste of money spent on a service infrastructure that is not used to its full potential?  
**Response**  
Refer to response to Questions 1.  
**Question**  
4. Will this Committee therefore please recommend to the Council that a correction to its previous submission to WAPC be submitted immediately, stating that the Council supports future urbanisation of our precinct? Not acting now leaves the clear implication that the Council is in agreement with WAPC.  
**Response**  
The Chairperson advised that the matter will be discussed later in the meeting and that the Committee will make a recommendation to the Council to make a resolution on the matter on the 15 December 2015 (as above). |

### Public Question Time

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<tr>
<td>4.01pm</td>
<td>The Chairperson invited members of the Public Gallery to ask questions. There were none.</td>
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### Confirmation of Minutes of the Previous Meeting

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| Moved Cr Whitfield, seconded Cr Hamblin:  
That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 7 December 2015, as a true and accurate record.  
Committee Voting – 5/0 |
6. **Matters Arising from the Previous Minutes**

Cr Whitfield queried the approval of the Montessori School and the reasons why the Joint Development Assessment Panel (JDAP) granted its approval. Discussion ensued on this issue.

7. **Announcement by the Presiding Person without Discussion**

4.05pm 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**

4.05pm The Chairperson asked if there were any interests to declare. There were none.

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

9.1 **Submission**
Cr Whitfield tabled a letter regarding a possible unauthorised car dealership, requesting investigation.

9.2 **Petition**
Cr Hamblin tabled a petition comprising of 48 signatures objecting to the rezoning of land bounded by the Kwinana Freeway, Sixty Eight, Stakehill and Eighty Roads, Baldivis.

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

Nil

11. **Bulletin Items**

**Planning and Development Services Information Bulletin – January 2016**

**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 Mosquito Control Program
   3.4 Environmental Waters Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 Permit Approvals
   4.7 After Hours Noise and Smoke Nuisance Complaint Service
   4.8 Complaint - Information
   4.9 Noise Complaints - Detailed Information
   4.10 Animal Exemptions
   4.11 Building Plan Assessments
   4.12 Septic Tank Applications
### 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 Demolition Permit
   4.4 Permanent Sign Licence
   4.5 Community Sign Approval
   4.6 Temporary Sign Licence
   4.7 Street Verandah Approval
   4.8 Occupancy Permits
   4.9 Strata Titles
   4.10 Excavation Licence
   4.11 Unauthorised Building Works (Section 51 of the Building Act)
   4.12 Monthly Caravan Park Site Approvals
   4.13 R Code Variations
   4.14 Legal - Factory Premises - Lot 1344 (No.24) Hurrell Way, Rockingham
   4.15 'Instant Start' Concept

### 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 Water Campaign (EVM/56-02)
   3.3 Karnup District Structure Plan (LUP/1546)
   3.4 Cockburn Sound Coastal Alliance – Vulnerability & Flexible Adaptation Pathways Project Stage 3 (EVM/149)
4. Information Items
   4.1 Submission - Draft Liveable Neighbourhoods 2015
Statutory Planning
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Planning Products via the Web formerly eDA
4. Information Items
   4.1 Land Use – Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused
   4.13 Montessori School Update
Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Proposed Amendment No’s.161 and 162 to Town Planning Scheme No.2
   3.3 Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
   3.5 ‘Mangles Bay Marina’
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure.

Committee Recommendation
Moved Cr Sammels, seconded Cr Liley:
That Councillors acknowledge having read the Planning Services Information Bulletin – January 2016 and the content be accepted.
Committee Voting – 5/0

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Road Safety Strategy Review
   3.2 Integrated Transport Plan Review
   3.3 Stormwater Adaptation Plan
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure.
4.2 Delegated Authority for the payment of Crossover Subsidies.
4.3 Delegated Authority to approve the release of bonds for private subdivisional works.
4.4 Delegated Authority to approve Engineering Drawings – Subdivisions
4.5 Delegated Authority for Notices given under s3.25(1)(a) LG Act 1995
4.6 Delegated Authority for approval of Directional Signage
4.7 Engineering Services Design Projects 2015/2016
4.8 Handover of Subdivisional Roads
4.9 Structure Plan Referrals
4.10 Traffic Report Referrals
4.11 Urban Water Management Referrals
4.12 Subdivision Approval Referrals
4.13 Subdivision Clearance Requests
4.14 Development Application Referrals
4.15 Authorised Traffic Management Plans for Works on City Controlled Roads
4.16 Safety Bay Road – Principal Shared Path Stage 1
4.17 Safety Bay Road – Principal Shared Path – Stage 2A
4.18 Telephone Lane Bridge Reconstruction
4.19 Water Corporation - Significant works within the City
4.20 Lot 3 Mandurah Road, Karnup
4.21 Public Transport Bus Route 920/825 Disability Access Upgrades
4.22 Rockingham Beach Foreshore Masterplan - Implementation

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Road Construction Program Roads to Recovery 2015/2016
   4.2 Road Construction Program Main Roads Grant 2015/2016
   4.3 Road Construction Program Federal Black Spot 2015/2016
   4.4 Road Construction Program Municipal Works 2015/2016
   4.5 Road Renewal Program Municipal Works 2015/2016
   4.6 Footpath Construction Program Municipal Works 2015/2016
   4.7 Road Maintenance Program 2015/2016
   4.8 Litter Team 2015/2016
   4.9 LitterBusters and Sweeping 2015/2016
   4.11 Light Commercial Vehicles Program 2015/2016
   4.12 Heavy Plant Program 2015/2016

Parks Development
1. Parks Development Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Secret Harbour Emergency Access Path
   3.2 Rockingham Foreshore Management Plan
   3.3 Lewington Reserve Environmental Management Plan Review
   3.4 Tamworth Hill Swamp, Revegetation
   3.5 City Parks - Central Irrigation Management System
   3.6 Laurie Stanford Irrigation Upgrade
   3.7 Laurie Stanford Practice Cricket Net Replacement
4. Information Items
| 4.1 Groundwater Monitoring  
| 4.2 Kulija Road Environmental Offsets  
| 4.3 Climate Change Mitigation  
| 4.4 Lake Richmond Heritage Listing  
| 4.5 Dixon Road Conservation Reserve AAG Funding  
| 4.6 Urban Water Management Referrals  
| 4.7 Structure Plan Approval Referrals  
| 4.8 Subdivision Approval Referrals  
| 4.9 Development Application Referrals  
| 4.10 Delegated Subdivision Public Open Space Practical Completion  
| 4.11 Delegated Subdivision Public Open Space Handovers  
| 4.12 Delegated Public Open Space Approvals  
| 4.13 Memorial Seat Approvals  

**Parks Operations**

1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Baldivis Nature Reserve, Install Formal Limestone Access Path (Greening Plan)
   3.3 Stan Twight Reserve – Cricket Net Renewal
   3.4 Centenary Reserve – Garden Kerbing Renewal
   3.5 Play Equipment Replacements
4. Information Items
   4.1 Parks Maintenance Program 2015/2016

**Asset Management**

1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Drainage data collection
   3.2 Road Condition Inspection and Modelling
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems Management
   4.3 Solar Power

**Building Maintenance**

1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Replacement of Electric Fence – City of Rockingham Depot/Operations Centre
   3.2 Warning Signage and Fire Panel Upgrade – City of Rockingham Depot and Operations Centre
   3.3 Various Asbestos Removal Projects
   3.4 Various Electrical and Lighting Projects
   3.5 Lagoon Reserve – Replacement of five Picnic Tables
   3.6 Baldivis Recreation Centre – Recoating and Relining of Sports Court
   3.7 Safety Bay Bowling Club – Male/Female Toilet Refurbishment
   3.8 Various Park Structure Renewals
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal Monthly Statistics
### Capital Projects
1. Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   - Coastal Management Consultants (Sand Drift/Erosion Problems)
   - Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   - Lighting Consultants (Technical Planning/Design, Underground Power Program)
   - Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   - 2015/2016 Public Area Lighting and Arterial Lighting
   - Bent Street Boat Ramp Rock Armour Protection and Boat Ramp Maintenance
   - Secret Harbour Surf Life Saving Club - Renovation
   - Lark Hill Sub Metering
   - Baldivis Reserve Toilet Replacement
   - Waikiki Foreshore - Foreshore Protection Specification
   - Rockingham Day Care Fire Panel Replacement
   - Eighty Road Reserve Club Facility
   - Laurie Stanford Reserve Development
   - Rhonda Scarrott Reserve Development
   - Safety Bay Tennis Club – Reroofing and General Renovations
   - Point Peron Sand Trap Excavation and Beach Nourishment 2015/2016
   - Administration Building Exterior Render Repairs
   - Building Operations Centre – Office Fit-Out
   - Aqua Jetty – Tiling of external 50m Pool
   - Donald Drive Boat Ramp Feasibility Study

### Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - Introduction of 3 Bin Collection System Including Roll Out of 360 Litre Recycling Bins
4. Information Items
   - Kerbside Collection
   - Bulk Verge Collection
   - Waste Diversion Percentage

### Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility’s Team Overview
2. Human Resource Update
3. Project Status Reports
   - Landfill Access Road and Associated Internal Roads
   - Cell Construction – Cell 16
   - New Leachate Dams
4. Information Items
   - Tip Passes
   - Landfill Statistics
   - Waste Education and Promotion
   - Garage Sale Trail – Award for 2015

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**Advisory Committee Minutes**
Committee Recommendation

Moved Cr Sammels, seconded Cr Liley:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – January 2016 and the content be accepted.

Committee Voting – 5/0
12. Agenda Items

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-001/16 Joint Development Assessment Panel Application - Mixed Use Development (Showroom and Office) - Lot 159 Minden Lane, Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000373.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planning 4Site Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Staub Family Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Manager Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Erika Dawson, Projects Officer, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 January 2016</td>
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<tr>
<td>Previously before Council:</td>
<td>November 2014 (PDS-096/14) and February 2015 (PDS-014/15), September 2015 (PDS-063/15)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
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| Site:                            | Lot 159 Minden Lane, Baldivis                                                                                                  |
| Lot Area:                        | 2,814m²                                                                                                                        |
| LA Zoning:                       | District Town Centre                                                                                                           |
| MRS Zoning:                      | Urban                                                                                                                          |
| Attachments:                     | Responsible Authority Report                                                                                                 |
9. Indicative Development Guide Plan
10. North Western Corner Settlers Ave/Safety Bay Road Intersection
11. South West Corner Settlers Avenue/Atwick Terrace Intersection
12. North West corner of Settlers Avenue/Atwick Terrace Intersection
13. North Eastern corner of Settlers Avenue/Atwick Terrace Intersection
14. Detailed Area Plan

1. Location Plan

2. Aerial Photo
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a commercial development, comprising of a showroom and offices on Lot 159 Minden Lane, Baldivis.

Background

The site fronts the north eastern corner of the Nairn Drive and Safety Bay Road intersection. The rear of the lot is bounded by Minden Lane. The lot is currently vacant. See Figures 1 and 2.

JDAP Meeting - 12 December 2014 - Initial Consideration

The application was initially considered by the South-West Joint Development Assessment Panel (SWJDAP) on 12 December 2014 where it was resolved to defer the application for the following reason:

"In order for the applicant to address matters pertaining to parking, deliveries (servicing) and waste management."

JDAP Meeting - 3 March 2015 - Second Consideration

The applicant provided additional information to address the reasons for deferral. The revised application was considered by the SWJDAP on 3 March 2014 when it was resolved to defer the application in order for the applicant to liaise further with the City regarding:

1. Review layout of car parking to ensure it satisfies all relevant standards, including consideration of the following:
   a. Pedestrian connection between building, car park, and streets at all opening hours.
   b. Keeping ROW easements clear of obstructive use.
   c. Service bays and refuse storage areas and manoeuvring.
   d. Centralized disability bays to main access.
   e. Levels to reflect disability access (AS1428).
   f. Internal footpath should be 1700 width or more.
   g. Defined pedestrian entry and exit points from the building to show safe footpath access.

2. In relation to the building facades, greater consideration be given to the points raised by the City's Urban Design Consultant in the RAR."

JDAP Meeting - 2 October 2015 - Third Consideration (Determination)

The applicant provided additional information but failed to sufficiently address the reasons for deferral. As such, the SWJDAP resolved to refuse the application for the reasons recommended by the City in its Responsibility Authority Report.

State Administrative Tribunal (SAT) Appeal

In October 2015 the applicant lodged an appeal with the SAT in relation to the refusal of the JDAP application. A mediation session was subsequently held as part of the SAT proceedings and the JDAP was invited to reconsider its decision.

Details

The Metro South-West Joint Development Assessment Panel (SWJDAP) was invited to reconsider its decision to refuse the JDAP application for the Showroom, a Health Studio and an Office pursuant to section 31 of the State Administrative Tribunal Act 2004. As part of the reconsideration, the applicant provided additional information and a revised site layout plan, which resulted in the following changes to the development:

- Change in land use in the eastern ground floor and upper floor tenancy from a gym to an office;
- The following changes have been made to the original development plans:
Site and Ground Floor Plan:

- Removal of internal toilets located at the wings of the building;
- Showers and lockers included in each tenancy;
- The Safety Bay Road building entry has been modified by consolidating the support columns into one pillar, and extending the awning on the footpath to connect with the entry awning, to provide a continuous awning along the street;
- The bin store at end of the Public Access Easement has been removed;
- Small car bays have been removed;
- One accessible bay has been moved closer to the entry;
- One car parking bay has been deleted, This results in an overall parking provision of 43 parking bays (inclusive of two (2) accessible parking bays);
- Two motorcycle parking bays are proposed;
- The service bay has been relocated to the northwest corner of the carpark, and a dedicated delivery area and bin store has been created between the service bay and the service entry to the motorcycle showroom tenancy;
- The existing footpath at the Safety Bay Road / Nairn Drive intersection is to be modified to tie in with proposed footpath;
- The bicycle parking bays on the Safety Bay Road verge have been moved to adjacent to the building entry. A total of 20 bicycle parking spaces are provided at the building frontage and in the rear carpark;
- The parking aisle near the Minden Lane corner has been widened to 5.8m; and
- The median in the carpark has been reduced.

The proposal now involves the development of a two story, plus mezzanine level, mixed use commercial building comprising of the following landuses:

- A ground floor, first floor and mezzanine level offices (1,861m²); and
- A ground floor showroom tenancy (662m²).

No details were provided for the proposed use of the showrooms and office.

Construction materials have not been specified for the proposal. A colour palette of white and grey has been proposed. Six entries, two each for the showrooms, offices and the central access way, are proposed from Safety Bay Road. The central access way will also be served by two entries from the rear carpark.

The building is comprised of two wings (8.02m in height) and a central mezzanine component (12.04m in height). The wings are proposed to be located on the street boundary with the central component recessed from the street. The development proposes repetitive triangular windows on both the street and rear elevation of the wings. It is proposed to incorporate non-transparent tinted glazing within the central component. A 2.5m deep cantilevered awning is proposed to run along the street frontage.
3. Revised (Current) Site and Ground Floor Plan
4. Revised (Current) First Floor Plan
5. Revised (Current) Second Floor Plan
6. Revised (Current) Safety Bay Road Elevation (South Western)
7. Revised (Current) Minden Lane Elevation (North Eastern)
8. Perspective Plan (Safety Bay Road and Nairn Drive Intersection)
Implications to Consider

a. Consultation with the Community

The City has the discretion, pursuant to TPS2, to advertise the proposal. The City, however, did not consider it necessary to advertise the proposal.

b. Consultation with Government Agencies

As the subject lot abuts Safety Bay Road, which is classified as an "Other Regional Road" under the Metropolitan Region Scheme (MRS), the original application was referred to the Department of Planning (DoP) for comment in September 2014. Upon receipt of the referral, the DoP requested that the applicant submit a Traffic Impact Statement in support of the proposal. Due to the location of the site, within the Baldivis Activity Centre Structure Plan (BACSP) area, the applicant supplied the DoP with the Transport Assessment undertaken for the BACSP. The DoP was satisfied that this Transport Assessment contained sufficient detail for the subject proposal.

1. Department of Planning

Submission:
The DoP is satisfied that the surrounding intersections will continue to operate within acceptable levels with the proposed development application subject to modifications as outlined in the transport assessment.

The DoP has no objections to the proposal on regional transport planning grounds subject to the development proposal contributing towards the construction of the northern path on Safety Bay Road to finalise the pedestrian network to the signalised pedestrian crossing at the Safety Bay Road/ Settlers Avenue intersection.

City’s Comment:
Should the application be approved, the DoP’s recommended condition would be applied.

Note: The amended proposal was not referred to DoP as the proposed changes are minor in nature and will not have any further impact on the Regional Road Reservation.

c. Strategic

Community Plan

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

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

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

The purpose of SPP4.2 inter alia is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

Clause 5.1 - Activity Centre Hierarchy

Baldivis is identified as a 'District Centre' under the Activity Centres Hierarchy in SPP4.2. The proposed development is consistent with the planned activity centre hierarchy.

Clause 5.2 - Activity

Although the proposal contributes to the overall mix of land uses within the District Centre, the proposed Showroom is not considered to be appropriate in this location. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional ‘service road’ format, or where a rear parking court is accessed directly from the adjacent major road(s).
In this case, the proximity to the intersection precludes direct access to this site, requiring customers to navigate through the town centre and along Minden Lane to find the car parking, which brings a high degree of inconvenience and is at odds with the convenience normally associated with showroom developments.

The other fundamental issue with showroom uses that have car parking to the rear is that the shopfront tends to face the car park. Whilst a proposal may show doors facing the street, the reality is that there will always be pressure from the tenants to prioritise frontage to the car park and, thus, render the street frontage as a token gesture and a signage opportunity.

Clause 5.3 - Movement

The subject site was chosen as the location for the District Centre given its proximity to Safety Bay Road which is identified under the MRS as an ‘Other Regional Road’.

Consistent with SPP4.2, the City has set upper limits to parking in TPS2 reflecting the opportunity for reciprocal and shared parking and availability of on-street parking. Clause 5.3.2 (4) of SPP4.2 states that parking should be provided at a rate of two (2) bays per 100m² (i.e. one (1) bay per 50m²) for showrooms and offices.

SPP4.2 requires that parking facilities are to be located, scaled, designed and landscaped to avoid visual domination of street and public space frontages, and to avoid discontinuity of the urban form and pedestrian amenity. The development proposes sleeved parking generally consistent with the intent of SPP4.2. The design of the carpark, however, fails to comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking’s (AS/NZS 2890.1), AS/NZ2890.6 Off-street parking for people with disabilities (AS/NZ2890.6) and AS1428.1-2009 - Design for access and mobility – General requirements for access – New building work (AS1428.1-2009.) As such, the development fails to make adequate provision for car parking, including parking for people with a disability. This is discussed in detail in the Planning Assessment Section of this report.

Clause 5.4 - Urban Form

The applicant has disregarded both the City’s and the JDAP’s attempts to modify the design of the building. As such, a number of design flaws were included in the JDAP’s reasons for refusal. The proposed development is characterised by its lack of variety. Excessive repetition is found in the:

- Parapet height;
- Articulation of façade;
- Façade treatment;
- Opaque street frontage; and
- Awning treatment.

The proposal is considered to be of an architectural appearance that lacks the urban or civic character associated with a town centre.

The configuration and use of ground floor buildings is unlikely contribute to an active and attractive outdoor space which the public will occupy. Both ground floor tenancies will be accessed primarily from the rear carpark. It is noted that once Nairn Drive is completely constructed, the intersection with Safety Bay Road will be converted to a signalised intersection. Furthermore, the City is currently working on a bicycle network plan that will connect the Baldivis Town Centre with the Warnbro train station. These changes will undoubtedly foster an attractive pedestrian environment at this intersection directly in front of the development site. It is, therefore, considered short sighted to denounce the requirement for an active street frontage on the basis on the current intersection configuration.

Assessment of the proposal against the design principles of PP3.2.4 and the approved DAP, in addition to advice received from the City’s Consultant Urban Designer, concludes that the proposal is considered to be inconsistent with the Urban Form intent of SPP4.2.
Clause 5.5 - Resource Conservation

The application has not identified whether the development will include any measures to contribute to the conservation of resources.

Clause 5.6 - Out of Centre Development

A showroom is not classified as a high trip generating land use in Appendix 1 of SPP4.2. Clause 5.6.1 states that bulky goods retailing (i.e Showroom) is unsuited to the walkable catchment or the core of activity centres given their size and car-parking requirements, low employment densities and need for freight vehicle access. As such, its location within the Activity Centre is not considered to be appropriate.

Clause 6.6 - Development Control

Clause 6.6.1 of SPP4.2 requires the preparation of an Activity Centre Structure Plan prior to approval of any major development within an activity centre and for the development to be located within an appropriate level centre of the activity centre hierarchy. The Baldivis Activity Centre Structure Plan (BACSP), which is discussed below, was prepared to fulfil this requirement.

Clause 6.6.1(5) of SPP4.2 requires the responsible authority to consider the region planning scheme, town planning scheme or strategy, state planning policy, and any relevant endorsed policy, strategy or plan. These have all been considered in this assessment.

Baldivis Activity Centre Structure Plan (BACSP)

The BACSP is a strategic planning document prepared to fulfil the requirements of SPP4.2 as outlined above. The BACSP provides a strategic framework for the Centre and informs and guides changes to the IDGP and the Baldivis Town Centre Policy. It was adopted by Council in July 2012 and endorsed by the WAPC in December 2012.

Centre Vision

The subject site is located within the Core Precinct of the Structure Plan. The proposed development is partially consistent with the vision for the Core Precinct which is to achieve a lively character with an emphasis on land uses which will generate interest and pedestrian activity.

Activity

The Core Precinct forms the core of the Activity Centre with key concentrations of commercial and community activity. The precinct will accommodate the major shopping and community facilities within the activity centre and be supported in the future by office activity and residences.

Land uses identified for the Core precinct include:

- Retail;
- Entertainment and leisure;
- Eating and drinking premises; and
- Offices.

A showroom is not identified as a preferred land use for the Core precinct. It is, however, identified as a preferred land use Transition and Eastern precincts.

The assessment of the proposal against the provisions of Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4) concludes that the proposal does not sufficiently generate pedestrian activity along Safety Bay Road and Nairn Drive. As noted earlier under the SPP4.2 - Urban Form heading, it is considered short sighted to denounce the requirement for an active street frontage at this site on the basis on the current intersection configuration.
The BACSP outlines that the Core Precinct will continue to be characterised by a strong built form accommodating pedestrian-based activity and appropriate land uses to encourage pedestrian activity. Development within the Core Precinct will build upon the theme of an urban town centre, with strongly defined streets, which accentuate the void in the street created by the town square. Active ground floor uses should be present on all frontages in this precinct.

Assessment of the proposal against the design principles of PP3.2.4 and the approved DAP, in addition to advice received from the City's Consultant Urban Designer, concludes that the proposal is considered to be inconsistent with the Urban Form intent of the BACSP.

Planning Policy 3.1.2 – Local Commercial Strategy (PP3.1.2)

The subject site forms part of the Baldivis District Centre in the City's PP3.1.2. In 2012, PP3.1.2 was reviewed by the Council to incorporate the recommendations of SPP4.2. A Retail Sustainability Assessment (RSA) was undertaken as part of the Baldivis Activity Centre Structure Plan in accordance with SPP4.2. The BACSP outlines retail floor space requirements. A showroom, an office and a gym are not considered to be Planning Land Use Category 5 land uses in terms of PP3.1.2. Accordingly, the proposal complies with PP3.1.2.

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 proposed development is considered to be inconsistent with the provisions of PP3.2.4 as outlined below.

Integrated Development Guide Plan (IDGP)

PP3.2.4 contains an 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 approved IDGP is shown in Figure 9.
The proposal is generally consistent with the IDGP.

**Requirements**

PP3.2.4 includes general requirements as well as specific precinct requirements applying to development. These requirements are outlined below, along with comments on compliance with these requirements.

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail land uses shall be considered having regard to the City's Local Commercial Strategy.</td>
<td>A showroom and an office are not considered to be Planning Land Use Category 5 land uses in terms of PP3.1.2.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Movement Network</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whilst provision for kerbside parking will be made, the majority of parking will occur to the rear of buildings that front the street.</td>
<td>The site’s location is not suitable for on street parking. Consequently the parking is proposed to be located to the rear of the development.</td>
<td>Yes</td>
</tr>
<tr>
<td>To achieve street front continuity, and limit vehicular/pedestrian conflict points, the number of access driveways crossing pavements will be minimised.</td>
<td>Three crossovers are proposed to Minden Lane. This is consistent with the DAP and considered to be acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>The number of on-street parking spaces may contribute towards the parking required for adjacent non-residential uses.</td>
<td>No on street parking proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>Provision must be made for delivery and service vehicles to have rear access to buildings via laneways or rights-of-way.</td>
<td>Access for service vehicles is proposed to be obtained from Minden Lane. This is considered to be suitable within the context of the site. The development, however, only proposes one service bay, meaning that the office development cannot be serviced appropriately. (The service bay is located in the North Western corner of the lot, away from the eastern office service entry). Access to the service bay is poor as a result of the vehicle overhang. Pedestrians will be required to traverse the carpark in order to access the bin store.</td>
<td>Partially Compliant (Access)</td>
</tr>
<tr>
<td><strong>Urban Design</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The height of buildings will generally be set at a minimum two stories or equivalent parapet height.</td>
<td>The proposed building achieves an equivalent two-storey height level.</td>
<td>Yes</td>
</tr>
<tr>
<td>Urban Design</td>
<td></td>
<td></td>
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<tr>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>To ensure that the main pedestrian areas remain substantially sunlit throughout the day, particularly in winter months, buildings will be limited in height to three stories except where it can be demonstrated that an equivalent degree of sunlight penetration can be achieved by a stepped-back building profile for taller structures. In practice, the standard will be sun penetration to substantial areas of pedestrian streets and spaces between 12 noon and 2 pm on June 22.</strong></td>
<td>The proposal is three storeys at its maximum.</td>
<td>Yes</td>
</tr>
<tr>
<td>The built form of the Town Centre is to be framed around the public street system with generally contiguous and active building frontages positioned at the streetscape boundary, subject to minor variations for residential development.</td>
<td>While the building offers contiguous framing of the street, the land uses are not considered to be conducive to providing an active street frontage. A showroom is not a preferred land use in this area as it is heavily car dependant. The proposed office is likely to come with future compliance issues as tenants seek to cover up the already insufficient glazing via curtains, blinds etc. It is noted that once Nairn Drive is completely constructed, the intersection with Safety Bay Road will be converted to a signalised intersection. Furthermore, the City is currently working on a bicycle network plan that will connect the Baldivis Town Centre with the Warnbro train station. These changes will undoubtedly foster an attractive pedestrian environment at this intersection directly in front of the development site. It is, therefore, considered short sighted to denounce the requirement for an active street frontage at this site on the basis on the current intersection configuration.</td>
<td>Partially Compliant (Contiguous)</td>
</tr>
<tr>
<td>Variety and articulation of street front building facades will be encouraged to avoid monotony and to break up the horizontal scale of contiguous building frontages.</td>
<td>The proposed building features extensive repetition of the architectural treatment. Both wings remain the same height for their entire length. This serves to accentuate the horizontal scale of the building.</td>
<td>No</td>
</tr>
</tbody>
</table>
### Precinct Requirements

#### Core Precinct

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Proposed Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The intention for the Precinct is to develop an integrated mixed use environment including retail, commercial and office development consistent with the overall urban design objectives for the Town Centre. The configuration and ground floor use of buildings must define an attractive sequence of outdoor spaces which the public will occupy.</td>
<td>The proposed development provides for a mixture of land uses, however, it is considered that the proposal is inconsistent with the overall urban design objective of PP3.2.4 as is demonstrated in this table. The configuration and use of ground floor buildings will not contribute to an active and attractive outdoor space which the public will occupy. Both ground floor tenancies will be accessed primarily from the rear carpark. It is considered that the proposed ground floor office is likely to come with future compliance issues as tenants seek to cover up the already insufficient glazing via curtains, blinds etc.</td>
<td>Partially Compliant (Mixture of land uses)</td>
</tr>
<tr>
<td>All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character. This standard applies to buildings along all street frontages.</td>
<td>The proposal achieves the minimum two storey height.</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings shall be designed to achieve an appropriate use profile with an active, ground floor street frontage incorporating convenience or recreation-related retail, entertainment, cafés, restaurants and similar uses. Short-stay accommodation, multiple dwellings, offices, function rooms, etc. are the preferred upper floor uses.</td>
<td>The proposed development provides a Showroom and an Office on the ground floor. Both tenancies are proposed to be accessed primarily from the rear. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional ‘service road’ format, or where a rear parking court is accessed directly from the adjacent major road(s). A showroom is not considered to be an appropriate land use in this location for this building to promote an active street frontage. The reception centre for the Office is located towards the rear of the building meaning that entries from the street will be unlikely. The proposed office is likely to come with future compliance issues as tenants seek to cover up the already insufficient glazing via curtains, blinds etc.</td>
<td>No</td>
</tr>
<tr>
<td>Core Precinct</td>
<td>It is noted that once Nairn Drive is completely constructed, the intersection with Safety Bay Road will be converted to a signalised intersection. Furthermore, the City is currently working on a bicycle network plan that will connect the Baldivis Town Centre with the Warnbro train station. These changes will undoubtedly foster an attractive pedestrian environment at this intersection directly in front of the development site. It is, therefore, considered short sighted to denounce the requirement for an active street frontage at this site on the basis on the current intersection configuration.</td>
<td></td>
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<tr>
<td>---</td>
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<td></td>
</tr>
<tr>
<td>To allow for robust buildings, a minimum ground floor to first floor height of 3.2 metres with a minimum 3.0 metres ceiling height is to be provided.</td>
<td>The proposal achieves the minimum ceiling height.</td>
<td>Yes</td>
</tr>
<tr>
<td>Street elevations are to be articulated to include defined street front entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged.</td>
<td>The six street entries, while present, are not well defined. Four unidentifiable entries, set within the triangular windows, serve the showroom and the ground floor office. The two entries serving the central portion of the building are recessed from the street. The entries lack elements, outlined in the policy provision that would assist legibility from the street.</td>
<td>No</td>
</tr>
<tr>
<td>Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.</td>
<td>A continuous awning has been provided.</td>
<td>Yes</td>
</tr>
<tr>
<td>Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.</td>
<td>The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little to no architectural treatment has been provided to this section of the building.</td>
<td>Partially Compliant (Height)</td>
</tr>
<tr>
<td>Blank walls fronting public spaces will not be permitted.</td>
<td>The ground floor tenancies provide for a mixture of glazed and blank facades. Less that 50% of the facade, however, is proposed to be glazed.</td>
<td>Partial (Mixture of facades provided)</td>
</tr>
</tbody>
</table>
### Core Precinct

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
<th>Application Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street entries and window frontages</td>
<td>More than 50% of the ground floor street frontage is proposed to be transparent.</td>
<td>No</td>
</tr>
<tr>
<td>Drive-through facilities</td>
<td>No drive through facilities are proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>The pedestrian entry onto the street</td>
<td>Pedestrian entry onto the street could be conditioned to remain open during business hours if the application were to be approved.</td>
<td>Yes</td>
</tr>
<tr>
<td>Residential development</td>
<td>No residential development. Not applicable to this development.</td>
<td>N/A</td>
</tr>
<tr>
<td>Residential development must incorporate noise attenuation measures</td>
<td>No residential development. Not applicable to this development.</td>
<td>N/A</td>
</tr>
<tr>
<td>Full streetscape works shall be provided by the subdivider</td>
<td>Verge treatments could be conditioned to be upgraded if the application were to be approved.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)

The proposal shows indicative signage only. A Sign Strategy would be required to be submitted which demonstrates compliance with the objectives of PP3.3.1, prior to the placement of advertisements on a building or structure. Section 6 of PP3.3.1 outlines the requirements for the Sign Strategy. It is noted that the building design does not make adequate provision for signage.

Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Bicycle Parking Requirement

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Short Term</th>
<th>Long Term</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Showroom (629.5m²)</td>
<td>1/1000m² NLA</td>
<td>1</td>
</tr>
<tr>
<td>Office (1,861.7m²)</td>
<td>1/500m² NLA</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

The application proposes 42 bicycle bays: 14 in the road reserve and 14 in the carpark. It is considered that the 28 in the carpark can serve as long term bays as per the requirements of PP3.3.14.

End-of-Trip Facilities

In terms of PP3.3.14, the provision of eleven (11) long term parking spaces requires the provision of four showers (two male, two female). The showers are required to be provided in a change room in accordance with PP3.3.14. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities.

e. Financial

Nil

f. Legal and Statutory

State Administrative Tribunal Act 2004

If invited by SAT, the SWJDAP has the ability to reconsider its decision pursuant to Section 31(2) of the State Administrative Tribunal Act 2004. This Responsible Authority Report (RAR) forms the assessment for the SWJDAP to reconsider its decision.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 - Deemed Provisions

Clause 67 - Matters to be considered by local government.

Clause 67 outlines the matters to which the Local Government is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Planning Assessment.

Metropolitan Region Scheme (MRS)

The subject lot is zoned ‘Urban’ under the MRS.

The subject lot abuts a road reserved as an ‘Other Regional Road’ under the MRS. For this reason the proposal was referred to the Department of Planning for comment. (See consultation section).
Town Planning Scheme No. 2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned 'District Town Centre' under TPS2. The proposed uses of 'Showroom', 'Office' and 'Health Studio' are not permitted (D), unless the Council has exercised its discretion by granting Planning Approval.

Clause 4.5 - District Town Centre Zone

Objective

The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of 'Main Street' Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy, and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.

As is highlighted in the assessment of the proposal against the provisions of PP3.2.4, the proposal is not considered to be consistent with the objective of the District Town Centre Zone.

Clause 4.15 - Carparking

Parking Requirements & Provision

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2.

A full assessment of the car parking requirements and provision is contained within the Comments Section where it is demonstrated that the proposal complies with TPS2 requirements.

Clause 5.3 - Control of Advertisements

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

The proposal shows indicative signage only. Further detail on signage is discussed in the Policy section under Planning Policy 3.3.1 - Control of Advertisements.

g. Risk (High/Extreme)

Nil

Comments

Site Context and Design

The site forms part of the larger Baldivis Activity Centre, which includes the Settlers Avenue main street and the Baldivis Shopping Centre. The site is located within the Core Precinct of the Baldivis Activity Centre Structure Plan, which is planned to contain the major shopping facilities of the Centre and provide an attractive visual presence to the traffic dominated Safety Bay Road and an intimate pedestrian oriented presence. Figure 10 illustrates the built form intention for the Core Precinct Area and Figures 10-13 illustrate the existing built form in the area. These figures show appropriate land uses (retail, café etc.) and development that provides variety in parapet height and building materials, articulation of the façade and active street frontages.

The City’s consultant Urban Designer advised that the proposal is lacking in detail and is of an architectural appearance that lacks the urban or civic character associated with a town centre. This advice has been extrapolated upon throughout the assessment of the proposal against the provision of PP3.2.4 and the approved DAP.

The City has had numerous meetings with the developer and applicant where the urban design concerns were raised. Apart from some minor changes, the applicant/developer has refused to amend the design to address these issues.
10. North Western Corner Settlers Avenue/Safety Bay Road Intersection

11. South West Corner Settlers Avenue/Atwick Terrace Intersection
Detailed Area Plan

Pursuant to Clause 4.23 (which was, at the time, Clause 4.3.2) of TPS2 a Detailed Area Plan was prepared and approved for the subject lot. This DAP was approved 20 July 2012.
14. Detailed Area Plan

<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Provisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Permitted Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As per TPS2.</td>
<td>The proposed land uses are permitted only when the Council exercises its discretion by issuing a Development Approval under TPS2.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Preferred Land uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail; Civic and Community; Entertainment and Leisure; Eating and Drinking Premises; Offices; and Medium Density Residential.</td>
<td>The Showroom is not a preferred land use in this location. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional ‘service road’ format, or where a rear parking court is accessed directly from the adjacent major road(s). A showroom is not considered to be an appropriate land use in this location. The office is a preferred land use.</td>
<td>Partial Compliance (Office)</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All buildings shall generally have a contiguous frontage addressing the street within a 0-2m setback; and Nil setback permitted to Minden Lane and all internal boundaries.</td>
<td>Building complies with prescribed setbacks.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
## Building and Ceiling Heights

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures to be a minimum two storey.</td>
<td>The proposed building achieves an equivalent two-storey height level.</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum ground floor to first floor height of 3.2m with a ceiling height of 3m.</td>
<td>4m height proposed.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

## Built Form and Orientation

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>The design shall promote activation of the street; with main entrances and substantial transparent glazing to a minimum height of 3m to achieve active building frontages.</td>
<td>Tenancy entrances are not defined and the major entrance is recessed from the street. Primary access to the building is from the rear carpark. The reception area is located adjacent to the rear entrance. The upper level offices will be served by the stairwell located to the rear of the central portion. Less than 50% of the ground floor elevation, fronting the street, is transparent.</td>
<td>No</td>
</tr>
<tr>
<td>Building entries to the internal boundaries are permitted subject to there being an entry from the street as identified on the DAP. The building shall promote surveillance of the street and the rear carpark where possible.</td>
<td>Entries, while not defined, are available from the street. The building offers surveillance of the carpark.</td>
<td>Yes</td>
</tr>
<tr>
<td>The building may be stepped back at right angles from the corner truncations to provide flexibility in design.</td>
<td>Building to provide a constant hard edge to street frontages.</td>
<td>Yes</td>
</tr>
<tr>
<td>Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.</td>
<td>The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little architectural treatment has been provided to this section of the building.</td>
<td>Partially Compliant (Height)</td>
</tr>
<tr>
<td>Where a building abuts a street cantilevered awnings, with a minimum depth of 2.5m and a minimum height of 3m above pavement level, must be provided for the full length of each façade.</td>
<td>A continuous awning has been provided along the street frontage.</td>
<td>Yes</td>
</tr>
<tr>
<td>Ground level facades of commercial and mixed use buildings fronting the street shall be transparent for at least 60% of its area.</td>
<td>Less than 50% of the ground floor front the street is glazed.</td>
<td>No</td>
</tr>
</tbody>
</table>
**Built Form and Orientation**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Design Description</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facades are to be articulated by providing indentations and projections in the floor plan, whilst maintaining a continuous awning at 2.5m depth.</td>
<td>Both 'wings' of the building are proposed to be set hard up against the street boundary with no indentation in the floor plan. This serves to accentuate the repetitiveness of the building. The only indentation in the floor plan occurs at the central portion of the building.</td>
<td>Partially Compliant (Awning)</td>
</tr>
<tr>
<td>Broad facades and blank walls shall be broken up to create variety and interest through architectural design features. Blank walls facing roads are not acceptable.</td>
<td>The ground floor tenancies provide for a mixture of glazed and blank facades. Less than 50% of the facade, however, is proposed to be glazed.</td>
<td>No</td>
</tr>
<tr>
<td>At least one designated pedestrian access corridor, linking the street to the rear carpark and Minden Lane is required. This corridor shall be contiguous and well defined.</td>
<td>One pedestrian access way is proposed. The corridor is contiguous.</td>
<td>Yes</td>
</tr>
<tr>
<td>Larger developments to be broken up through the use of elements which emphasise a vertical proportion.</td>
<td>Both wings remain the same height for their entire length. This serves to accentuate the horizontal scale of the building.</td>
<td>No</td>
</tr>
</tbody>
</table>

**Pedestrian Access**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Design Description</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The main public entrances to all buildings shall be located along Nairn Drive or the corner of Nairn Drive and Safety Bay Road or may also be access via the contiguous and well defined corridor identified in the DAP.</td>
<td>The main public entrance is located to the rear to the building from the carpark.</td>
<td>No</td>
</tr>
<tr>
<td>Primary entries to first floor tenancies and secondary entries to ground floor tenancies may be accessed via the suggested contiguous and well defined pedestrian corridors.</td>
<td>Primary entry to the ground floor tenancies are proposed from the pedestrian corridor.</td>
<td>No</td>
</tr>
<tr>
<td>Separate and clear pedestrian paths should be provided between the car park and main public entrances to facilitate customer’s safe access to building entries. A central pedestrian corridor linking the main entry to the new carpark is encouraged.</td>
<td>A pedestrian path has been proposed along the rear of the building, however, no paths have been provided within the carpark. As such, safe pedestrian access is not provided. A central pedestrian corridor has been provided.</td>
<td>Partially Compliant (Central pedestrian corridor)</td>
</tr>
</tbody>
</table>
### Materials and Finishes

| Variety and high urban design standards are encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail. | The City’s consultant Urban Designer outlined the following issues with the elevation treatment include:  
- The extensive repetition of the architectural treatment.  
- The “flatness” of the wall and the corresponding lack of shadows to provide visual relief.  
- The limited palette of wall materials and the resulting lack of visual interest.  
- The inability to appropriately incorporate signage into the design of the building.  
- The “thinness” of the canopy and the resulting lack of significance as part of the composition of the street elevations, and the inability to incorporate lighting to improve pedestrian amenity after dark.  
- The incongruity and irrelevance of the triangular windows.  
- The lack of continuity of the awning along the street frontage – there are gaps between the main awnings and the awning associated with the central three-storey element.  
- The relentless single parapet height (other than the three storey component).  
- The extent of solid (opaque) wall to the street frontage.  
- The lack of differentiation between the architectural treatment of the ‘front’ and ‘back’ of the building, which will only serve to reinforce the confusion as to which way tenancies should face. | No |
<p>| Durable and low maintenance materials in an earthy colour palette is recommended. | Details on construction materials have not been supplied. The white colour material proposed to be used is not considered to be earthy. | No |
| A combination of materials and/or finishes shall be incorporated to add visual interest. | The proposed development is characterised by its lack of variety. Excessive repetition is found in the: Parapet height; Articulation of façade; Façade treatment; Opaque street frontage; and Awning treatment. | No |</p>
<table>
<thead>
<tr>
<th>Materials and Finishes</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfinished walls including boundary walls shall not be</td>
<td>Although materials have not been specified, the plans indicate</td>
<td>Yes</td>
</tr>
<tr>
<td>left exposed where in public view.</td>
<td>that all walls are proposed to be finished with a rendered</td>
<td></td>
</tr>
<tr>
<td></td>
<td>material.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service and Storage Areas</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery, loading and storage areas are to be screened</td>
<td>The service bay is visible from Minden Lane. The bin stores are</td>
<td>No</td>
</tr>
<tr>
<td>from public view by an enclosure which is complementary</td>
<td>proposed to be screened.</td>
<td></td>
</tr>
<tr>
<td>with the style and materials of the primary building.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minden Lane shall be the primary access for service</td>
<td>Minden Lane is proposed to be used for service access to the</td>
<td>Yes</td>
</tr>
<tr>
<td>vehicles and services areas (such as big storage bins).</td>
<td>rear of the building.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vehicle Access and Parking Areas</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All vehicle access shall be via the designated access</td>
<td>Vehicle access is proposed from Minden Lane. Parking is</td>
<td>Yes</td>
</tr>
<tr>
<td>points off Minden Lane and parking generally sleeved at</td>
<td>located to the rear of the building.</td>
<td></td>
</tr>
<tr>
<td>the rear of the premises.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The development must meet the maximum and minimum car</td>
<td>It is noted that the design of the carpark fails to comply</td>
<td>Unknown</td>
</tr>
<tr>
<td>parking requirements as set out in Table 3 and Clause 4.15.</td>
<td>with the relevant Australian Standards. The City is concerned</td>
<td></td>
</tr>
<tr>
<td>1.1 of TPS2.</td>
<td>that, should the development be modified to comply with the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>standards, the number of car parking bays will be reduced to</td>
<td></td>
</tr>
<tr>
<td></td>
<td>an unacceptable level.</td>
<td></td>
</tr>
<tr>
<td>Undercroft parking is encouraged.</td>
<td>None proposed.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signage</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pylon Signage is not permitted.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Signage additional to the corporate branding must be</td>
<td>Indicative signage has been displayed on the elevation plans.</td>
<td>N/A</td>
</tr>
<tr>
<td>consistent in colour, size and font.</td>
<td>A sign strategy could be conditioned should the application</td>
<td></td>
</tr>
<tr>
<td></td>
<td>be approved.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fencing</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Perimeter Fencing is discouraged and should be limited to</td>
<td>None proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>residential land uses and alfresco dining.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial fencing maximum height of 700mm.</td>
<td>None proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>Fencing shall be constructed in masonry to complement the</td>
<td>None proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>style and materials of the primary building.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Landscaping

Landscaping of the verges must be installed by the purchaser. Landscaping could be conditioned should the application be approved. Yes

Carparking

TPS Requirement

Pursuant to Clause 4.6.3 of TPS2, car parking is to be provided in accordance with Clause 4.15.1.1 of TPS2 and Table 3 of TPS2.

<table>
<thead>
<tr>
<th>Use</th>
<th>Carparking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Office (1,861.7m²)</td>
<td>1 bay per 60m² (40)m² NLA</td>
</tr>
<tr>
<td>Showroom (629.5m²)</td>
<td>1 bay per 80m² (60)m² NLA</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
For the Baldivis Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

Under the parking provision of TPS2, the proposed development requires the provision of a minimum 39 and a maximum of 58 parking spaces.

Parking Provision

The proposed development has provided for a total of 42 parking spaces. This is compliant with the requirements of TPS2. The amount of parking, however, shown on the plans will be reduced for the following reasons:

- Under AS/NZS2890.1 the development is assigned User Class 3, being ‘Short-term town centre parking’. For car parking bays at 90° the following is required:
  - A parking bay width of 2.6m must be provided. The proposal provides for bays widths of 2.5m. No bays comply with this width; and
  - An aisle width of 5.8m is required. The development does not achieve this minimum width in the North Western corner of the lot. Furthermore, in order to provide the required bay widths of 2.6, the aisle widths will have to be reduced below the required 5.8m. The development cannot provide the required bay width and aisle with without modifying the building design.

  Note: The City reasserts that AS/NZS 2890.1 “User Class 3” is appropriate for this carpark. The showroom land use fits the description of ‘short term town centre parking’. The City considers that an office, located in a District Town Centre, also fits this category. The office will undoubtedly involve the calling in of customers/clients etc. Customers/clients calling to an office will generally be for a short amount of time (i.e ½ hour -1 hour) compared to a sports facility/entertainment centre/etc. where people will spend 3+ hours.

Parking for People with Disability

The City’s Planning Procedure 1.16 - Carparking and Access Considerations for People with Disability, outlines that the City shall, amongst other matters, take into consideration the provisions made for people with a disability based upon compliance with the Building Code of Australia (BCA) and the Australian Standards in relation to carparking, pathways, ramps, steps, signs and lighting.

Parking provision for people with disability is based on the Building Code of Australia Requirements. The requirements for provision are outlined below:
### Accessible Parking Requirement

<table>
<thead>
<tr>
<th>Building Class</th>
<th>Requirement</th>
<th>Rate</th>
<th>Calculations</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 5 (Office)</td>
<td>1 space/100 carparking spaces (or part thereof)</td>
<td>31</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Class 6 (Showroom)</td>
<td>1 space/50 carparking spaces (or part thereof)</td>
<td>8</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The National Construction Code 2014 Guide to the BCA Volume One states that:

“If a carpark serves a multi-classified building, the number of accessible carparking spaces required should be calculated by determining the number of spaces serving each classification.”

The development provides for a total of two (2) accessible spaces. This is compliant with the requirements of the BCA.

**Accessible Path of Travel for people with a Disability**

AS1428.1-2009 requires the provision of an unimpeded path of access of at least 1m in width for people in a wheelchair. This will not be achievable with the current design. The development proposes parking bay lengths of 4.8m which is acceptable in terms of AS/NZ2890.1 where parking is to a low kerb which allows 600mm overhang. It is, however, not acceptable in terms of AS/NZ2890.6 which requires a car bay length of 5.4m. Prior to lodgement of the new information, the City requested that the applicant amend the plans to comply with AS/NZ2890.6. This request was not complied with.

The deficient path width will require either the building to be set back further or the car park layout reconfigured in order to achieve the full 5.4m car bay length.

**Servicing/Waste Disposal**

The application proposes for service vehicles to access the site from Minden Lane, this is consistent with the DAP.

In the amended submission the application has relocated the service bay to North Western corner of the lot. This has isolated the dedicated service entry for the office tenancies. The applicant’s submission states that these office tenancies will not require frequent access service vehicles and no additional service bays are considered necessary. This is considered to be impractical and will limit the adaptability of the building.

Two bin storage areas are proposed with the capacity for a total of 17,240L bins. One bin store is conveniently located in the north western corner adjacent to the proposed service bay. This bin store is considered appropriate for the proposed showroom land use. The second bin store is located in the centre of the site isolated from the building. It has not been demonstrated that this can serve the remainder of the development in a functional manner. It is also noted that there is no safe path of travel from the office buildings through to this bin store in the central area.

As such, the City is not satisfied that the development can function appropriately from a servicing and waste disposal perspective. The City is especially concerned with the long term functionality of the development.

**Incursion into Minden Lane**

The amended proposal includes a parking aisle that extends 2.75m into Minden Lane road reserve (the previous proposal showed a lesser incursion of 1.1m). Should the application be approved, it is advised that all works in the road reserve must be to the satisfaction of the City’s Engineering Services.
Conclusion

The proposal for the showroom and office development is permissible in the District Town Centre zone. As outlined throughout this report, however, the proposal fails to provide for an appropriate design, form and activation. The proposed building is of an architectural appearance that lacks the urban or civic character associated with a town centre. The City does not consider that the amended plans have addressed the concerns previously identified and they are not in a position to be approved. The City is particularly concerned that no evidence has been provided that all the reasons for refusal have all been sufficiently addressed.

Furthermore, the development fails to provide adequate provision for the parking and manoeuvring of vehicles. The development also will not have the ability to be serviced adequately. For these reasons it is recommended that the decision for refusal remain.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the proposed Mixed Use Development (showroom and office) Lot 159 Minden Lane, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

“For the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis the responsible authority recommends that the Metro South-West Joint Development Assessment Panel, pursuant to Section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 375 of 2015, resolves to:

1. **Reconsider** its decision dated 2nd October 2015; and
2. Affirm its decision to **Refuse** DAP Application reference DAP/14/00631 and accompanying plans:
   - Site and Ground Floor Plan, Drawing No.SK.12 Rev M, dated 11.12.15;
   - First Floor Plan, Drawing No.SK.13 Rev M, dated 11.12.15;
   - Second Floor Plan, Drawing No.SK.14 Rev M, dated 11.12.15; and
   - Elevation and Section Plans, Drawing No.SK.15 Rev J, dated 9.11.15

in accordance with Clause 68(2)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:

(a) The proposed development fails to provide an adequately designed car park, as it does not comply with the parking requirements of AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.

(b) The proposed development is not considered to be compatible with its setting, as required by clause 67 (m) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions).

(c) Adequate provision has not been made for the loading and unloading of service vehicles, as required by Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions).

(d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.
(f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

(g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

(h) The proposal lacks variety and high design standards as required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

(i) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.

(j) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.

(k) Primary entry to ground floor tenancies is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.

(l) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.

(m) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.

(n) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:

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(c) Adequate provision has not been made for the loading and unloading of service vehicles, as required by Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions).
(d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

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(f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

(g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

(h) The proposal lacks variety and high design standards as required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

(i) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.

(j) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.

(k) Primary entry to ground floor tenancies is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.

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(m) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.

(n) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.

Committee Voting – 4/1
(Cr Whitfield voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Development Services
Statutory Planning Services

Reference No & Subject: PDS-002/16 Proposed Contractor's Yard
File No: DD024.2014.00000017
Risk Register No: 
Applicant: Mr P Garbin
Owner: Mr P Garbin
Author: Mr Nick Michael, Planning Assistant
Other Contributors: Mr Greg Delahunty, A/Manager Statutory Planning
Sr. Mike Ross, A/Director Planning and Development Services

Date of Committee Meeting: 18 January 2016
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Tribunal

Site: Lot 874 (No.83) Harvey Road, Karnup
Lot Area: 4.81ha
LA Zoning: Development
MRS Zoning: Urban Deferred

Attachments:
Maps/Diagrams:
1. Location Plan
2. Aerial Photograph
3. Proposed Shed – Site Plan
4. Proposed Shed – Floor Plan
5. Extract from Draft South Metropolitan Peel Sub-Regional Planning Framework
1. Location Plan

2. Aerial Photograph
Purpose of Report

To consider an application for a ‘Contractor’s Yard’ at Lot 874 (No.83) Harvey Road, Karnup.

Background

In November 2004, Development Area No.37 (DA37) was adopted and approved by the City, which included Lot 874 (No.83) Harvey Road, Karnup. A Structure Plan has not yet been approved by the Western Australian Planning Commission for the land zoned Development.

In October 2015, the City’s Development Compliance Officer advised the landowner to submit an application to the City for retrospective Development Approval for the filling of land and the parking of Commercial Vehicle on the property.

Details

The applicant seeks Development Approval for a Contractor’s Yard on the subject site. Details of the Contractor’s Yard are as follows:

- A 560m² shed with a maximum height of 6.075m is proposed. (The filling of land that has been undertaken is related to this proposed shed);
- The shed is required to accommodate:
  - All equipment associated with the business;
  - Two commercial vehicles (weighing 12 tonnes and four tonnes);
  - Plant trailer;
  - Bobcats;
  - Excavator; and
  - All attachments for plant compaction equipment.

The applicant has provided the following advice regarding the proposal:

- The vehicles are currently stored at the applicant’s Beeliar property. They need to be relocated to Harvey Road due to the sale of the Beeliar property;
- The vehicles will be operated by the applicant solely;
- The small truck and bobcat will be used for limited access jobs;
- The bigger truck and bobcat will be used for open area jobs;
- Vehicles are serviced at a mechanical workshop; and
- Washdown of vehicles takes place at the mechanical workshop and at work sites on completion of jobs.
3. Site Plan – Proposed Shed
4. Floor Plan – Proposed Shed
Implications to Consider

a. Consultation with the Community
   As the proposal is recommended for refusal public advertising was not considered necessary.

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 and Strategic Objective(s) contained in the Community Plan 2015-2025:
   
   **Aspiration D:** Sustainable Environment
   **Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
   
   **Draft South Metropolitan Sub-Regional Planning Framework**
   In 2013, the State Government made the decision to conduct a Strategic Environmental Assessment (now referred to as Strategic Assessment of Perth and Peel Regions or ‘SAPPR’) to ensure that significant environmental assets, as listed under the Commonwealth and State environmental legislation, are identified and managed in a holistic and integrated sense.

   The Strategic Environmental Assessment, which has been coordinated by the Department of Premier and Cabinet, is intended to address the significant environmental issues confronting Perth and Peel through the sub-regional planning framework rather than through individual proposal which has traditionally been the case. The approach was intended to provide certainty of development outcomes and allow the urban development footprint to be better defined.

   In May 2015, the Western Australian Planning Commission (WAPC) released the draft South Metropolitan and Peel Sub-Regional Planning Framework (‘the Framework’) which identified the subject precinct as Urban, as shown in Figure 5 below. Consequently, the use of Contractors Yard could prejudice the development potential, by restricting the intended zoning of the land.
5. Extract From Draft South Metropolitan Peel sub-regional planning framework

Western Australian Planning Commission (WAPC) Guidelines for the Lifting of Urban Deferment

The subject lot is zoned Urban Deferred under the Metropolitan Region Scheme (MRS). Land is included in the Urban Deferred Zone where there is a strong indication that the land is physically and locationally suitable for urban purposes, although certain requirements have to be met before the WAPC will agree to the land being transferred to the Urban zone.

Within the Urban Deferred Zone, there is a presumption against any subdivision or development which will make the assembly of land and the provision of services and facilities for urban development more costly and difficult.

As a Contractor’s Yard is an industrial land use, it is not considered to be suitable for land that may be transferred into the Urban zone from the Urban Deferred zone.

Karnup District Structure Plan

In order to develop the district planning framework, and enable coordinated and integrated development, the City commenced the Karnup District Structure Plan (DSP) process. Due to the imminent release of the draft South Metropolitan Sub-Regional Planning Framework, the preparation of the Karnup DSP is on hold.

e. Financial

Nil

f. Legal and Statutory

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

Schedule 2 – Deemed Provisions

Clause 27 of the Deemed Provisions states that where a structure plan has not been approved by the WAPC in the Development Zone, the decision-maker may approve the application if it satisfied that:
(a) The proposed development or subdivision does not conflict with the principles of orderly and proper planning; and

(b) The proposed development or subdivision would not prejudice the overall development potential of the area.

It therefore considered that Clause 27 gives the Council the ability to approve a Contractor’s Yard if it is satisfied that the aforementioned criteria are sufficiently addressed. As such, the approval of the Contractor’s Yard could prejudice the development potential of the land and conflict with the principles of orderly and proper planning.

**Town Planning Scheme No.2 (TPS2)**

**Use**

TPS2 defines a Contractor’s Yard as:

“a premises used for the storage of contractor’s plant and equipment, including prefabricated or transportable buildings and materials.”

The applicant’s initial submission was specifically for Commercial Vehicle Parking, however, it is considered that a Contractor’s Yard is a more appropriate land use based on the information provided.

The applicant’s submission makes it clear that the proposed shed will be used for the storage of contractor’s plant and equipment.

**Development Zone**

Clause 4.2.3 of TPS2 states that the purpose of the Development Zone is to:

(a) To identify areas requiring comprehensive planning prior to subdivision and development.

(b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

The Development zoning triggers the requirement for comprehensive planning, in the form of a Structure Plan, prior to considering any development. It is considered that the approval of the proposed Contractor’s Yard is inconsistent with orderly and proper planning and would prejudice the future development of the site and the overall development of the land zoned Development.

**Land Use Zoning Table**

Table No.1 of TPS2 stipulates that a Contractor’s Yard may only be considered in the following zones:

- Port Kennedy Business Enterprise Zone;
- Light Industry Zone; and
- General Industry Zone.

It is noted that each of these zones are industrial in nature and sit under the MRS’s Industrial zoning. It is therefore not considered appropriate to approve a Contractor’s Yard on land where the ‘Urban Deferred’ zoning in the MRS may be lifted to ‘Urban’ in the future.

**g. Risk (High/Extreme)**

Nil

**Comments**

Based on the preceding assessment it is considered inappropriate to approve the Contractor’s Yard on the subject land. Interface issues between the industrial land use and future residential development, as well as the resulting land use conflicts, could prejudice the future development of the Development Zone, should the Contractor’s Yard be approved in this location.

It is also noted that the land was previously zoned Rural prior to its transfer into the Urban Deferred Zone under the MRS and the Development Zone under TPS2. Under this previous Rural zoning, the proposed Contractor’s Yard would not have been permitted. Therefore the land has not been and is not suitable for this industrial land use.
As such, the proposal is recommended for refusal.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **REFUSES** the application for a ‘Contractor’s Yard’ at Lot 874 (No.83) Harvey Road, Karnup for the following reasons:

1. Under the City of Rockingham Town Planning Scheme No.2, the proposed Contractor’s Yard is an industrial land use which is inconsistent with the Development zoning of the land.
2. The proposed Contractor’s Yard is inconsistent with the Urban Deferred zoning of the land in the Metropolitan Region Scheme.
3. The proposed Contractor’s Yard is inconsistent with the principles of orderly and properly planning of the Development Zone.
4. The proposed Contractor’s Yard is likely to prejudice the overall development potential of the Development Zone.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Sammels:

That Council **REFUSES** the application for a ‘Contractor’s Yard’ at Lot 874 (No.83) Harvey Road, Karnup for the following reasons:

1. Under the City of Rockingham Town Planning Scheme No.2, the proposed Contractor’s Yard is an industrial land use which is inconsistent with the Development zoning of the land.
2. The proposed Contractor’s Yard is inconsistent with the Urban Deferred zoning of the land in the Metropolitan Region Scheme.
3. The proposed Contractor’s Yard is inconsistent with the principles of orderly and properly planning of the Development Zone.
4. The proposed Contractor’s Yard is likely to prejudice the overall development potential of the Development Zone.

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-003/16 Extractive Industry (Sand Extraction)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2015.00000403.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Aigle Royal Developments Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Springvale Nominees Pty Ltd, Miss L Kitchen and Mr D Martin</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, A/Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 January 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1 (No.142) and Lot 2 (No.148) Baldivis Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 1 - 4ha</td>
</tr>
<tr>
<td></td>
<td>Lot 2 - 4.3ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo (2015)</td>
</tr>
<tr>
<td></td>
<td>3. Aerial Photo (1974)</td>
</tr>
<tr>
<td></td>
<td>4. Staging Plan (Stages 1-5)</td>
</tr>
<tr>
<td></td>
<td>5. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>6. Natural Ridgeline</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo (2015)
Purpose of Report

To consider an application seeking Development Approval for a proposed Extractive Industry (Sand Extraction) at Lot 1 (No.142) and Lot 2 (No.148) Baldivis Road, Baldivis.

Background

Between 1965 and 1974 approximately half of Lot 142 was cleared and excavated for sand. The depth of excavation is approximately 10m. During this period Lot 148 was largely cleared with a few scattered trees remaining (Figure 3).

Details

The applicant seeks approval for a proposed Extractive Industry. Details of the proposal are as follows:

- The applicant intends to extract 600,000 cubic metres of sand from the site;
- The development will be staged into five stages, with works commencing from the eastern portion of the site, and extending towards the western portion of the site;
- No use of explosives or blasting is proposed;
- Sand will be carted via trucks for the use in nearby residential developments;
- Access and egress to the site will be via Baldivis Road, with the applicant intending to widen the existing crossover to Lot 1 to 8m in width, upgrade the trafficable surface of the crossover and install 1m wide shoulders on either side of Baldivis Road to allow for the safe passing of trucks traveling in opposite directions;
- Topsoil will be stockpiled on the site for future remediation works on the site;
- The proposed hours of operation are Mondays to Saturdays, 7:00am to 5:00pm, and not at all on Sundays or Public Holidays;
- The existing dwelling, shed and hardstand area on Lot 1 will be retained for use as a site office, workshop and staff carparking until the end of the operation; and
- The applicant intends to commence works in 2016, with total extraction over the site lasting a five year period.

The applicant has provided the following documents in support of the application:

- Acoustic Report;
- Environmental Management Plan;
- Sand Extraction Management Plan;
- Dust Management Plan; and
- Decommissioning and Rehabilitation Plan.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 15 FEBRUARY 2016
PRESIDING MEMBER
4. Staging Plan (Stages 1-5)

**Implications to Consider**

a. **Consultation with the Community**

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2), the application was referred to landowners and occupiers within a 500m radius of the subject site for a period of 17 days, as shown on the consultation plan below. At the close of the advertising period, no submissions were received.

One late submission was received from the Metropolitan Cemeteries Board after the close of advertising, raising no objection to the proposed development on the condition that truck movements to and from the site do not impede the movement of funeral or mourner’s vehicles entering and exiting the adjacent Rockingham Regional Memorial Park (RRMP), and that there would be no dust or sand movement on the RRMP site.
b. Consultation with Government Agencies

The proposal was referred to the following government authorities and service providers for comment:

- Main Roads WA
- Department of Water
- Department of Planning
- Department of Parks and Wildlife
- Department of Environment Regulation
- ATCO Gas Australia

The following is a summary of submissions received from government authorities and service providers:

<table>
<thead>
<tr>
<th>1. Main Roads WA (MRWA)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) MRWA raised no objections to the proposal.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The submission from MRWA is noted.</td>
</tr>
</tbody>
</table>
2. Department of Water

**Submission:**

(i) *The DoW advised that the subject site is within the Stakehill Groundwater Area under the Rights in Water and Irrigation Act 1914, and advised that any groundwater abstraction in this area for purposes other than domestic and/or stock watering taken from the superficial aquifer is subject to licencing by the DoW. DoW noted that there was an existing groundwater licence for the site, however, a new licence will be required for the proposed development. DoW advised that there is limited resource available and the applicant should seek advice from the DoW immediately.*

**City's Comment:**

The submission from DoW is noted. The applicant will be advised of the need to obtain a new groundwater licence via a footnote on the Development Approval should the development be approved.

3. Department of Planning

**Submission:**

(i) *DoP recommended the application be referred to MRWA for comment. DoP raised no objection to the proposal.*

**City's Comment:**

The application was referred to MRWA. The submission from DoP is noted.

4. Department of Environment Regulation (DER)

**Submission:**

(i) *DER advised that the site has not been reported or classified under the Contaminated Sites Act 2003 and does not appear to have been subject to potentially contaminating activities. DER also advised that the site is located within an area mapped as presenting a low to moderate risk of encountering acid sulfate soils within three metres of the ground surface, and a high risk of encountering acid sulfate soils beyond three metres. DER noted that the proposed excavations do not extend beyond three metres above the water table, and therefore an acid sulfate soil condition is not considered necessary. DER advised that a clearing permit is required for clearing of any native vegetation, and that if the development is likely to impact significant habitat for threatened black cockatoo species, it may be considered to be a controlled action under the Environmental Protection and Biodiversity Conservation Act 1999. The applicant should contact the Commonwealth Department of Environment on this matter. Given the development may be categorised as a prescribed premises (Category 12 - Screening, etc of material) as per Schedule 1 of the Environmental Protection Regulations 1987, DER advised that the Environmental Protection Act requires works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission of discharge, unless a licence or registration (for operation) is held for the premises. The purpose of a works approval is to allow DER to assess the environmental acceptability of a proposal against standards and policies, and contain conditions to ensure the premises can operate in an environmental acceptable manner and that the works themselves do not cause unacceptable environmental impacts. DER advised that the applicant should be advised to determine if their proposal would make the premises prescribed and so consequently required an application for works approval.*
4. Department of Environment Regulation (DER)

City's Comment:
The submission from DER is noted. The applicant will be advised of the need to obtain a clearing permit for any clearing of native vegetation and to liaise with the DER to determine if an application for a works approval for a prescribed premises is required.

No submissions were received from other government authorities and service providers.

c. Strategic

Community Plan

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

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

State Planning Policy 2.4 - Basic Raw Materials (SPP 2.4)

The purpose of SPP2.4 is to set out the matters which are to be taken into account and given effect to by the Commission and local governments in considering zoning, subdivision and development applications for extractive industries (for the extraction of basic raw materials) and zoning, subdivision and development applications in the vicinity of identified basic raw material resource areas. Sand is considered to be a basic raw material under SPP2.4.

The following is an assessment against the relevant requirements of SPP2.4:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposals in local planning schemes, to prohibit extractive industries in zones that permit broad rural land uses (in future referred to as a Rural zone), will not be supported without adequate justification being provided. Extractive industry could also be a permitted use in other zones, subject to the location of these zones in relation to sensitive uses.</td>
<td>Extractive Industry is an ‘A’ use in the Rural zone under the City’s Town Planning Scheme No.2 and can therefore be considered for approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>Where considered appropriate planning schemes should show the use “industry - extractive” as a P use, or a use that is permitted in the scheme, a D use, which is a use that is not permitted unless the local government has exercised its discretion by granting planning approval, or an A use, which is a use that is not permitted unless the local government has exercised its discretion after giving notice as outlined in clause 9.4 of the Model Scheme Text, in the Rural zone.</td>
<td>Extractive Industry is an ‘A’ use in the Rural zone under the City’s Town Planning Scheme No.2.</td>
<td>Noted</td>
</tr>
<tr>
<td>Requirement</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
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<td>------------</td>
</tr>
<tr>
<td><strong>Local Planning Scheme Provisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>This policy does not preclude the extraction of basic raw materials on land which is not identified as a Priority Resource Location, Key Extraction Area or Extraction Area subject to the extraction proposal complying with planning and environmental requirements.</td>
<td>The subject site is identified as a priority resource extraction area.</td>
<td>Yes</td>
</tr>
<tr>
<td>Key extraction areas should be protected by appropriate zones in town planning schemes, priority resource areas and extraction areas should be identified as a Special Control Area in local planning schemes. The Special Control Area should set out the appropriate land use and development controls, arrangements for the referral of applications where appropriate, and specify matters to be considered before deciding on a planning proposal.</td>
<td>The subject site is zoned Rural. No Special Control Area exists under TPS2 for the subject site. The City can consider applications for extractive industry in the Rural zone.</td>
<td>Noted</td>
</tr>
<tr>
<td>The Special Control Area provisions should, where appropriate, include extractive industry as the only Permitted (&quot;P&quot;) use in key extraction areas and priority resource areas designated on the policy map.</td>
<td>No Special Control Area exists under TPS2 for the subject site.</td>
<td>Noted</td>
</tr>
<tr>
<td><strong>Relevant Considerations in Determining Applications</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The significance of the resource in terms of its positioning in a priority resource location, key extraction area, or extraction area.</td>
<td>The subject site is identified as a priority resource extraction area and is therefore considered significant.</td>
<td>Noted</td>
</tr>
<tr>
<td>The effect of the proposed extractive industry on any native flora and fauna, the natural landscape, groundwater quality, quantity and use, surface drainage and surface water quality, and sites of cultural and historic significance on and near the land. An application in an environmentally significant area may require referral to the Department of Environmental Protection (refer to the Environmental and Conservation Reference Chart located on each of the Resource Protection Working Plans).</td>
<td>The subject site contains predominantly degraded vegetation and is not considered to have an adverse impact of native flora and fauna. This is further discussed in the Comments section of this report. The proposed development is not considered to adversely impact groundwater quality or surface drainage and surface water quality. The applicant will be required to obtain a new groundwater licence from the Department of Water, who will assess any impacts of the proposed development on groundwater quantity. There are no cultural or historic sites on or in the immediate vicinity of the subject site.</td>
<td>Yes</td>
</tr>
<tr>
<td>Requirement</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>The effect of the proposed extractive industry on agricultural land.</td>
<td>The proposal is not considered to have an impact on agricultural land despite the rural zoning of the land, given the size of the land is not conducive to commercial scale farming. The site is also bound by non-agricultural land uses.</td>
<td>Yes</td>
</tr>
<tr>
<td>The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area having regard to existing and future uses.</td>
<td>The effect of vehicular traffic, noise, and dust on the amenity of the surrounding area having regard to existing and future uses is considered acceptable due to the mitigation methods proposed by the applicant. These matters have been further discussed in the comments section of this report. No blasting is proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>The ability to rehabilitate the land to a form or for a use which is compatible with the long-term planning for the site and surrounding area.</td>
<td>The long term planning for the site identifies the land as ‘Rural’. The site is not suitable for agricultural purposes, however, the proposed development will not compromise the ability of the land to be rehabilitated and used for rural purposes and a transition area from the City's Refuse Disposal Facility to the west to future residential land to the east.</td>
<td>Yes</td>
</tr>
<tr>
<td>Availability and suitability of road access.</td>
<td>The subject site has direct access onto Baldivis Road, which is an 'Other Regional Road' within the City and provides access to the wider road network.</td>
<td>Yes</td>
</tr>
<tr>
<td>The ability to stage the extraction operations to avoid conflicts with adjacent land uses.</td>
<td>The applicant is intending to stage the development, however, the proposed development has the potential to impact upon the adjacent future urban land to the east of the subject site, but these impacts are considered to be manageable. This has been further discussed below.</td>
<td>Yes</td>
</tr>
<tr>
<td>Requirement</td>
<td>Provided</td>
<td>Compliance</td>
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</tr>
<tr>
<td>Before determining an application for a sensitive land use, such as residential, rural-residential or a land use with a substantial residential or rural-residential component (refer to Appendix 1) within 1000 m of a basic raw materials extraction area, the Commission and/or local government must consider the following, as appropriate. An application in an environmentally significant area may require referral to the Department of Environmental Protection.</td>
<td>The proposal was referred to the Department of Environment Regulation for comment.</td>
<td>Yes</td>
</tr>
<tr>
<td>The significance of the resource in terms of whether it is a key extraction area, priority resource area or extraction area.</td>
<td>The subject site is identified as a priority resource extraction area and sand is considered a significant resource with respect to future residential development within the region.</td>
<td>Noted</td>
</tr>
<tr>
<td>The likely effects of vehicular traffic, noise, blasting, dust and vibration arising from the extractive industry on the proposed use or development.</td>
<td>The applicant has proposed mitigation methods to address vehicular traffic, noise and dust, which are considered to be acceptable.  This is further discussed in the Comments section of this report.  No blasting is proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>There should be a presumption against the introduction of sensitive land uses which could be adversely affected by existing or potential future extractive industries unless appropriate measures can be taken to ameliorate the adverse impacts.</td>
<td>The land to the east has been identified for future urban purposes and is currently subject to a Structure Plan application which has yet to be determined.  The applicant has demonstrated that impacts associated with the development can be managed to ensure the amenity of the adjacent future residential land is not adversely impacted.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

State Planning Policy No. 2.1 – Peel-Harvey Coastal Plain Catchment (SPP2.1)

The objectives of SPP2.1 are as follows:

- "To improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment;
- To ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage;
- To balance environmental protection with the economic viability of the primary sector;
- To increase high water-using vegetation cover within the Peel-Harvey Coastal Plain Catchment;
- To reflect the environmental objectives in the Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992; and
- To prevent land uses likely to result in excessive nutrient export into the drainage system."
The proposed development will contribute to the economic growth of the region as the excavated material and may be used to subdivided land for residential development within the City and the surrounding region. The proposed development is not considered to have unaccepteable environmental impacts and is unlikely to result in nutrient export into the existing drainage system. Whilst it is noted that existing regrowth vegetation will be required to be cleared to facilitate the development, the existing vegetation is considered to be largely degraded, and the clearing of the vegetation is unlikely to have any significant adverse environmental impacts to the Peel-Harvey Plain Catchment. The proposal is therefore considered to be compliant with the objectives of SPP2.1.

The following is an assessment of the proposal against the relevant policy provisions of SPP2.1:

<table>
<thead>
<tr>
<th>Policy Provision</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The retention and rehabilitation of existing remnant vegetation is to be encouraged. A catchment target of 50% of land area established to deep rooted perennial plants, preferably local indigenous species but including high water using and suitable exotic species, shall be attempted. Remnant vegetation shall be retained along watercourses, or the margins shall be replanted to higher water-using vegetation, to maintain the stability of banks and exert some control on sediment and nutrient movement.</td>
<td>The subject site contains predominantly degraded vegetation, with a small portion of good condition vegetation in the western portion of the site. Some of this vegetation will be retained within the 20m lot boundary setback, acting as a visual buffer to the adjoining property, Baldivis Road and Kulija Road.</td>
<td>Yes</td>
</tr>
<tr>
<td>Approvals will be required from the Water Authority with regard to water supply from bores, wells, rivers in proclaimed water management areas and WAWA drains and for connection of private and local authority drains to WAWA drains. The limited availability of water may constrain some types of development.</td>
<td>The applicant intends to truck potable water to the site as required. Should groundwater be used, the applicant will be required to obtain a new groundwater licence from the DoW. The applicant has been advised of this requirement.</td>
<td>Yes</td>
</tr>
<tr>
<td>Development within public groundwater resource areas utilising on-site effluent disposal will require approval from the Water Authority of Western Australia. Disposal systems require Health Department approval.</td>
<td>The applicant has not proposed any additional on-site effluent disposal.</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 (EPP1992)
The purpose of EPP1992 is to protect the environmental values of lakes on the Swan Coastal Plain. The proposed development does not include the filling, discharge or disposal, mining or construction or alteration of drainage systems in any lakes and is therefore compliant with EPP1992.

Environmental Protection Authority Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses (EPA Guidance Statement 3)
Generic separation (or buffer) distances between existing industrial land uses (such as an Extractive Industry) and existing or proposed future sensitive land uses (such as residential dwellings) are set out in the Environmental Protection Authority's Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land uses. The purpose of the Guidance Statement is to provide advice to the various parties, including responsible authorities, about the minimum requirements for environmental management which the Environmental Protection Authority would expect to be met.
A setback of 300-500m is recommended to sensitive land uses (e.g. residential zoned land) for sand and limestone extraction activities, depending on the size of the operation.

The proposed operation will be located approximately 140m from future residential land to the east of the subject site, and therefore does not comply with the recommended 300m buffer.

Where the separation distance is less than the generic distance, a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. The applicant has also provided various reports recommending a number of strategies to mitigate the impacts of the Extractive Industry. The potential impacts that could be experienced by future residents are noise and dust. The City however is satisfied that appropriate methods have been proposed to mitigate these possible impacts on future residential land to the east. Should the application be approved, it is recommended conditions of Development Approval be included requiring the applicant to comply with the Excavation Management Plan and Environmental Protection (Noise) Regulations 1997.

It should also be noted that purchasers of new lots within the buffer area will need to be notified of the existence of any approved Extractive Industry operation via notifications on titles during the subdivision stage of the development to the immediate east of Baldivis Road.

**Local Planning Policy 3.3.1 – Rural Land Strategy (PP3.3.1)**

PP3.3.1 provides Council with a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

The subject site is located within Planning Unit No. 6 of PP3.3.1. The primary objective for Planning Unit No.6 is:

"to ensure that subdivision and development proposals are compatible with the land capability of the Pinjarra Plain and that in particular land management accords with the objectives for the Peel-Harvey Catchment and the Government Sewerage Policy, and provides a rural context for the proposed Kwinana Freeway."

An assessment against the objectives of the Peel-Harvey Catchment is detailed above where it is considered that the applicant will be required to comply with the Government Sewerage Policy when seeking approval for any on-site effluent disposal. Given the proposed development is for excavation of the land and will be rehabilitated on succession of the excavation of the land, the proposed development is considered to retain the rural context of the site in relation to the Kwinana Freeway, although it is noted that urban development is proposed to the east of the subject site between the site and the Kwinana Freeway.

The subject site is specifically located within Planning Unit No.6A of PP3.3.1, which seeks to ensure the preservation of the raw material resources in the area and to ensure the continued use of the land in accordance with the current Rural zoning is compatible with preserving the natural resources for future extraction opportunities. The proposed development is for the extraction of the basic raw material (sand) on the site, and is therefore compliant with the intent of Planning Unit No.6A.

e. **Financial**

Nil

f. **Legal and Statutory**

Metropolitan Region Scheme Clause 32 Resolution

As the proposal is for an extractive industry, the application has been referred to the Western Australian Planning Commission for its separate determination under the Metropolitan Region Scheme.

**Town Planning Scheme No.2 (TPS2)**

*Clause 3.2 - Zoning & Land Use Permissibility*

The subject site is zoned ‘Rural’ under TPS2. The proposed land use is interpreted as ‘Industry - Extractive, which is an 'A' (i.e means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 6.3) under TPS2.
Clause 4.11 - Rural Zone

Clause 4.11.1 - Objectives

The objective of the Rural zone is as follows:

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

Whilst it is acknowledged that the proposed development does not comply with the objectives of the Rural zone, the site has already been identified as a priority resource extraction area, and is considered too small to be utilised for commercial scale farming. The proposed development will not preclude the site from being used for semi-rural use in the future once extraction operations are completed.

Clause 4.11.2 - General Provisions

The following is an assessment against the relevant General Provisions of the Rural zone:

<table>
<thead>
<tr>
<th>General Provision</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All development, including the clearing of land, shall be setback a minimum of 30 metres from the primary street and 10 metres from all other boundaries, other than for the purpose of providing a fire break or vehicular accessway.</td>
<td>All development other than vehicular access is setback a minimum of 40m from the primary street (Baldivis Road) and 20m from all other side boundaries.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Clearing of Vegetation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No native or remnant vegetation shall be removed or cleared unless approved by the Council, and other than for the purpose of a fire break, fire protection within a building protection zone, dwelling, outbuilding, fence and vehicular access or where such vegetation is dead, diseased or dangerous.</td>
<td>The subject site contains predominantly degraded vegetation, with a small portion of good condition vegetation in the western portion of the site. The site has historically been used for grazing and excavation for sand, with much of the vegetation on site understood as being replanted by the owners. The majority of the vegetation on the site is not endemic to the region or classed as remnant vegetation by the City's Environmental Planning Services. The City considers it acceptable to clear the vegetation to facilitate the development. A portion of the good condition vegetation in the western section of the lot will be retained within the 20m lot boundary setback, acting as a visual buffer to the adjoining property.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Peel Harvey Coastal Plain Catchment

<table>
<thead>
<tr>
<th>Provision</th>
<th>Description</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>In accordance with the provisions of clause 5.1, the Council shall be guided by the objectives and provisions of the policy statement contained in the Environmental Protection Policy (Peel-Harvey Estuarine System) 1991 and the State Planning Policy No. 2.1 – Peel-Harvey Coastal Plain Catchment, in determining applications within the subject area.</td>
<td>An assessment of the proposed development against the requirements of the Environmental Protection Policy (Peel-Harvey Estuarine System) 1991 and State Planning Policy No. 2.1 – Peel-Harvey Coastal Plain Catchment is contained within the Policy section of this report. The proposed development is considered to be each Policy requirement.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Serpentine River And Peel Drains

<table>
<thead>
<tr>
<th>Provision</th>
<th>Description</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council shall be guided by the recommendations of the Serpentine River Flood Study, administered by the Department of Water, in determining applications adjacent to the Serpentine River or the network of secondary Peel Drains.</td>
<td>The application was referred to the Department of Water, where it raised no objections to the proposal and advised that the applicant must obtain a new groundwater licence. The proposed development is not considered to adversely impact the Serpentine River or the network of secondary Peel Drains.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Swan Coastal Plain Lakes

<table>
<thead>
<tr>
<th>Provision</th>
<th>Description</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>In accordance with the provisions of clause 5.2, the Council shall be guided by the objectives of the Policy Statements contained in the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992, in determining applications within the subject area.</td>
<td>An assessment of the proposal against the requirements of the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 is contained within the Policy section of this report. The proposal is compliant with the requirements of the Policy.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

City of Rockingham Extractive Industries Local Law 2000

A separate Extractive Industry Licence is required in accordance with the City of Rockingham Extractive Industries Local Law 2000. The applicant will be advised of this requirement.

Environmental Protection (Noise) Regulations 1997

Noise associated with the development will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997. The applicant has provided an acoustic assessment that demonstrates the proposed development can comply with the acceptable noise levels to future residential development immediately east of Baldivis Road.

g. **Risk (High/Extreme)**

Nil

### Comments

**Environmental impacts**

The subject site contains predominantly degraded vegetation, with a small portion of good condition vegetation in the western portion of the site. A portion of the good condition vegetation in the western section of the lot will be retained within the 20m lot boundary setback, acting as a visual buffer to the adjoining property.
It is noted that despite the degraded quality of the majority of the vegetation on the site, there was evidence of black cockatoo foraging on the site and vegetation on site is a potential habitat for black cockatoos. Given more than 1 hectare of potential foraging habitat is proposed to be cleared, the application was referred to DPaW for comment in accordance with the 'Black Cockatoo Referral Guidelines'. DPaW provided no comments on the application, however, DER advised that if the clearing of native vegetation is likely to impact on significant habitat for threatened black cockatoo species, it may be considered a controlled action under the Environmental Protection and Biodiversity Conservation Act 1999. Should the development be approved, a footnote advising the applicant to liaise with the Commonwealth Department of the Environment in this respect is recommended.

**Water supply**

There is no existing reticulation water supply to service the site. The applicant intends to truck potable water to the site as required. Should groundwater be used, the applicant will be required to obtain a new groundwater licence from the DoW. The applicant has been advised of this requirement.

**Buffers to sensitive land uses**

As previously advised, the City is satisfied that appropriate methods have been proposed by the applicant to mitigate potential dust and noise issues associated with the proposed development on future residential land within the 300m recommended buffer to the east of the subject site. Conditions of Development Approval requiring the applicant to comply with the Dust Management Plan and the Environmental Protection (Noise) Regulations 1997 are recommended in this respect.

**Visual impacts**

There is a natural ridgeline and existing vegetation to the northern site boundary which will screen the proposed development from the Rockingham Regional Memorial Park to the north of the subject site. The 20m setback area to the southern edge of the site adjacent Kulija Road is also densely vegetated with mature vegetation, which will screen the development to Kulija Road. The land to the west of the subject site also contains dense vegetation, but screening to this boundary is not considered necessary given the adjacent site is occupied by the City's Landfill Facility.

It is noted that the 40m setback from Baldivis Road is scarcely vegetated; therefore a condition of Development Approval is recommended, requiring the applicant to revegetate the 40m setback area, to ensure there are no adverse visual impacts to the site from future residential development on the eastern side of Baldivis Road.
6. Natural Ridgeline

Dust impacts

The applicant has provided a Dust Management Plan in support of the application. The Dust Management Plan details the proposed methods of dust suppression, which is inclusive but not limited to, the use of water carts and sprays, truck load coverage, wind fencing and the maintenance of vegetation buffers. The proposed methods of dust suppression are to the satisfaction of the City.

The dust management, suppression and mitigation measures described in the Management Plan must be implemented to ensure that no visible dust generated on the site leaves the site boundaries. A condition of Development Approval is recommended in this respect.

Given that the proposed development is within the recommended EPA buffer distance of 300m to future residential development, it is considered appropriate that dust monitoring be undertaken at the commencement of each stage of development, once residential development has commenced on the land to the east of the subject site. A condition of Development Approval is recommended in this regard.

Noise impacts to sensitive land-uses

The applicant has submitted an Acoustic Assessment, which demonstrates that the proposed development will comply with the requirements of the \textit{Environmental Protection (Noise) Regulations 1997}.

The applicant has only proposed the extraction of sand from the site, screening of material, crushing of material, associated drainage works and rehabilitation works. The City considers it appropriate that should the application be approved, a condition of Development Approval be applied to ensure that at no time shall any blasting works be carried out, to ensure there are no adverse noise and air-blast impacts associated with the development on future residential land to the east.

It is also recommended that the applicant submit a Noise Management Plan prepared by a suitably qualified acoustic expert when the development is operational to verify compliance with the requirements of the \textit{Environmental Protection (Noise) Regulations 1997}. 
Acid Sulfate Soils
The subject site has a low to moderate risk of Acid Sulfate Soils (ASS) occurring within 3m of the natural soil surface. The proposed area of excavation does not impact the ASS risk area and will therefore remain undisturbed by the proposed development. In accordance with the advice received from DER, it is not considered that further investigation into ASS of the site is required.

Fuel Storage
The applicant intends to store fuel on site for refuelling and maintenance purposes. The refuelling facilities will be contained in bunded storage facilities, which is supported by the City.

Traffic/Road impacts – access, routes, frequency, maintenance of roads and vehicle types
The applicant has provided a Sidra Analysis that demonstrates that all vehicles associated with the proposed development can be accommodated on the existing road network. The City is satisfied that truck movements associated with the proposed development are within the capacity of the existing road network and will not compromise the functionality of the intersection of Baldivis and Kulija Roads.

The City anticipates that traffic volumes at the intersection of Baldivis and Kulija Roads will increase as further urban development occurs within Baldivis. It is therefore recommended that the application only be approved for a period of five years to enable the further assessment of the impacts of the development on this intersection with respects to the increased traffic volumes on these roads.

It is also recommended that should the application be approved, the applicant prepare a Traffic Management Plan to ensure the effective management of haulage vehicles to and from the site.

Groundwater
Stormwater run-off has the potential to carry dust, contaminants and sediments into nearby drainage systems. Contaminants from stockpiles of topsoil and operation of plant equipment on site (such as diesel and oil leaks) also have the potential to leach into the soil and contaminate groundwater. In this respect, the Department of Environment Regulation's draft Environmental Guidelines for Construction and Demolition Waste Recycling Facilities (EGCDWRF) recommends various measures to control groundwater contamination, such as minimising site clearing, retaining vegetated buffer zones, regularly checking plant equipment and prohibiting the ponding of water on site. Whilst it is not expected that there will be any stormwater run-off given the permeability and porosity of the sand on the site, conditions of Development Approval in accordance with the recommendations of the EGCDWRF are recommended to prevent any possible groundwater contamination.

The applicant has undertaken preliminary geotechnical investigations on the site demonstrating that no groundwater was observed in any of the test locations to the proposed extraction depth of RL 6.0m AHD. The City is satisfied that the proposed development will not adversely impact on existing groundwater levels.

Staging and excavation method
The applicant is proposing to stage the works such that the final stages will occur to the western boundary, which will likely coincide with the future development of residential land to the east. There is currently no residential development to the east, and therefore commencing the development towards the eastern property boundary as early as possible in advance of residential development nearby is considered appropriate in the circumstances.

At the completion of each stage of mining operations, the City considers it appropriate that the applicant ensure that all sand faces, nonoperational stockpiles and bund walls are safe and stable in accordance with the City's Extractive Industry Local Law.

Rehabilitation and end use
The applicant has noted that the owner intends to development the site for future commercial land uses, and therefore only intends to rehabilitate the site using native shrubs and grasses. As the subject site is zoned 'Rural' under both the MRS and TPS2, this land use cannot be considered under the current zoning. The City therefore recommends that a revised Rehabilitation Plan be submitted to and approved by the City, which instead proposes the use of trees and other over-storey species, to return the land similar to its pre-development state.
Post Excavation Site Levels

The extraction depth is RL 6.0m AHD. The applicant intends to retain and revegetate the floor elevation and provide vegetated batters to a horizontal to vertical grade of a maximum of 1 in 3.

Approval Timeframe

Given future residential development to the east and the anticipated increased traffic volumes using the intersection of Baldivis and Kulija Roads, the City considers it appropriate to limit the extraction operation to five years, to enable the City to reassess the application in five years to determine the impacts the extraction operations may have on new developments within the vicinity of the site. A five year approval timeframe is in accordance with the applicants anticipated time to complete extractive operations on the site.

Conclusion

The proposal is compliant with the requirements of TPS2 and Policy. The applicant has adequately demonstrated that impacts associated with the development can be managed to mitigate any potential adverse impacts on existing and future residential properties. It is recommended that Council conditionally approve the application for an Extractive Industry.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for Extractive Industry at Lot 1 (No.142) and Lot 2 (No.148) Baldivis Road, Baldivis, subject to the following conditions:

1. Approval Period

   This approval is valid for a period of 5 years only commencing on the date of the issue of this approval.

2. Development prohibited after Expiry of Approval Period or Lapse of Approval

   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

3. Excavation Operations

   (i) Prior to the commencement of any development, a management plan prepared by a suitably qualified person must be submitted to the City for its approval which plan addresses:

      (a) all site operations;
      (b) site supervision arrangements;
      (c) truck movements and access and driver supervision arrangements;
      (d) prevention and management of spill material on the site and on roads; and
      (e) maintenance of plant and equipment to prevent spillage of lubricants and fuel.

   (ii) Except to the extent of inconsistency with any other of these conditions, the undertaking of the excavation operations on the site is to comply in all respects and at all times with the approved management plan and any subsequent amendments to that management plan as may be directed in writing to the owner(s) of the land by the City.

   (iii) Crushing is only to occur in the area within the bunds on the site.

   (iv) No blasting is permitted at any time.

4. Requirements Prior to the Commencement of Excavation

   (i) Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme prior to the commencement of any development.
(ii) The preparation of a Traffic Management Plan to the satisfaction of the City.

5. On-going requirements

(a) Haulage Requirements

(i) Haulage of material on public roads is only permitted between the hours of 7:00am to 5:00pm Monday to Saturday, and not at all on Sunday or Public Holidays. No operation of haulage vehicles on site is permitted on any Sunday or Public Holiday.

(ii) Haulage vehicles are not permitted to park along Baldivis Road or Kulija Road at any time.

(iii) Truck or machinery movements must not obstruct or impede the movement of funeral or mourner’s vehicles entering and exiting the Rockingham Regional Memorial Park at any time.

(b) Excavation Setbacks

A 40m setback to Baldivis Road and a 20m setback to the northern and southern boundaries must be maintained at all times. No removal of existing remnant vegetation from these setback areas is permitted.

(c) Groundwater

A minimum vertical separation distance of 2m to the highest-known water table level, for the duration of the development.

(d) Noise Management

(i) Prior to the commencement of development, a Noise Management Plan prepared by a suitably qualified acoustic expert and be submitted to and approved by the City which plan addresses the measures required to be taken to ensure that the requirements of the Environmental Protection (Noise) Regulations 1997 are met.

(ii) The operator must at all times carry out the operations, including crusher, in accordance with, and must implement the noise management, suppression and mitigation measures contained in the approved noise management plan.

(iii) All vehicles, equipment and machinery used on the site must not use reversing beepers unless those beepers are required for the safe conduct of operations on the site (in accordance with the provisions of the Occupational Safety and Health Regulations 1996 (WA) and the Environmental Protection (Noise) Regulations 1997 or it is demonstrated to the written satisfaction of the City that no acceptable alternative exists. Any reversing alarm on any vehicle, piece of equipment or machinery shall be broad-band reversing alarms, for example, ‘croakers’.

(iv) In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the excavation operations on the site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures contained in the noise management plan), the City may direct in writing that:

(a) an amended noise management plan is submitted and approved; or

(b) the activities on the site are brought into compliance with this approval, as the case may be.

In this condition ‘an unreasonable amount of noise’ means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

(e) Dust Management Plan

(i) The dust management measures outlined in the Excavation Management Plan prepared by Ochre West and dated September 2015 must be complied with at all times.

(ii) At all times:
(a) all stockpiles of materials on the site; and
(b) the access road to and all trafficable areas on the site, must be watered down or treated and maintained in a manner which prevents or minimises the generation of airborne dust.

(iii) The extraction operations must be carried out in accordance with the dust management, suppression and mitigation measures contained in the approved Excavation Management Plan.

(iv) Without limiting Condition 5(e), no visible dust is permitted to leave the site.

(v) At all times sufficient water must be accessible on-site to enable dust suppression and if necessary by means of water transported by tanker onto the site.

(vi) When winds are sufficiently strong to negate the effects of the dust management, suppression and mitigation measures contained in the dust management plan, all excavation operations on the site must cease until conditions improve and compliance can be achieved.

(vii) In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the extraction operations on the site are generating an unreasonable amount of dust, or that any of those operations are not compliant with any of the conditions relating to dust emissions (including non-compliance with the dust management measures contained in the Extraction Management Plan), the City may direct in writing that:

(a) an amended Dust Management Plan is submitted and approved; or
(b) the activities on the site are brought into compliance with this approval, as the case may be.

In this condition 'an unreasonable amount of dust' means visible dust crossing the site's boundary and visibly excessive dust on the site.

(f) Landscaping Plan

(i) A 40m vegetation buffer from Baldivis Road to the extraction area and a 20m vegetation buffer from the northern and southern boundaries must be maintained at all times. No removal of vegetation within the buffer areas is permitted.

(ii) A landscaping plan must be:

(a) prepared by a suitably qualified and experienced consultant which plan addresses measures to screen the extractive industry from Baldivis and Kulija Roads.

(b) Submitted to the City for the City's approval;

(c) Approved in writing by the City; and

(d) Implemented to the satisfaction of the City.

(g) Site Operations

All excavation works must only be carried out between the hours of 7:00am to 5:00pm Mondays to Saturdays and not at all on Sundays or Public Holidays. Processing and compacting must not occur prior to 7:00am and must not be carried out on Sundays and Public Holidays.

6. Annual Reporting Requirements

By 31 January each year an annual report must be submitted to the City which includes:

(i) the progress of the extraction activities;

(ii) the progress of rehabilitation undertaken and completed;

(iii) the measures taken to suppress and minimise dust;

(iv) the measures taken to suppress and minimise noise; and

(v) the number and type of community complaints and responses.
7. Complaints Procedure
   (i) A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time.
   (ii) The owners and occupiers of properties within 500 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.
   (iii) A complaints log must be kept in which the following is to be recorded:
         (a) The date and time of each complaint made and received;
         (b) The means (telephone or email) by which the complaint was made;
         (c) Any personal details of the complainant that were provided or, if no details were provided a note to that effect;
         (d) The nature of the complaint;
         (e) The steps or actions taken in, and the time of, the response of each complaint, including any follow up contact with the complainant; and
         (f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps were taken.
   (iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.
   (v) The complaints log must be provided to the City on demand.
   (vi) A copy of any report prepared and submitted to the Department of Environment Regulation (as required by and forming part of the operator's monitoring and reporting requirements contained in any licence or approved issued by the Department must be provided to the City concurrently with the report being provided to the Department.

8. Commencement of Stages and Rehabilitation
   (i) A revised Rehabilitation Plan must be prepared and submitted to the City for its approval, which includes local endemic species and overstorey vegetation, prior to the commencement of any works.
   (ii) This Condition applies where the land or part of the land is shown on the approved plans as being divided into stages in numerical sequence.
   (iii) No excavation work is to be commenced on the second or any subsequent stage unless:
         (a) All excavation work on the previous stage has ceased; and
         (b) Rehabilitation work on the previous stage has commenced.
   (iv) Notwithstanding Conditions 8(ii) and 8(iii), where stages overlap the previous stage, the areas of affected land shall be rehabilitated at the earliest opportunity following the completion of excavation works or at the end of all excavation works whichever is the sooner.
   (v) All rehabilitation work specified in the approved rehabilitation plan must be completed no later than 6 months after the earlier of:
         (a) The expiry of the approval period; and
         (b) The lapse of this approval.

9. General
   (i) The City may provide to the operator its comments and any recommendations as to how the operation of the site or the use should be changed in order to address any matter identified in the report.
   (ii) The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.
Advice Notes

(i) In accordance with the Department of Health advice, if groundwater is being or is proposed to be abstracted, the Department of Environment Regulation recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

(ii) All on-site stormwater shall be managed in accordance with the Department of Water's Stormwater Management Manual for Western Australia.

(iii) The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

(iv) A Permit to Take Water for the use of groundwater may need to be obtained; the applicant should liaise with the Department of Water in this regard.

(v) A Works Approval may be required for Prescribed Premises from the Department of Environment Regulation. Further information on licensed is available at. The applicant is advised to liaise with the Department of Environment Regulation in this regard.

(vi) If the clearing of native vegetation is likely to impact on significant habitat for threatened black cockatoo species, it may be considered a controlled action under the Environmental Protection and Biodiversity Conservation Act 1999. The applicant should liaise with the Commonwealth Department of the Environment on 1800 803 772 in this regard.

(vii) The proponent to enter into an agreement with the City to pay a contribution towards damage to road infrastructure caused by the importation of fill to the site as per the Road Traffic (Administration) Act 2008 – Section 132. Please liaise with the City’s Engineering Services in this regard.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:
That Council APPROVES the application for Extractive Industry at Lot 1 (No.142) and Lot 2 (No.148) Baldivis Road, Baldivis, subject to the following conditions:

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   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

3. Excavation Operations
   (i) Prior to the commencement of any development, a management plan prepared by a suitably qualified person must be submitted to the City for its approval which plan addresses:
      (a) all site operations;
      (b) site supervision arrangements;
      (c) truck movements and access and driver supervision arrangements;
      (d) prevention and management of spill material on the site and on roads; and
      (e) maintenance of plant and equipment to prevent spillage of lubricants and fuel.
   (ii) Except to the extent of inconsistency with any other of these conditions, the undertaking of the excavation operations on the site is to comply in all respects and at all times with the approved management plan and any subsequent amendments to that management plan as may be directed in writing to the owner(s) of the land by the City.
(iii) Crushing is only to occur in the area within the bunds on the site.

(iv) No blasting is permitted at any time.

4. Requirements Prior to the Commencement of Excavation

(i) Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme prior to the commencement of any development.

(ii) The preparation of a Traffic Management Plan to the satisfaction of the City.

5. On-going requirements

(a) Haulage Requirements

(i) Haulage of material on public roads is only permitted between the hours of 7:00am to 5:00pm Monday to Saturday, and not at all on Sunday or Public Holidays. No operation of haulage vehicles on site is permitted on any Sunday or Public Holiday.

(ii) Haulage vehicles are not permitted to park along Baldivis Road or Kulija Road at any time.

(iii) Truck or machinery movements must not obstruct or impede the movement of funeral or mourner’s vehicles entering and exiting the Rockingham Regional Memorial Park at any time.

(b) Excavation Setbacks

A 40m setback to Baldivis Road and a 20m setback to the northern and southern boundaries must be maintained at all times. No removal of existing remnant vegetation from these setback areas is permitted.

(c) Groundwater

A minimum vertical separation distance of 2m to the highest-known water table level, for the duration of the development.

(d) Noise Management

(i) Prior to the commencement of development, a Noise Management Plan prepared by a suitably qualified acoustic expert and be submitted to and approved by the City which plan addresses the measures required to be taken to ensure that the requirements of the Environmental Protection (Noise) Regulations 1997 are met.

(ii) The operator must at all times carry out the operations, including crusher, in accordance with, and must implement the noise management, suppression and mitigation measures contained in the approved noise management plan.

(iii) All vehicles, equipment and machinery used on the site must not use reversing beepers unless those beepers are required for the safe conduct of operations on the site (in accordance with the provisions of the Occupational Safety and Health Regulations 1996 (WA) and the Environmental Protection (Noise) Regulations 1997 or it is demonstrated to the written satisfaction of the City that no acceptable alternative exists. Any reversing alarm on any vehicle, piece of equipment or machinery shall be broad-band reversing alarms, for example, 'croakers'.

(iv) In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the excavation operations on the site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures contained in the noise management plan), the City may direct in writing that:

(a) an amended noise management plan is submitted and approved; or

(b) the activities on the site are brought into compliance with this approval, as the case may be.
In this condition 'an unreasonable amount of noise' means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

(e) Dust Management Plan

(i) The dust management measures outlined in the Excavation Management Plan prepared by Ochre West and dated September 2015 must be complied with at all times.

(ii) At all times:
   (a) all stockpiles of materials on the site; and
   (b) the access road to and all trafficable areas on the site, must be watered down or treated and maintained in a manner which prevents or minimises the generation of airborne dust.

(iii) The extraction operations must be carried out in accordance with the dust management, suppression and mitigation measures contained in the approved Excavation Management Plan.

(iv) Without limiting Condition 5 (e), no visible dust is permitted to leave the site.

(v) At all times sufficient water must be accessible on-site to enable dust suppression and if necessary by means of water transported by tanker onto the site.

(vi) When winds are sufficiently strong to negate the effects of the dust management, suppression and mitigation measures contained in the dust management plan, all excavation operations on the site must cease until conditions improve and compliance can be achieved.

(vii) In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the extraction operations on the site are generating an unreasonable amount of dust, or that any of those operations are not compliant with any of the conditions relating to dust emissions (including non-compliance with the dust management measures contained in the Extraction Management Plan), the City may direct in writing that:
   (a) an amended Dust Management Plan is submitted and approved; or
   (b) the activities on the site are brought into compliance with this approval, as the case may be.

In this condition 'an unreasonable amount of dust' means visible dust crossing the site's boundary and visibly excessive dust on the site.

(f) Landscaping Plan

(i) A 40m vegetation buffer from Baldivis Road to the extraction area and a 20m vegetation buffer from the northern and southern boundaries must be maintained at all times. No removal of vegetation within the buffer areas is permitted.

(ii) A landscaping plan must be:
   (a) prepared by a suitably qualified and experienced consultant which plan addresses measures to screen the extractive industry from Baldivis and Kulija Roads.
   (b) Submitted to the City for the City's approval;
   (c) Approved in writing by the City; and
   (d) Implemented to the satisfaction of the City.

(g) Site Operations

All excavation works must only be carried out between the hours of 7:00am to 5:00pm Mondays to Saturdays and not at all on Sundays or Public Holidays. Processing and compacting must not occur prior to 7:00am and must not be carried out on Sundays and Public Holidays.
6. Annual Reporting Requirements

By 31 January each year an annual report must be submitted to the City which includes:

(i) the progress of the extraction activities;
(ii) the progress of rehabilitation undertaken and completed;
(iii) the measures taken to suppress and minimise dust;
(iv) the measures taken to suppress and minimise noise; and
(v) the number and type of community complaints and responses.

7. Complaints Procedure

(i) A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time.

(ii) The owners and occupiers of properties within 500 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.

(iii) A complaints log must be kept in which the following is to be recorded:

(a) The date and time of each complaint made and received;
(b) The means (telephone or email) by which the complaint was made;
(c) Any personal details of the complainant that were provided or, if no details were provided a note to that effect;
(d) The nature of the complaint;
(e) The steps or actions taken in, and the time of, the response of each complaint, including any follow up contact with the complainant; and
(f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps were taken.

(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.

(v) The complaints log must be provided to the City on demand.

(vi) A copy of any report prepared and submitted to the Department of Environment Regulation (as required by and forming part of the operator’s monitoring and reporting requirements contained in any licence or approved issued by the Department must be provided to the City concurrently with the report being provided to the Department.

8. Commencement of Stages and Rehabilitation

(i) A revised Rehabilitation Plan must be prepared and submitted to the City for its approval, which includes local endemic species and overstorey vegetation, prior to the commencement of any works.

(ii) This Condition applies where the land or part of the land is shown on the approved plans as being divided into stages in numerical sequence.

(iii) No excavation work is to be commenced on the second or any subsequent stage unless:

(a) All excavation work on the previous stage has ceased; and
(b) Rehabilitation work on the previous stage has commenced.

(iv) Notwithstanding Conditions 8(ii) and 8(iii), where stages overlap the previous stage, the areas of affected land shall be rehabilitated at the earliest opportunity following the completion of excavation works or at the end of all excavation works whichever is the sooner.

(v) All rehabilitation work specified in the approved rehabilitation plan must be completed no later than 6 months after the earlier of:

(a) The expiry of the approval period; and
(b) The lapse of this approval.
9. **General**

   (i) The City may provide to the operator its comments and any recommendations as to how the operation of the site or the use should be changed in order to address any matter identified in the report.

   (ii) The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

**Advice Notes**

   (i) In accordance with the Department of Health advice, if groundwater is being or is proposed to be abstracted, the Department of Environment Regulation recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

   (ii) All on-site stormwater shall be managed in accordance with the Department of Water's *Stormwater Management Manual for Western Australia*.

   (iii) The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

   (iv) A Permit to Take Water for the use of groundwater may need to be obtained; the applicant should liaise with the Department of Water in this regard.

   (v) A Works Approval may be required for Prescribed Premises from the Department of Environment Regulation. Further information on licenced is available at. The applicant is advised to liaise with the Department of Environment Regulation in this regard.

   (vi) If the clearing of native vegetation is likely to impact on significant habitat for threatened black cockatoo species, it may be considered a controlled action under the *Environmental Protection and Biodiversity Conservation Act 1999*. The applicant should liaise with the Commonwealth Department of the Environment on 1800 803 772 in this regard.

   (vii) The proponent to enter into an agreement with the City to pay a contribution towards damage to road infrastructure caused by the importation of fill to the site as per the *Road Traffic (Administration) Act 2008* – Section 132. Please liaise with the City's Engineering Services in this regard.

**Committee Voting – 5/0**

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**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 T15/16-39 – Period HVAC Mechanical Maintenance Services, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T15/16-39 – Period HVAC Mechanical Maintenance Services was advertised in the West Australian on Saturday 24 October 2015. The tender closed at 2.00pm, Wednesday 11 November 2015 and was opened immediately thereafter.

Details

The scope of work for this Contract is for the maintenance of the City’s heating, ventilation and air conditioning assets (HVAC) located at various facilities, comprising of these main activities:
- Preventative maintenance scheduling and servicing,
- Reactive breakdown services,
- Design and installation of replacement equipment,
- Scheduled maintenance and management of the City's Building Management Systems.

The period of the contract will be from the date of award for a period of 60 months.

Tenders were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amek Engineering Pty Ltd</td>
</tr>
<tr>
<td>Quirks Australia Pty Ltd</td>
</tr>
<tr>
<td>Pantera Enterprises Pty Ltd trustee for the Reds Family Trust and Mytah Electrical Pty Ltd trustee for the Smith Trust trading as Caps HVAC</td>
</tr>
<tr>
<td>Fredon Air Pty Ltd</td>
</tr>
<tr>
<td>RCR Haden Pty Ltd</td>
</tr>
<tr>
<td>Dardon Holdings Pty Ltd trustee for the Piggott Family Others and Ontrack Holdings WA Pty Ltd trustee for the Jackyl Family Trust trading as Aircor Mechanical Services</td>
</tr>
<tr>
<td>Australian HVAC Services Pty Ltd</td>
</tr>
<tr>
<td>Burkeair Pty Ltd</td>
</tr>
<tr>
<td>Collee Investments Pty Ltd trustee for the CD &amp; LA Smith Family Trust trading as Essential Refrigeration Services</td>
</tr>
<tr>
<td>Moreglen Holdings Pty Ltd trustee for the R and L Family Trust trading as Sea Ray Electrics</td>
</tr>
<tr>
<td>Precise Air Group Pty Ltd</td>
</tr>
<tr>
<td>Hirotec Maintenance Pty Ltd</td>
</tr>
<tr>
<td>KD Aire Mechanical Services Pty Ltd</td>
</tr>
</tbody>
</table>

A panel comprising of the City's Building Trades Coordinator, Building Systems Officer and Asset Inspector undertook tender evaluations.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>40</td>
<td>35</td>
<td>25</td>
</tr>
<tr>
<td>Burkeair Pty Ltd</td>
<td>32.8</td>
<td>26.2</td>
<td>15.8</td>
<td>74.8</td>
</tr>
<tr>
<td>KD Aire Mechanical Services Pty Ltd</td>
<td>29.2</td>
<td>25.9</td>
<td>18.8</td>
<td>73.9</td>
</tr>
<tr>
<td>Precise Air Group Pty Ltd</td>
<td>26.4</td>
<td>20.5</td>
<td>25.0</td>
<td>71.9</td>
</tr>
<tr>
<td>Amek Engineering Pty Ltd</td>
<td>26.2</td>
<td>28.9</td>
<td>16.0</td>
<td>71.1</td>
</tr>
<tr>
<td>Fredon Air Pty Ltd</td>
<td>31.6</td>
<td>24.0</td>
<td>12.9</td>
<td>68.5</td>
</tr>
<tr>
<td>Quirks Australia Pty Ltd</td>
<td>26.8</td>
<td>23.6</td>
<td>17.0</td>
<td>67.4</td>
</tr>
</tbody>
</table>
Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

   **Aspiration B:** Strong Community
   **Strategic Objective:** Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional.

   **Aspiration C:** Quality Leadership
   **Strategic Objective:** Financial Sustainability - A City that understands the importance of sustainable revenue streams, long term resource planning and allocation, and the need to prioritise spending on core services and strategic asset management programs.

   **Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

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### Assessment Criteria

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dardon Holdings Pty Ltd trustee for the Piggott Family Others and Ontrack Holdings WA Pty Ltd trustee for the Jackyl Family Trust trading as Aircor Mechanical Services</td>
<td>30.7</td>
<td>22.5</td>
<td>13.4</td>
<td>66.6</td>
</tr>
<tr>
<td>Hirotec Maintenance Pty Ltd</td>
<td>26.0</td>
<td>21.1</td>
<td>18.6</td>
<td>65.7</td>
</tr>
<tr>
<td>Australian HVAC Services Pty Ltd</td>
<td>30.6</td>
<td>23.8</td>
<td>10.9</td>
<td>65.3</td>
</tr>
<tr>
<td>RCR Haden Pty Ltd</td>
<td>23.5</td>
<td>23.2</td>
<td>15.1</td>
<td>61.8</td>
</tr>
<tr>
<td>Pantera Enterprises Pty Ltd trustee for the Reds Family Trust and Mytah Electrical Pty Ltd trustee for the Smith Trust trading as Caps HVAC</td>
<td>18.0</td>
<td>16.6</td>
<td>8.4</td>
<td>43.0</td>
</tr>
<tr>
<td>Moreglan Holdings Pty Ltd trustee for the R and L Family Trust trading as Sea Ray Electrics</td>
<td>13.2</td>
<td>10.9</td>
<td>10.0</td>
<td>34.1</td>
</tr>
</tbody>
</table>
d. Policy

In accordance with the City’s Purchasing Policy, for purchases above $100,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. Financial

Expenditure will be approximately $300,000 - $350,000 per annum and is allocated in the operating accounts for various applicable sites in the 2015/2016 budget. Expenditure over the term of the contract is expected to exceed $1,500,000.

f. Legal and Statutory


‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

g. Risk (High/Extreme)

Nil

Comments

The City’s Asset Management Team has estimated the total replacement value of HVAC systems at City owned facilities to be in excess of $7 million. The objective of this contract is to maintain these assets to achieve the agreed level of service for building users and maximise useful life.

The air quality within buildings is a key factor in maintaining customer satisfaction. If not managed well, these assets can fast become problematic and eventually fail which would have a large impact on the City’s operations.

The successful maintenance of these assets requires a combination of effective asset management, mechanical expertise, customer service strategies and resource allocation. If the combination of all of these aspects is achieved, then the benefits will be improved energy efficiency, optimised asset life and comfort levels within the City’s buildings.

As it is critical that this service is delivered in the most efficient and reliable way, the assessment panel considered that the submission received from BurkeAir Pty Ltd represented best value to the City and is therefore recommended as the preferred tenderer for this contract.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPTS the tender submitted from BurkeAir Pty Ltd, Unit 1/21 Frederick Street, Belmont for Tender T15/16-39 – Period HVAC Mechanical Maintenance Services in accordance with the tender documentation for a contract period of 60 months from the date of award.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Whitfield:

That Council ACCEPTS the tender submitted from BurkeAir Pty Ltd, Unit 1/21 Frederick Street, Belmont for Tender T15/16-39 – Period HVAC Mechanical Maintenance Services in accordance with the tender documentation for a contract period of 60 months from the date of award.

Committee Voting – 5/0
### The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

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

Not Applicable
### Engineering and Parks Services

#### Capital Projects

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>EP-002/16 Tender T15/16-65 – Construction and Renovations of the Golden Bay Sports Pavilion and Singleton Sports and Community Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>T15/16-65</td>
</tr>
<tr>
<td><strong>Risk Register No:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Andrew Davidson, Project Coordinator</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>18 January 2016</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Executive</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>R/32492; Lot 2264 Tangadee Road, Golden Bay and R/43022; Lot 4064 Cavender Street, Singleton</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>81089m² and 19260m²</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>1. Golden Bay Sports Pavilion and Community Centre 2. Singleton Sports and Community Centre</td>
</tr>
</tbody>
</table>
1. Golden Bay Sports Pavilion and Community Centre

2. Singleton Sports and Community Centre
Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-65 – Construction and Renovations of the Golden Bay Sports Pavilion and Singleton Sports and Community Centre, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T15/16-65 – Construction and Renovations of the Golden Bay Sports Pavilion and Singleton Sports and Community Centre was advertised in the West Australian on Saturday, 24 October 2015. The Tender closed at 2.00pm, Wednesday, 25 November 2015 and was publicly opened immediately after the closing time.

Details

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

- Extension of the Golden Bay Community Centre
- Construction of the Golden Bay Sports Pavilion
- Extension of the Singleton Sports and Community Centre
- Demolition of existing Singleton Bowls Club and Singleton Hall

The period of the contract shall be 54 weeks from the date of site possession.

The Tender allowed for four options to be submitted, to test the market and provide for the option to separate the works if there was a clear benefit to the City.

- Option 1 – Singleton Sports and Community Centre
- Option 2 – Golden Bay Sports Pavilion and Community Centre
- Option 3 – Both Facilities
- Option 4 – Golden Bay Sports Pavilion kitchen fit out (subject to the club funding the works)

Submissions were received from:

Lump Sum Tender (ex GST)

<table>
<thead>
<tr>
<th>Company</th>
<th>Option 1 (Singleton)</th>
<th>Option 2 (Golden Bay)</th>
<th>Option 3 (Both sites)</th>
<th>Option 4 (Kitchen fit out)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPD Group Pty Ltd</td>
<td>$3,036,141</td>
<td>$2,945,829</td>
<td>$5,922,149</td>
<td>-</td>
</tr>
<tr>
<td>BE Projects (WA) Pty Ltd</td>
<td>$3,345,545</td>
<td>$3,088,373</td>
<td>$6,330,968</td>
<td>$140,789</td>
</tr>
<tr>
<td>Quality Group Services Pty Ltd (T/A Cercon Building)</td>
<td>$3,170,633</td>
<td>$3,598,555</td>
<td>$6,492,008</td>
<td>$81,200</td>
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<tr>
<td>Badge Constructions (WA) Pty Ltd</td>
<td>$3,097,595</td>
<td>$3,406,615</td>
<td>$6,504,210</td>
<td>$158,173</td>
</tr>
<tr>
<td>Angularem Pty Ltd (T/A Rivett Construction)</td>
<td>$3,364,747</td>
<td>$3,373,286</td>
<td>$6,588,424</td>
<td>$176,675</td>
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<tr>
<td>McCorkell Constructions WA Pty Ltd</td>
<td>$3,314,850</td>
<td>$3,278,850</td>
<td>$6,593,700</td>
<td>$150,326</td>
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<tr>
<td>Bistel Construction Pty Ltd</td>
<td>$3,301,132</td>
<td>$3,330,281</td>
<td>$6,594,455</td>
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</tr>
<tr>
<td>Devlyn Constructions Pty Ltd</td>
<td>$3,488,281</td>
<td>$3,576,817</td>
<td>$7,065,099</td>
<td>$137,789</td>
</tr>
<tr>
<td>Shelford Constructions Pty Ltd</td>
<td>$3,607,680</td>
<td>$3,607,910</td>
<td>$7,115,590</td>
<td>$192,127</td>
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</tbody>
</table>
A panel comprising of the City’s Manager Capital Projects, Project Coordinator and a Senior Architect from the project design company undertook the 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>Level of Service 50</th>
<th>Understanding Tender Requirements 20</th>
<th>Tendered Price/s 30</th>
<th>Total Weighted Scores 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>BE Projects (WA) Pty Ltd</td>
<td>42.3</td>
<td>17.3</td>
<td>28.1</td>
<td>87.7</td>
<td></td>
</tr>
<tr>
<td>McCorkell Constructions WA Pty Ltd</td>
<td>44.3</td>
<td>16.3</td>
<td>26.9</td>
<td>87.5</td>
<td></td>
</tr>
<tr>
<td>Badge Constructions (WA) Pty Ltd</td>
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<td>14.7</td>
<td>27.3</td>
<td>86.3</td>
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</tr>
<tr>
<td>Bistel Construction Pty Ltd</td>
<td>41.3</td>
<td>17.7</td>
<td>26.9</td>
<td>85.9</td>
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<tr>
<td>Shelford Constructions Pty Ltd</td>
<td>39.3</td>
<td>17.7</td>
<td>25.0</td>
<td>82.0</td>
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<tr>
<td>CPD Group Pty Ltd</td>
<td>35.5</td>
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<td>30.0</td>
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</tr>
<tr>
<td>Devlyn Constructions Pty Ltd</td>
<td>35.7</td>
<td>14.0</td>
<td>25.1</td>
<td>74.8</td>
<td></td>
</tr>
<tr>
<td>Quality Group Services Pty Ltd (T/A Cercon Building)</td>
<td>29.5</td>
<td>12.3</td>
<td>27.4</td>
<td>69.2</td>
<td></td>
</tr>
<tr>
<td>Angularem Pty Ltd (T/A Rivett Construction)</td>
<td>31.4</td>
<td>10.3</td>
<td>27.0</td>
<td>68.7</td>
<td></td>
</tr>
</tbody>
</table>

**Implications to Consider**

a. **Consultation with the Community**
   Various community user groups were consulted during the design phase of the project.

b. **Consultation with Government Agencies**
   State Government were consulted, as part funding is being provided through the Department of Sports and Recreation.

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

   **Aspiration B:** Strong Community

   **Strategic Objective:** Mobility and Inclusion - Community services, programs and infrastructure that effectively caters for all residents including seniors, youth and vulnerable populations.

   **Strategic Objective:** Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional.

   **Strategic Objective:** Building Capacity and Awareness - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits.

   **Aspiration D:** Sustainable Environment

   **Strategic Objective:** Carbon Footprint and Waste Reduction - Carbon footprint reduction and waste minimisation programs focussed on community education and awareness, and the use of new technologies proven to be environmentally acceptable and financially sustainable.
d. **Policy**

In accordance with the City’s Purchasing Policy, for purchases above $100,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. **Financial**

A total amount of $9,318,494 has been allocated within the 2015/2016 Budget. Comprising two work orders (W24410 & W24414) to the respective values of $4,463,524 and $4,854,970.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 3 lump sum</td>
<td>$6,330,968</td>
</tr>
<tr>
<td>Professional Fees</td>
<td>$364,000</td>
</tr>
<tr>
<td>Contingency</td>
<td>$506,500</td>
</tr>
<tr>
<td>City of Rockingham On-Costs (10%)</td>
<td>$720,147</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,921,615</strong></td>
</tr>
</tbody>
</table>

f. **Legal and Statutory**


‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

g. **Risk (High/Extreme)**

Nil

**Comments**

Following consideration of the submissions and in accordance with the tender criteria all companies demonstrated a capacity to complete the works. In assessing the submissions the assessment panel identified that the submission received from BE Projects (WA) Pty Ltd demonstrated a high level of understanding of the requirements of the tender, identified highly experienced personnel to work directly on the project and were in a position to apply resources towards the project. Therefore the submission received from BE Projects (WA) Pty Ltd is considered to represent best value to the City and are therefore recommended as the preferred tenderer.

It is recommended to proceed with Option 3 (awarding of both projects as a combined contract). In doing so the submission by BE Projects (WA) Pty Ltd provides a saving of over $100,000 as compared to awarding Options 1 and 2 separately.

Option 4 – Golden Bay Sports Pavilion Kitchen Fit-out may be included as a project variation following confirmation of the funding contribution by the Secret Harbour Dockers Football Club.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the tender submitted from BE Projects (WA) Pty Ltd, Unit 2/46 Abernethy Road, Belmont, WA 6104 for Tender T15/16-65 - Construction and Renovations of the Golden Bay Sports Pavilion and Singleton Sports and Community Centre for Option 3, in accordance with the tender documentation for the lump sum value of $6,330,968.43 (excluding GST).
Committee Recommendation

Moved Cr Sammels, seconded Cr Whitfield:
That Council **ACCEPTS** the tender submitted from BE Projects (WA) Pty Ltd, Unit 2/46 Abernethy Road, Belmont, WA 6104 for Tender T15/16-65 - Construction and Renovations of the Golden Bay Sports Pavilion and Singleton Sports and Community Centre for Option 3, in accordance with the tender documentation for the lump sum value of $6,330,968.43 (excluding GST).

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 15 February 2016** 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 **4.30pm**.