



## **Metro South-West Joint Development Assessment Panel Agenda**

**Meeting Date and Time:** Friday, 1 August 2014; 10:30 am  
**Meeting Number:** MSWJDAP/48  
**Meeting Venue:** City of Rockingham; Civic Boulevard, Rockingham

### **Attendance**

#### **DAP Members**

Mr David Gray (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Joy Stewart (Local Government Member, City of Rockingham)  
Cr Richard Smith (Local Government Member, City of Rockingham)

#### **Officers in attendance**

Mr Craig Shepherd (Development Assessment Panels)  
Ms Erika Barton (City of Rockingham)  
Mr Bob Jeans (City of Rockingham)

#### **Local Government Minute Secretary**

Ms Sharon Peacock (City of Rockingham)

#### **Applicant and Submitters**

Mr Tim Dawkins (Urbis)  
Mr Stewart Holroyd (Campion Design)

#### **Members of the Public**

Nil

#### **1. Declaration of Opening**

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

#### **2. Apologies**

Nil

#### **3. Members on Leave of Absence**

Nil



#### **4. Noting of Minutes**

Note the Minutes of the Metro South-West JDAP meeting no.47 held on the 10 July 2014.

#### **5. Disclosure of Interests**

Nil

#### **6. Declarations of Due Consideration**

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

#### **7. Deputations and Presentations**

Nil

#### **8. Form 1 - Responsible Authority Reports – DAP Application**

Nil

#### **9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval**

<b>9.1</b>	Property Location:	Lots 1 and 9084 Safety Bay Road, Baldivis
	Application Details:	Amendment to DAP Planning Approval for Additions and Alterations to Baldivis District Shopping Centre
	Applicant:	Stockland Development Pty Ltd C/- Urbis
	Owner:	Stockland WA (Estates) Pty Ltd
		The Trust Company Pty Ltd
	Responsible authority:	City of Rockingham
	Report date:	1 July 2014
	DoP File No:	DP/12/01276

#### **10. Appeals to the State Administrative Tribunal**

Nil

#### **11. Meeting Closure**



## **Minutes of the Metro South-West Joint Development Assessment Panel**

**Meeting Date and Time:** Thursday, 10 July 2014; 3:00pm  
**Meeting Number:** MSWJDAP/47  
**Meeting Venue:** Department of Planning  
140 William Street, Perth – L2.40

### **Attendance**

#### **DAP Members**

Mr Ian Birch (A/Presiding Member)  
Mr Clayton Higham (A/Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle)  
Cr Jon Strachan (Local Government Member, City of Fremantle)

#### **Officers in attendance**

Mr Craig Shepherd (Development Assessment Panels)  
Mr Konrad Srokowski (City of Fremantle)  
Ms Natalie Martin Goode (City of Fremantle)

#### **Department of Planning Minute Secretary**

Ms Fiona Sze (Development Assessment Panels)

#### **Applicant and Submitters**

Mr Daniel Sanbrook (Aztec Architects)  
Mr Tomas Briones (Aztec Architects)

#### **Members of the Public**

Nil

### **1. Declaration of Opening**

Due to the absence of the Presiding Member and in accordance with section 2.4.1 of the Standing Orders 2012, the Deputy Presiding Member Mr Ian Birch took the chair and declared the meeting open at 3pm on 10 July 2014. The A/Presiding Member acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The A/Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The A/Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

**2. Apologies**

Nil

**3. Members on Leave of absence**

Panel member, Mr David Gray has been granted leave of absence by the Minister for the period of 7 July 2014 to 14 July 2014 inclusive.

**4. Noting of minutes**

Minutes of the Metro South-West JDAP meeting no.46 held on 4 July 2014 were noted by DAP Members.

**5. Disclosure of interests**

Nil

**6. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**7. Deputations and presentations**

Nil

**8. Form 1 - Responsible Authority Reports – DAP Application**

- |            |                        |  |
|------------|------------------------|--|
| <b>8.1</b> | Property Location:     | No. 16 – 18 (Lots 77 & 78) Kwong Ally, North Fremantle       |
|            | Application Details:   | Five storey multiple dwelling (10 dwellings) development     |
|            | Applicant:             | Aztec Architects   |
|            | Owner:                 | Jacob Malecky, Josephine Malecky & Malecky Nominees Pty Ltd. |
|            | Responsible authority: | City of Fremantle  |
|            | Report date:           | 3 July 2014  |
|            | DoP File No:           | DAP/14/00510   |

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by: Cr Strachan**

**Seconded by: Mr Nicholson**

That the Metropolitan South-West JDAP

resolves to:



**Approve** DAP Application reference DAP/14/00510 (City of Fremantle reference DAP80002/14) dated 12 June 2014 and accompanying plans 'Survey plan; Site plan; Basement floor plan; Ground Floor Plan; First floor plan; Second/third floor plan; Roof terrace floor plan; Roof plan; West elevation plan; South elevation plan; East elevation plan; North elevation plan; Render; and Streetscape' in accordance with Clause 10.2 of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 12 June 2014. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
2. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy L.P.P2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing and/or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - a) A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b) A copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
3. Prior to the issue of a Building Permit, the owner is required to contribute a monetary amount of 1% of the estimated total cost of development as indicated on the Form of Application for Planning Approval for DAP0002/14, for the development of public art works and/or heritage works to the enhance to the public realm to the satisfaction of the Chief Executive Officer, City of Fremantle.
4. Prior to the issue of a Building Permit, plans hereby approved being modified and the supporting details being to the satisfaction of the Chief Executive Officer, City of Fremantle having regard to advice of the Design Advisory Committee relating to:
  - a. Additional detail relating to colour, texture and material arrangement for the final facade finishes to Kwong Alley and Queen Victoria Street;
  - b. The location of all air-conditioning units, satellite dishes, antennae and any other plant and equipment to the roof or balconies of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed;
  - c. Balcony widths being increased to a minimum of 2.0m;



- d. The communal access roof deck be relocated to allow access to views of the harbour; and
  - e. Increase width to corridor/kitchens in unit 2 and unit 5 to improve safety and workability.
5. Prior to the issue of a Building Permit, the owner is to submit further details on the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle.
6. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by Council.
7. Prior to occupation, the boundary walls located on the northern and southern elevations shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
8. Prior to occupation, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle, at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
9. Prior to occupation, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
10. Prior to occupation, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to a Primary Regional Road (Queen Victoria Street) and the Fremantle Port and therefore may be subject to noise, vibration, odour and activity not normally associated with residential use.
11. Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy L.P.P.2.3 Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall include the following:
  - a. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b. Air conditioners if provided, shall incorporate internal centrally located 'shut down' points and associated procedures for emergency use.
  - c. Roof insulation shall be provided in accordance with the Building Code of Australia.
12. Prior to occupation, a minimum of 5 bicycle racks, including one dedicated to visitors, are to be provided onsite to the satisfaction of the Chief Executive



Officer, City of Fremantle.

13. That any landscaping proposed within 1.5m of where the vehicle access adjoins Kwong Ally be maintained to a height of no greater than 0.75 metres above ground level to ensure adequate sightlines for vehicles entering and exiting onto Queen Victoria Street in accordance with Design Element 7.3.6 of the Residential Design Codes to the satisfaction of the Chief Executive Officer, City of Fremantle.
14. That car parking bay 11 as indicated on the ground floor plan dated 12 June 2014 be provided as a visitors car parking bay to the satisfaction of the Chief Executive Officer.
15. Prior to the commencement of the works hereby permitted, No. 16 (Lot 77) Kwong Ally, North Fremantle and No. 18 (Lot 78) Kwong Ally, North Fremantle are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner that is executed by all parties concerned prior to the commencement of the works. The legal agreement shall require the owner twelve (12) months to amalgamate the lots.

#### Main Roads Conditions

16. No earthworks shall encroach onto the Queen Victoria Street reservation.
17. No stormwater drainage shall be discharged into the Queen Victoria Street reservation.
18. Any damage done to the existing verge and its vegetation shall be made good at the full expense of the applicant.
19. No direct vehicle access will be permitted to and from Queen Victoria Street.
20. The existing ground levels on the Queen Victoria Street boundary are to be maintained as existing.
21. This noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise.

The development is to comply with WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning and implement Noise Insulation "Deemed to Comply" packages for this residential development.

#### **Advice Notes:**

- i. In relation to Condition 3, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of L.P.P2.19 where the development incorporates public art in the development to the same value as that specified in Condition 3 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art Council shall seek relevant professional advice.



- ii. It is strongly encouraged that landscaping of the portion of the Queen Victoria Street road reserve in front of No. 16-18 Kwong Ally, North Fremantle is undertaken, in a manner that results in the continuation of the existing native ground shrub and tree planting that exists in the Queen Victoria Street road reserve in front of No. 2 Doepel Street, North Fremantle. For further information the applicant is advised to liaise with the City of Fremantle Parks and Landscapes department on 9432 9999.
- iii. The applicant is advised that the subject site is located in close proximity to commercial and/or industrial development and maybe subject to noise and activity not normally associated with purely a residential use.
- iv. All noisy work on a construction site shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle at least 30 days prior to the noisy work commencing.
- v. Effective measures shall be taken to stabilize sand and ensure that no sand escapes from the property by wind or water in accordance with the City of Fremantle Prevention and Abatement of Sand Drift Local Law.
- vi. The approval of the vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either:
  - a) submit amended plans to the City of Fremantle for consideration, or
  - b) submit a request to the City for removal or modification of the infrastructure.

This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

- vii. This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting Policy (SG28) for further information.
- viii. In the event that such an approval is not forthcoming from the relevant City of Fremantle department or relevant service authority prior to the commencement of this development, this planning approval will be incapable of implementation.

#### Main Roads WA advice

- ix. All enquiries in relation to Conditions 16 to 21 shall be directed to the Main Roads Metropolitan Region - Asset Manager (North) on 138 138.
- x. Any works that occur within the Queen Victoria Street road reservation, including any back filling that is required, needs to be approved by Main Roads WA to this



authority's specifications and standards.

In order to gain Main Roads WA approval for this undertaking a Works by Others application will need to be filled out and submitted to Main Roads for approval. The application can be found at:

<https://www.mainroads.wa.gov.au/ourroads/pages/worksonmainroads.aspx>

- xi. For more information regarding the Works by Others process and Main Roads standards/specifications, Main Roads officers can be contacted at the Metropolitan Region Branch on 138 138.

### AMENDING MOTION 1

**Moved by: Cr Sullivan**

**Seconded by: Mr Higham**

That Condition 13 be amended to replace 'Queen Victoria Street' with 'Kwong Ally' to read as follows:

*'That any landscaping proposed within 1.5m of where the vehicle access adjoins Kwong Ally be maintained to a height of no greater than 0.75 metres above ground level to ensure adequate sightlines for vehicles entering and exiting onto Kwong Ally in accordance with Design Element 7.3.6 of the Residential Design Codes to the satisfaction of the Chief Executive Officer, City of Fremantle.'*

**REASON: To rectify a typographical error.**

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

### AMENDING MOTION 2

**Moved by: Mr Nicholson**

**Seconded by: Mr Higham**

That Condition 4e be deleted.

**REASON: Not considered a planning condition / normal planning requirements.**

**The Amending Motion was put and CARRIED (4/1).**

For: Cr Strachan, Mr Higham, Mr Birch, Mr Nicholson  
Against: Cr Sullivan

### AMENDING MOTION 3

**Moved by: Mr Nicholson**

**Seconded by: Nil**

That Condition 6 be amended to read as follows:

*'All storm water shall comply with AS3000.500 as approved by the City of*



*Fremantle.'*

**The Amending Motion lapsed for want of a seconder.**

#### **AMENDING MOTION 4**

**Moved by: Mr Nicholson**

**Seconded by: Mr Higham**

That Condition 14 be amended to read as follows:

*'That car parking bay 11 as indicated on the ground floor plan dated 12 June 2014 be provided as a visitors car parking bay and be assigned as common area in any subsequent strata title to the satisfaction of the Chief Executive Officer.'*

**REASON: To make provisions for any future subdivisions in accordance with the Strata Title Act.**

**The Amending Motion was put and CARRIED (4/1).**

For: Cr Sullivan, Mr Higham, Mr Birch, Mr Nicholson  
Against: Cr Strachan

#### **AMENDING MOTION 5**

**Moved by: Cr Sullivan**

**Seconded by: Nil**

That amended Condition 14 be amended a second time to read to insert additional reference to car bay 12 so as to read as follows:

*'That car parking bay 11 and 12 as indicated on the ground floor plan dated 12 June 2014 be provided as a visitors car parking bay and be assigned as common area and any subsequent strata title to the satisfaction of the Chief Executive Officer.'*

**The Amending Motion lapsed for want of a seconder.**

#### **AMENDING MOTION 6**

**Moved by: Cr Sullivan**

**Seconded by: Cr Strachan**

That Condition 9 be amended to include the words 'and maintained' so as to read as follows:

*'Prior to occupation, the car parking area shown on the approved site plan shall be marked and provided and maintained in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.'*

**REASON: To provide clarity and certainty to the condition.**



**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**AMENDING MOTION 7**

**Moved by: Mr Higham**

**Seconded by: Cr Sullivan**

That Condition 3 be amended to include the sum of \$30,400 to read as follows:

*'Prior to the issue of a Building Permit, the owner is required to contribute a monetary amount of \$30,400 (1%) of the estimated total cost of development as indicated on the Form of Application for Planning Approval for DAP0002/14, for the development of public art works and/or heritage works to the enhance to the public realm to the satisfaction of the Chief Executive Officer, City of Fremantle.'*

**REASON: To provide clarity and certainty to the condition.**

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**AMENDING MOTION 8**

**Moved by: Mr Nicholson**

**Seconded by: Nil**

That Advice Note iii be deleted.

**The Amending Motion lapsed for want of a seconder.**

**AMENDING MOTION 9**

**Moved by: Mr Nicholson**

**Seconded by: Mr Higham**

That the last paragraph of Advice Note (vi) be deleted along with Advice Notes (vii) and (viii).

**The Amending Motion was LOST (2/3).**

For: Mr Nicholson, Mr Higham  
Against: Mr Birch, Cr Sullivan, Cr Strachan

**PRIMARY MOTION (AS AMENDED)**

That the Metropolitan South-West JDAP resolves to:

**Approve** DAP Application reference DAP/14/00510 (City of Fremantle reference DAP80002/14) dated 12 June 2014 and accompanying plans 'Survey plan; Site plan; Basement floor plan; Ground Floor Plan; First floor plan; Second/third floor plan; Roof terrace floor plan; Roof plan; West elevation plan; South elevation plan; East elevation plan; North elevation plan; Render; and Streetscape' in accordance with Clause 10.2 of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:



1. This approval relates only to the development as indicated on the approved plans, dated 12 June 2014. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
2. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy L.P.P2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing and/or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - a) A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b) A copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
3. Prior to the issue of a Building Permit, the owner is required to contribute a monetary amount of \$30,400 (1%) of the estimated total cost of development as indicated on the Form of Application for Planning Approval for DAP0002/14, for the development of public art works and/or heritage works to the enhance to the public realm to the satisfaction of the Chief Executive Officer, City of Fremantle.
4. Prior to the issue of a Building Permit, plans hereby approved being modified and the supporting details being to the satisfaction of the Chief Executive Officer, City of Fremantle having regard to advice of the Design Advisory Committee relating to:
  - a. Additional detail relating to colour, texture and material arrangement for the final facade finishes to Kwong Alley and Queen Victoria Street;
  - b. The location of all air-conditioning units, satellite dishes, antennae and any other plant and equipment to the roof or balconies of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed;
  - c. Balcony widths being increased to a minimum of 2.0m; and
  - d. The communal access roof deck be relocated to allow access to views of the harbour.
5. Prior to the issue of a Building Permit, the owner is to submit further details on the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle.
6. All storm water discharge shall be contained and disposed of on-site unless



otherwise approved by Council.

7. Prior to occupation, the boundary walls located on the northern and southern elevations shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
8. Prior to occupation, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle, at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
9. Prior to occupation, the car parking area shown on the approved site plan shall be marked and provided and maintained in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
10. Prior to occupation, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to a Primary Regional Road (Queen Victoria Street) and the Fremantle Port and therefore may be subject to noise, vibration, odour and activity not normally associated with residential use.
11. Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy L.P.P.2.3 Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall include the following:
  - a. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b. Air conditioners if provided, shall incorporate internal centrally located 'shut down' points and associated procedures for emergency use.
  - c. Roof insulation shall be provided in accordance with the Building Code of Australia.
12. Prior to occupation, a minimum of 5 bicycle racks, including one dedicated to visitors, are to be provided onsite to the satisfaction of the Chief Executive Officer, City of Fremantle.
13. That any landscaping proposed within 1.5m of where the vehicle access adjoins Kwong Ally be maintained to a height of no greater than 0.75 metres above ground level to ensure adequate sightlines for vehicles entering and exiting onto Kwong Ally in accordance with Design Element 7.3.6 of the Residential Design Codes to the satisfaction of the Chief Executive Officer, City of Fremantle.
14. That car parking bay 11 as indicated on the ground floor plan dated 12 June 2014 be provided as a visitors car parking bay and be assigned as common area and any subsequent strata title to the satisfaction of the Chief Executive



Officer.

15. Prior to the commencement of the works hereby permitted, No. 16 (Lot 77) Kwong Ally, North Fremantle and No. 18 (Lot 78) Kwong Ally, North Fremantle are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner that is executed by all parties concerned prior to the commencement of the works. The legal agreement shall require the owner twelve (12) months to amalgamate the lots.

#### Main Roads Conditions

16. No earthworks shall encroach onto the Queen Victoria Street reservation.
17. No stormwater drainage shall be discharged into the Queen Victoria Street reservation.
18. Any damage done to the existing verge and its vegetation shall be made good at the full expense of the applicant.
19. No direct vehicle access will be permitted to and from Queen Victoria Street.
20. The existing ground levels on the Queen Victoria Street boundary are to be maintained as existing.
21. This noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise.

The development is to comply with WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning and implement Noise Insulation "Deemed to Comply" packages for this residential development.

#### **Advice Notes:**

- i. In relation to Condition 3, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of L.P.P2.19 where the development incorporates public art in the development to the same value as that specified in Condition 3 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art Council shall seek relevant professional advice.
- ii. It is strongly encouraged that landscaping of the portion of the Queen Victoria Street road reserve in front of No. 16-18 Kwong Ally, North Fremantle is undertaken, in a manner that results in the continuation of the existing native ground shrub and tree planting that exists in the Queen Victoria Street road reserve in front of No. 2 Doepel Street, North Fremantle. For further information the applicant is advised to liaise with the City of Fremantle Parks and Landscapes department on 9432 9999.
- iii. The applicant is advised that the subject site is located in close proximity to commercial and/or industrial development and maybe subject to noise and activity



not normally associated with purely a residential use.

- iv. All noisy work on a construction site shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle at least 30 days prior to the noisy work commencing.
- v. Effective measures shall be taken to stabilize sand and ensure that no sand escapes from the property by wind or water in accordance with the City of Fremantle Prevention and Abatement of Sand Drift Local Law.
- vi. The approval of the vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either:
  - c) submit amended plans to the City of Fremantle for consideration, or
  - d) submit a request to the City for removal or modification of the infrastructure.

This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

- vii. This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting Policy (SG28) for further information.
- viii. In the event that such an approval is not forthcoming from the relevant City of Fremantle department or relevant service authority prior to the commencement of this development, this planning approval will be incapable of implementation.

#### Main Roads WA advice

- ix. All enquiries in relation to Conditions 16 to 21 shall be directed to the Main Roads Metropolitan Region - Asset Manager (North) on 138 138.
- x. Any works that occur within the Queen Victoria Street road reservation, including any back filling that is required, needs to be approved by Main Roads WA to this authority's specifications and standards.

In order to gain Main Roads WA approval for this undertaking a Works by Others application will need to be filled out and submitted to Main Roads for approval. The application can be found at:

<https://www.mainroads.wa.gov.au/ourroads/pages/worksonmainroads.aspx>

- xi. For more information regarding the Works by Others process and Main Roads standards/specifications, Main Roads officers can be contacted at the Metropolitan Region Branch on 138 138.



**The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.**

**9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval**

Nil

**10. Appeals to the State Administrative Tribunal**

Nil

**11. Meeting Close**

The A/Presiding Member reminded the meeting that in accordance with Standing Order 7.3 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the presiding member declared the meeting closed at 3.41pm.



## Form 2 - Responsible Authority Report

(Regulation 17)

<b>Property Location:</b>	Lots 1 and 9084 Safety Bay Road, Baldivis
<b>Application Details:</b>	Amendment to DAP Planning Approval for Additions and Alterations to Baldivis District Shopping Centre
<b>DAP Name:</b>	Metro South West JDAP
<b>Applicant:</b>	Stockland Development Pty Ltd C/- Urbis
<b>Owner:</b>	Stockland WA (Estates) Pty Ltd The Trust Company Pty Ltd
<b>LG Reference:</b>	20.2012.290.004 (D14/66847)
<b>Responsible Authority:</b>	City of Rockingham
<b>Authorising Officer:</b>	Mr Bob Jeans, Director Planning & Development Services
<b>Department of Planning File No:</b>	DP/12/01276
<b>Report Date:</b>	1 July 2014
<b>Application Receipt Date:</b>	11 June 2014
<b>Application Process Days:</b>	50
<b>Attachment(s):</b>	<ol style="list-style-type: none"><li>1. Site Plan (Drawing No.DA0101-E)</li><li>2. Ground Floor Plan (Drawing No.DA0102-E)</li><li>3. Level 1 Carpark Plan (Drawing No.DA0103-E)</li><li>4. Building 5 Floor Plans (Drawing No.DA0104-E)</li><li>5. Elevations Sheet 2 (Drawing No.DA0202-E)</li><li>6. Elevations – Signage &amp; Shade Structure (Drawing No.DA0204-C)</li><li>7. Sections Sheet 1 (Drawing No.DA0301-E)</li><li>8. Building 5 – Elevations and Perspectives (Drawing No.DA5103-B)</li><li>9. Building 5 – Elevations Tower (Drawing No.DA5104-B)</li></ol>

### **RECOMMENDATION:**

That the metro South-West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.000000290 as detailed on the DAP Form 2 dated 6 June 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Refuse the request for:
  - (a) conversion of the parking spaces to small parking spacesas detailed on the DAP Form 2 date 6 June 2014 and accompanying Ground Floor Plan (Drawing No.DA0102-E), Level 1 Carpark Plan (Drawing No.DA0103-E), dated 14 May 2014
3. Approve the DAP Application reference 20.2012.000000290 as detailed on the DAP Form 2 date 6 June 2014 and accompanying Site Plan (Drawing No.DA0101-E), Ground Floor Plan (Drawing No.DA0102-E), Level 1 Carpark Plan (Drawing

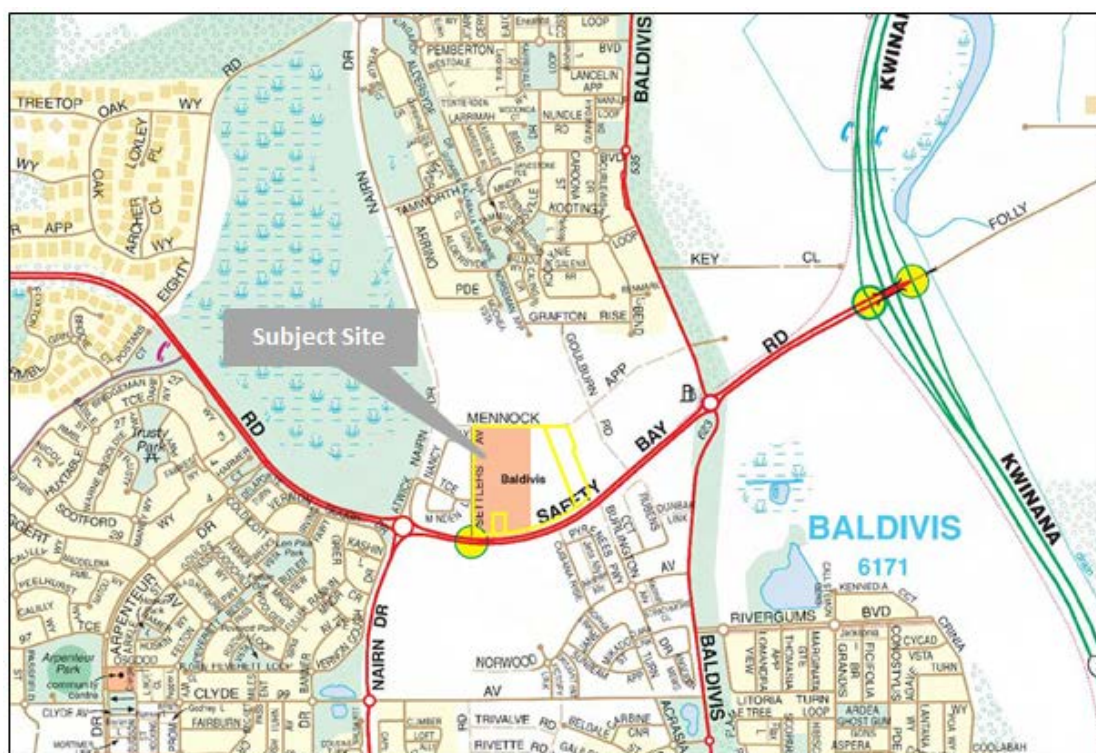
No.DA0103-E), Building 5 Floor Plans (Drawing No.DA0104-E), Elevations Sheet 2 (Drawing No.DA0202-E), Elevations – Signage & Shade Structure (Drawing No.DA0204-C), Sections Sheet 1 (Drawing No.DA0301-E), Building 5 – Elevations and Perspectives (Drawing No.DA5103-B), Building 5 – Elevations Tower (Drawing No.DA5104-B), dated 14 May 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved Additions and Alterations to Baldivis District Shopping Centre at Lots 1 and 9084 Safety Bay Road Baldivis, subject to the following additional conditions:

- (a) The development must be provided with a minimum additional 60 car parking spaces in a car park located on Lot 9084 in the location shown in red on Drawing No.DA0103-D. Plans must be submitted to the City for approval prior to applying for a Building Permit. The car parking shall be designed, constructed and maintained in accordance with Condition No.8.
- (b) Building 5 must be designed to provide for direct pedestrian access from the street to each of its tenancies which is not to be encumbered by ramps or steps outside of the building.
- (c) Drawing No. DA0104-E (Building 5 Plans) must be amended to reflect the Service Station Approval (20.2013.00000422) issued on 16 April 2014.
- (d) Amended plans must be submitted to the City of Rockingham for approval, demonstrating that the access road to the loading dock has a width sufficient to facilitate the turning movements of a 19m articulated vehicle. The Drawing DA0102-E (Ground Floor Plan) shall be amended to reflect any widening necessary of this access road to enable the 19m articulated vehicles to negotiate the intersection safely. The works required by the amended plans shall be constructed prior to occupation of the development.

## **BACKGROUND:**

### **Site Details**

Insert Property Address:	Lots 1 and 9084 Safety Bay Road
Insert Zoning MRS:	Urban
TPS:	District Town Centre
Insert Use Class:	Shop, Restaurant, Office, Car Parking, Motor Vehicle Repair Station and Showroom
Insert Strategy Policy:	Baldivis Activity Centre Structure Plan Local Commercial Strategy Planning Policy 3.2.4 - Baldivis Town Centre Planning Policy 3.3.1 - Control of Advertisements Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities
Insert Development Scheme:	City of Rockingham Town Planning Scheme No.2
Insert Lot Size:	Lot 1 = 8.0264ha Lot 9084 = 1.3726ha
Insert Existing Land Use:	Shopping Centre (shops, offices, restaurants and fast food outlets)
Value of Development:	\$90 million



**Figure 1 - Location Plan**



**Figure 2 - Aerial Photo**

## History

The following outlines the history of Planning Approvals on the site:

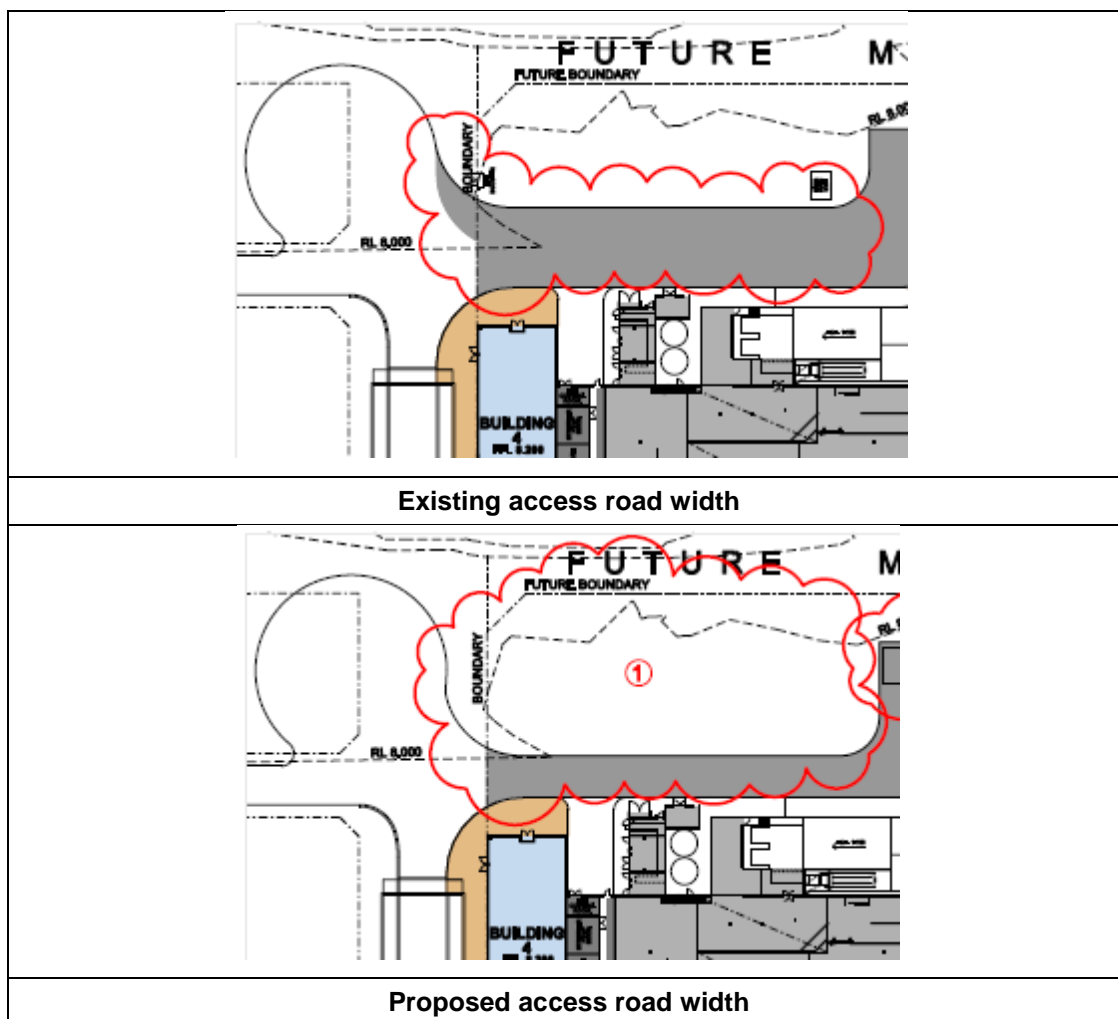
- July 2006 - Stage 1 Shopping Centre, conditional Planning Approval issued
- March 2009 - McDonalds Restaurant, conditional Planning Approval issued.
- July 2010 - Car Park Extension, conditional Planning Approval issued.
- October 2011 - Red Rooster, conditional Planning Approval issued.
- November 2011 - Extension to Shopping Centre, conditional Planning Approval issued by the CoR. The proponent has chosen not to commence this Planning Approval and instead has lodged an application for a larger development.
- March 2013 – Additions and Alterations to the Baldvis District Shopping Centre, conditional Planning Approval issued by the Metro South West Joint Development Assessment Panel (SWJDAP).
- July 2013 – Amendment to Planning Approval for Additions and Alterations to the Baldvis District Shopping Centre, conditional Planning Approval issued by the Metro SWJDAP.
- December 2013 – Reconsideration of Determination for the Baldvis District Shopping Centre, conditional Planning Approval issued by the SWJDAP.
- February 2014 – Amendment to Planning Approval for Additions and Alterations to the Baldvis District Shopping Centre, conditional Planning Approval issued by the Metro SWJDAP.

## **DETAILS: OUTLINE OF DEVELOPMENT APPLICATION**

The applicant seeks approval to amend the Planning Approval for the Additions and Alterations to the Baldvis District Shopping Centre granted by the SWJDAP on 8 March 2013 and as amended on 29 July 2013, 5 December 2013, and 18 February 2014. The following outlines the proposed amendments:

## 1. Ground Floor

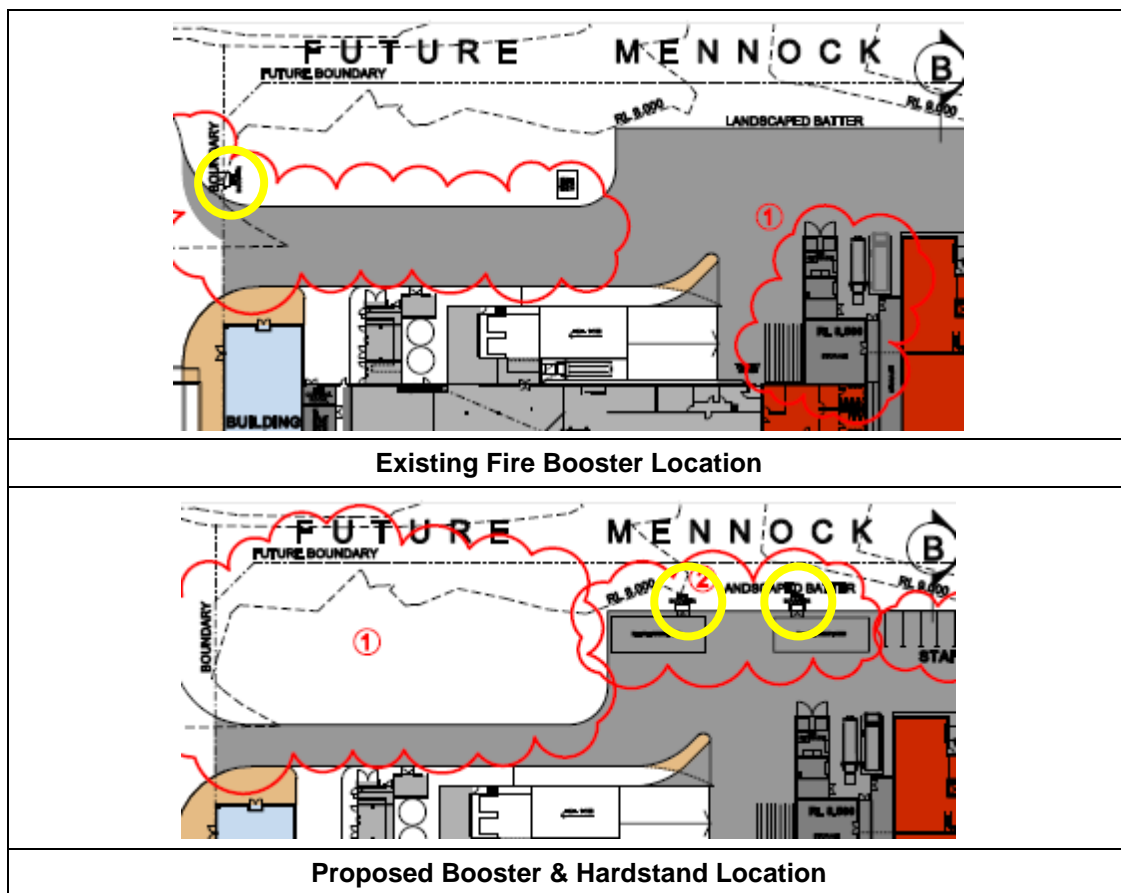
### (a) Narrowing of Loading Dock Access Road



**Figure 3 – Change to Access Road Width**

The access road into the rear loading area is proposed to be amended to show the extent of the proposed road pavement. The applicant advises that the previous approval erroneously showed a road width that included the 'verge' area that would provide the setback for any future building in order to accommodate footpaths and services. It can be seen that the road width matches the existing width of Nancy Alley on the opposite side of Settlers Avenue.

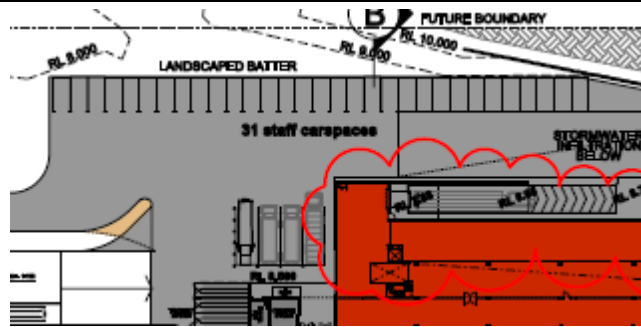
**(b) Relocation of the Fire Boosters & Associated Emergency Vehicle Hardstand**



**Figure 4 – Change to Booster & Hardstand Location**

It is proposed to relocate the fire boosters and associated hardstand parking areas for emergency service vehicles (fire trucks) to a mid-point between the sprinkler tank/pump room and Settlers Avenue. Stockland have been advised by their hydraulic consultants that the distance between the Fire Pump Room and Storage Tanks, and the Fire Boosters is potentially too great, and thereby creating significant risk of failing the pressure test required prior to the shopping centre being granted a certificate of occupancy. The applicant states that should this occur, the outcome would be untenable as it would prevent the centre from opening for up to a few months while the problem is rectified.

**(c) Reduction of the Parking Bays in the Loading Dock**



**Existing Car Park Bays**



**Proposed Car Park Bays**

**Figure 5 – Deletion of Car Park Bays**

It is proposed to reduce the staff car bays located at the north of the site (between the shopping centre and future Mennock Approach) from 31 bays to 15. This is a result of the relocation of the fire boosters and associated hardstand parking areas for Emergency Service Vehicles.

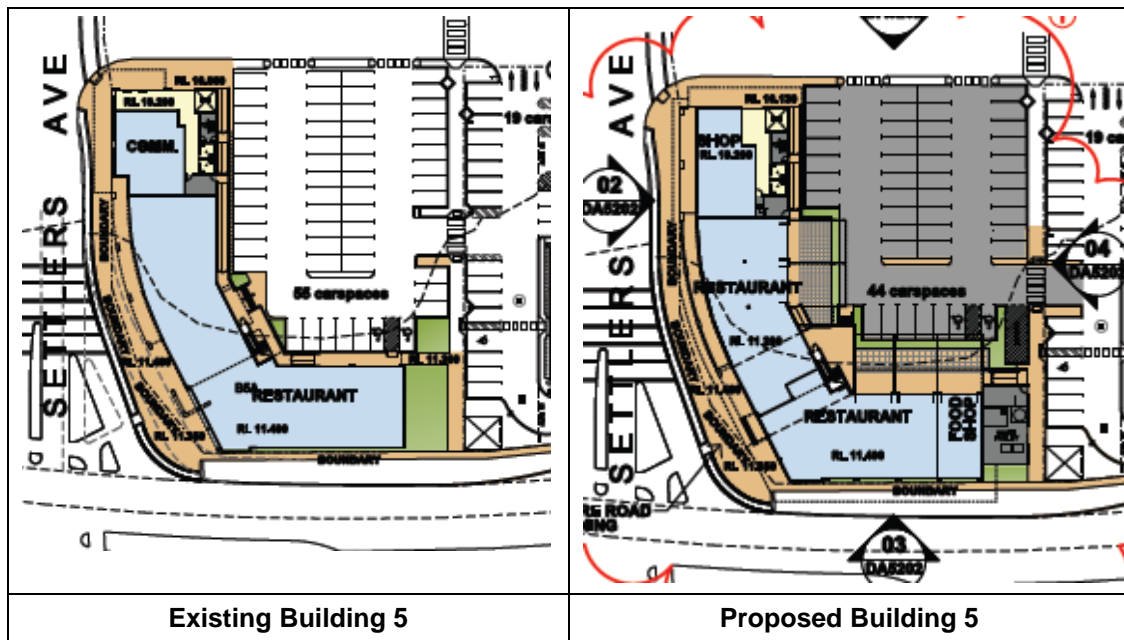
- (d) Relocation of the pad site fronting Safety Bay Road and associated access and parking layout changes



Figure 6 – Change to Carpark layout

A Service Station was approved in April 2014 for the vacant pad site fronting Safety Bay Road. To overcome traffic safety issues, the pad site was relocated further west, as shown above. This has resulted in changes to the access points from Safety Bay Road and the parking layout. Three (3) parking spaces have also been deleted from the shopping centre carpark as a result. The plans submitted with the application for amendment do not reflect the existing approval for the service station.

(e) Reconfiguration of Building 5 and inclusion of Alfresco Areas



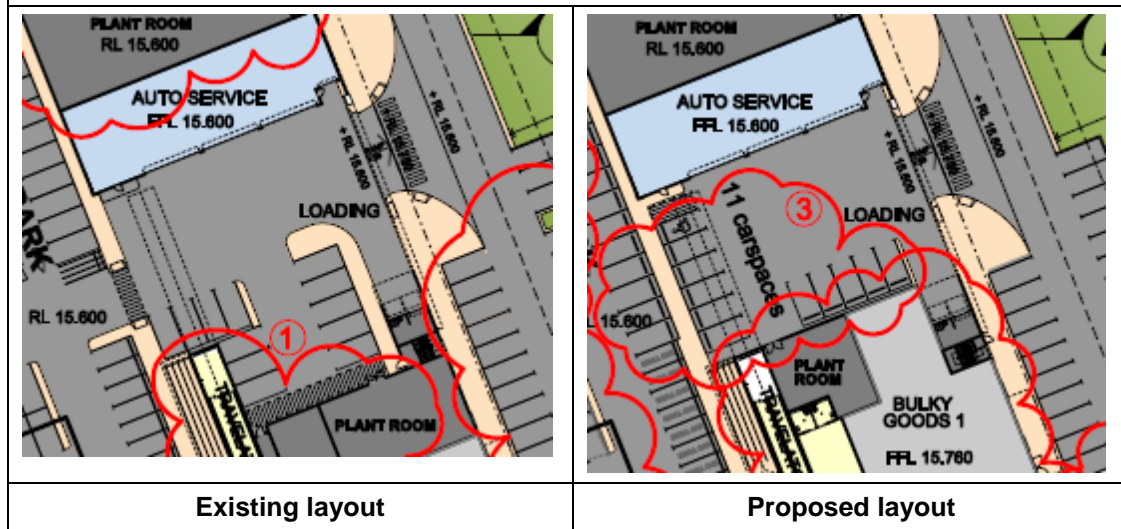
**Figure 7 – Building 5 Alterations**

Building 5 is to be reconfigured as follows:

- The colonnade along settlers Avenue is extended for the entire frontage;
- The northern most shop is reconfigured;
- A service area/bin store is included on the eastern end;
- Two new 70m<sup>2</sup> alfresco areas at the rear of the building;
- Reconfiguration of the car park and deletion of 11 parking spaces

## 2. First Floor

### (a) Amendment to the car parking area associated with the Auto Service tenancy

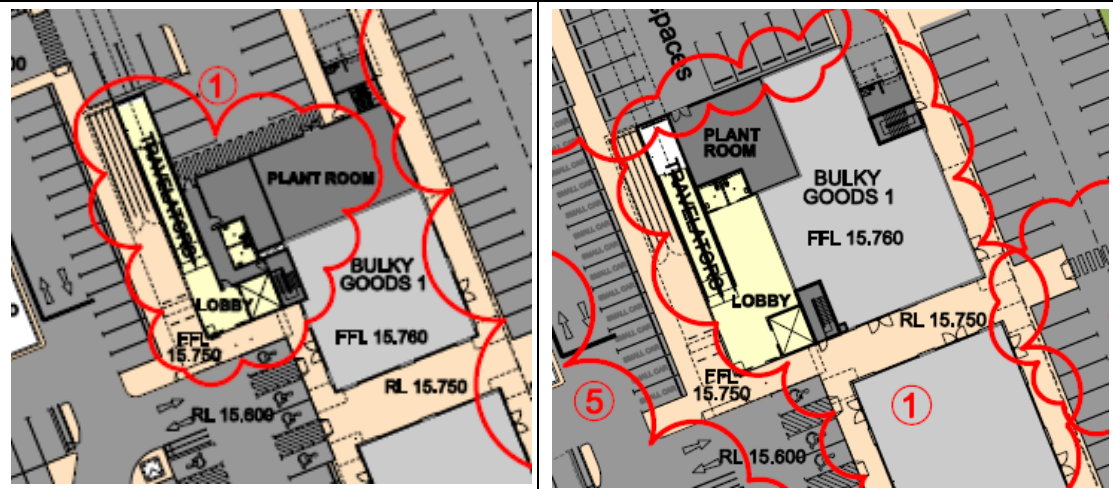


**Figure 8 – Change to Auto Service Centre Parking Layout**

The intent of this amendment is to provide a more consolidated and logical arrangement, as well as removal of the access through to the rooftop car park. The access has been removed primarily to prevent the risk of large trucks driving onto the roof, which has only been designed to accommodate light vehicles.

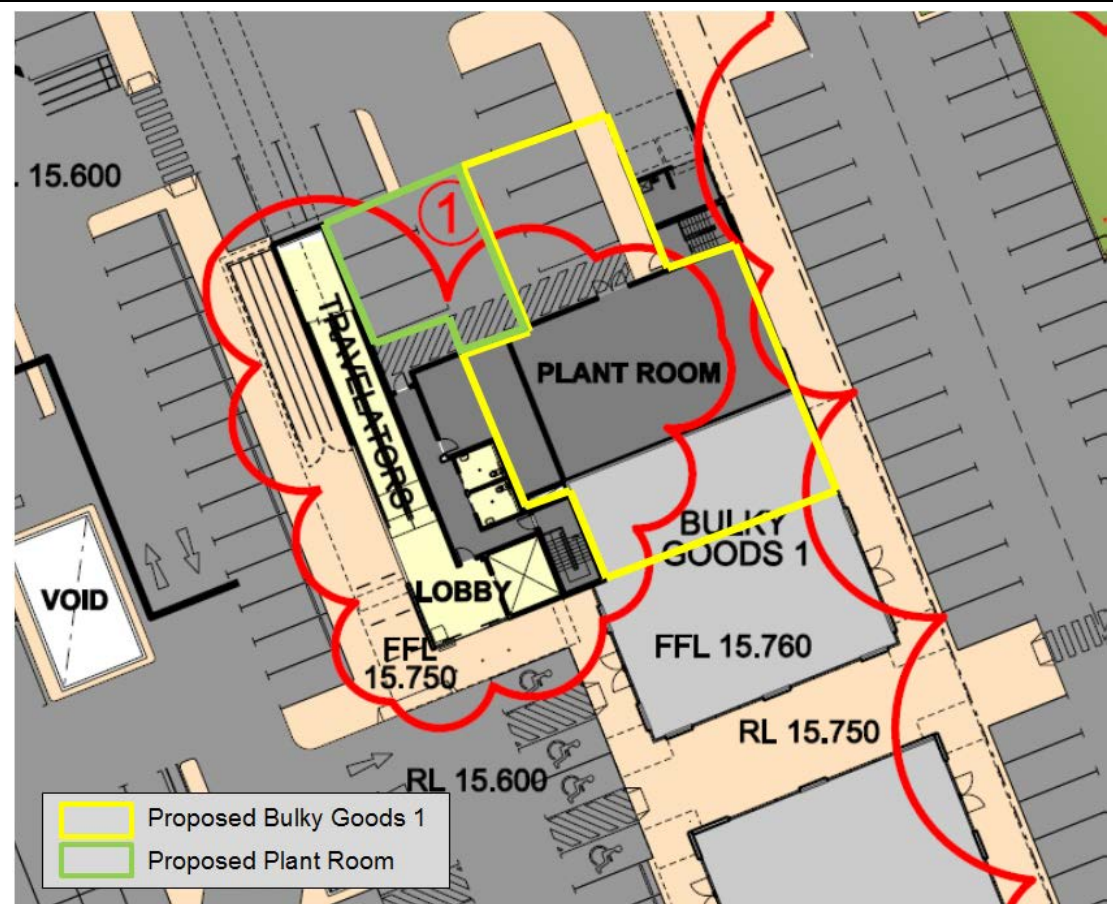
This results in a deletion of one parking space in this area.

(b) Reduction in the size of supermarket plant (plant room adjoining 'Bulky Goods 1'), and consequential increase in size of Bulky Goods 1



Existing

Proposed



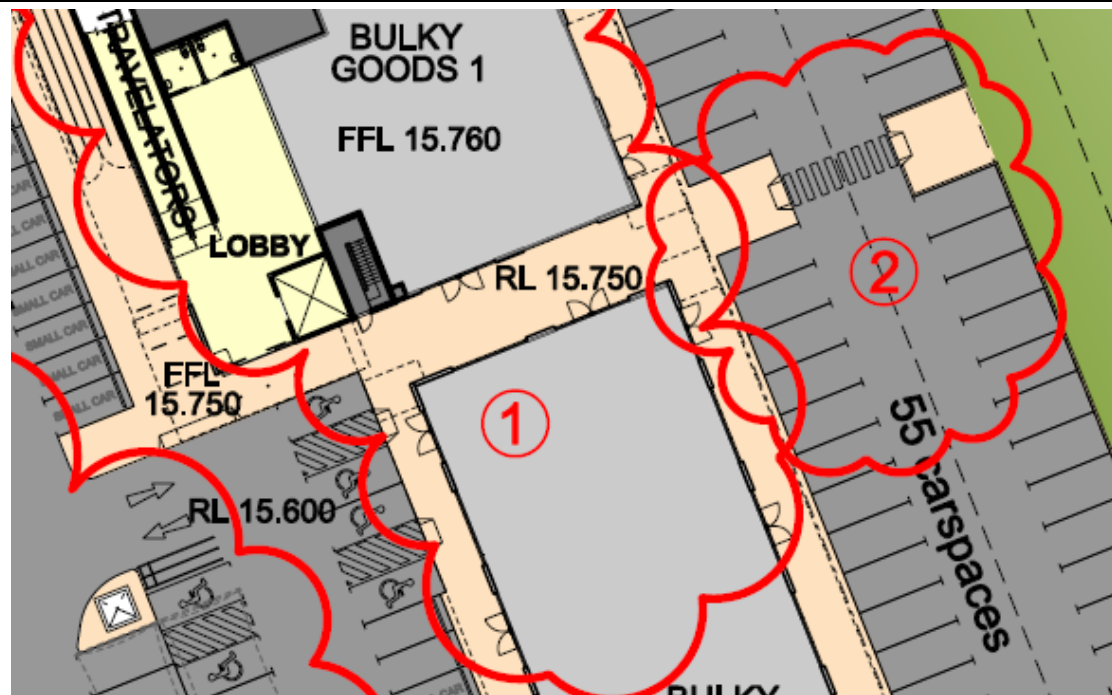
Comparison Existing v Proposed

Figure 9 – Change to Plant Room & Bulky Goods 1

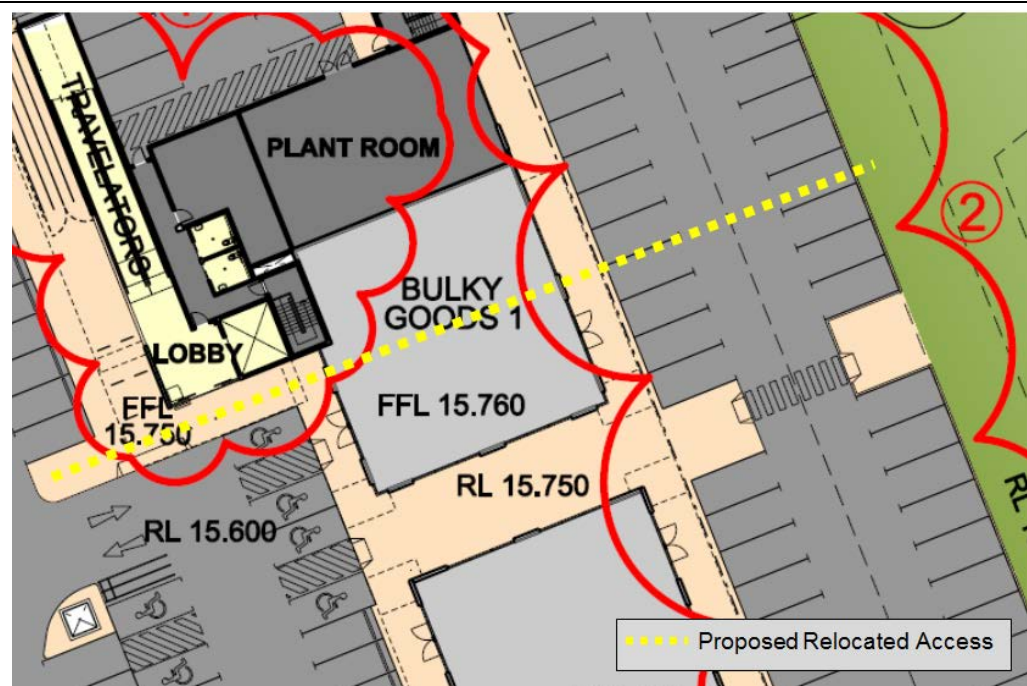
The reconfiguration of the auto service centre car parking layout outlined in 2(a) above combined with a reduction in size of the plant room for the supermarket, has result in:

- a relocated plant room and Bulky Goods 1 Building; and
- increased size ( $\approx 50\text{m}^2$ ) to Bulky Goods 1 Building.

(c) Realignment of pedestrian connection the from linear open space



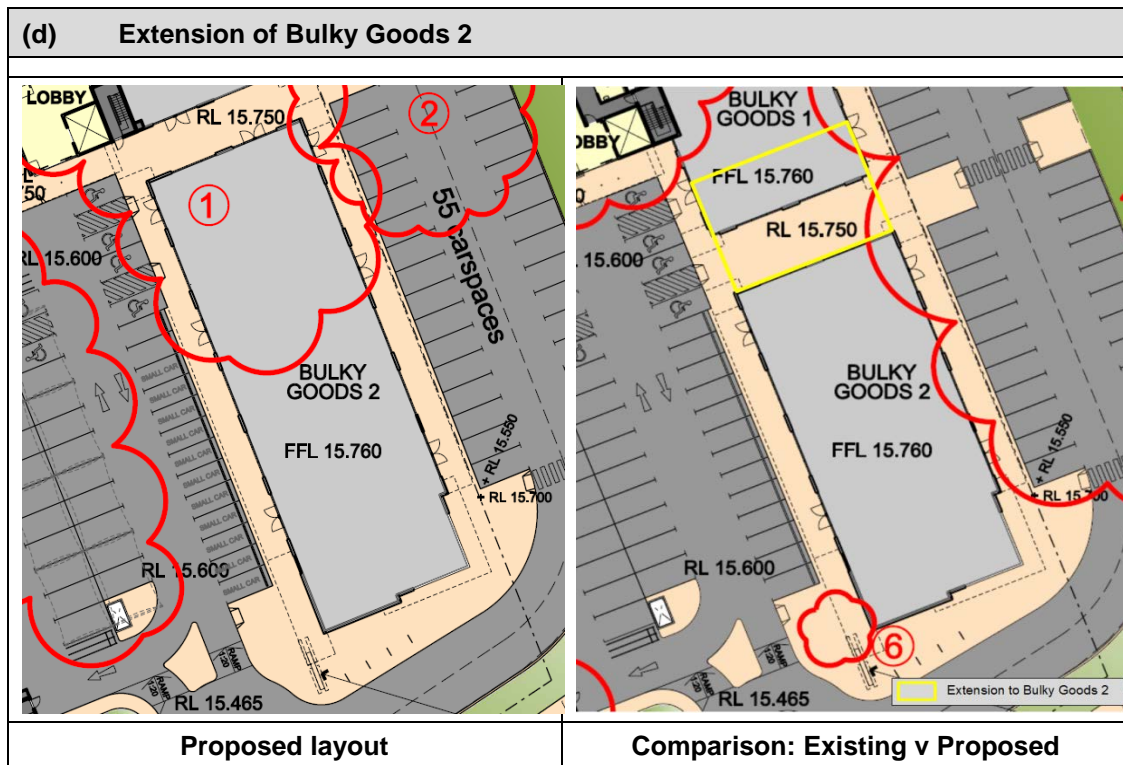
Proposed Layout



Comparison: Existing v Proposed

Figure 10– Relocated Footpath

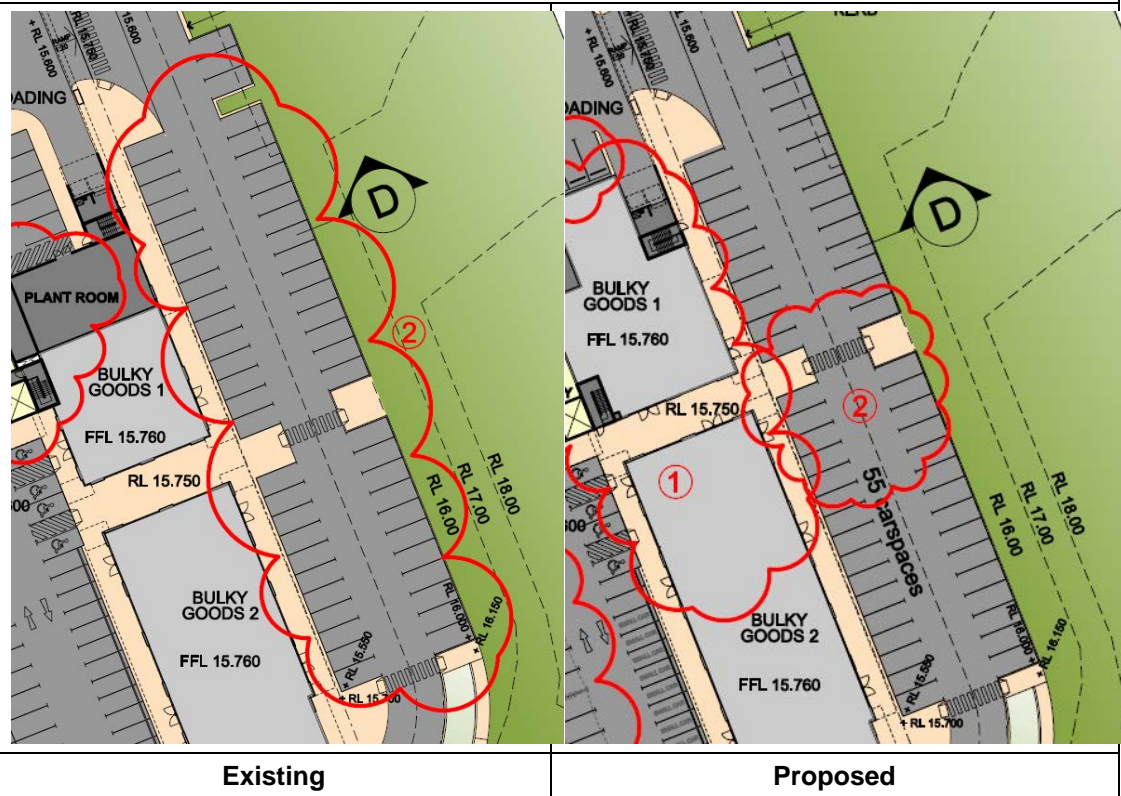
The reconfigurations achieved through 2(a) and 2(b) allow for the pedestrian connection from the rooftop car park to be realigned to provide for direct connection to the linear open space.



**Figure 11 – Extension of Bulky Goods 2**

The reconfigurations achieved through 2(a) and 2(b) allows Bulky Goods 2 to be extended to the north providing an additional 190m<sup>2</sup>.

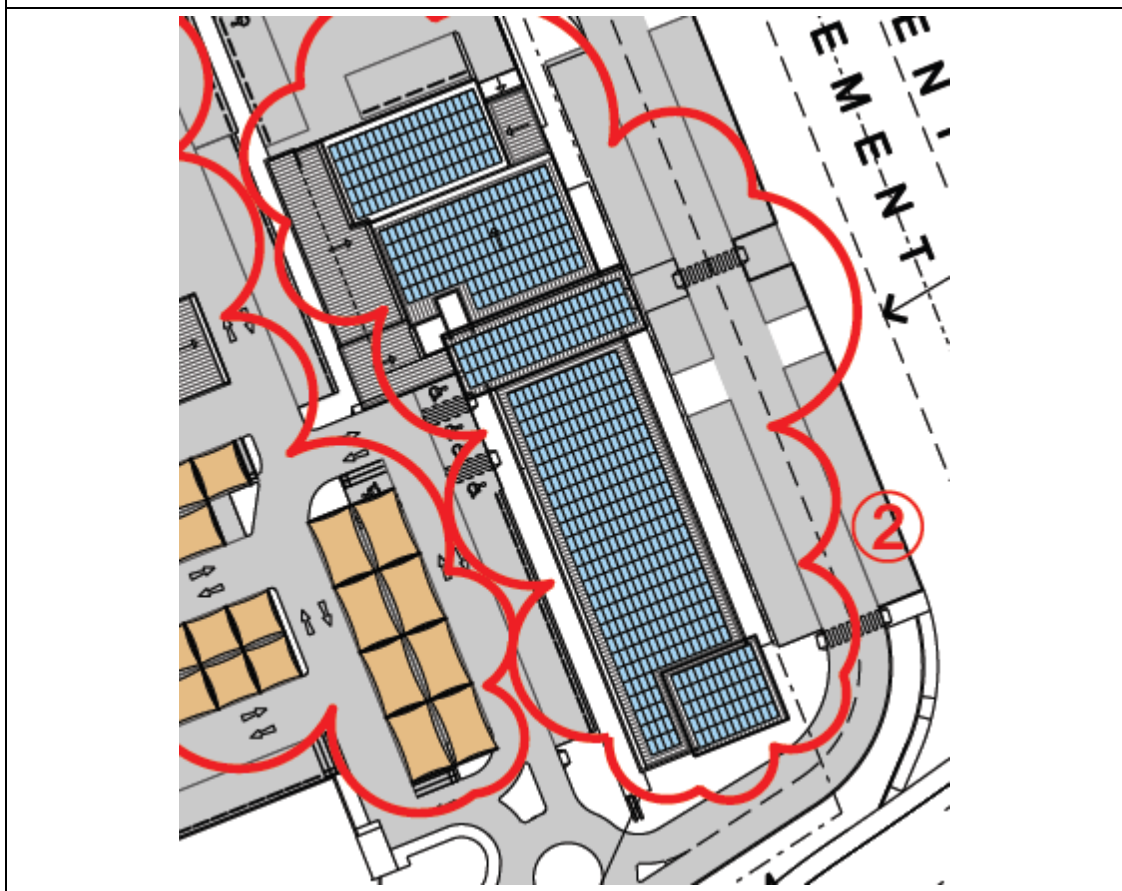
**(e) Change to Bulky Goods Parking**



**Figure 12 – Change to Bulky Goods Parking**

The modification of the pedestrian pathway in 2(c) results in a reconfiguration of the Bulky Good carpark. The applicant has also deleted a landscaping section and replaced it with a car parking space at the northern end of the car park.

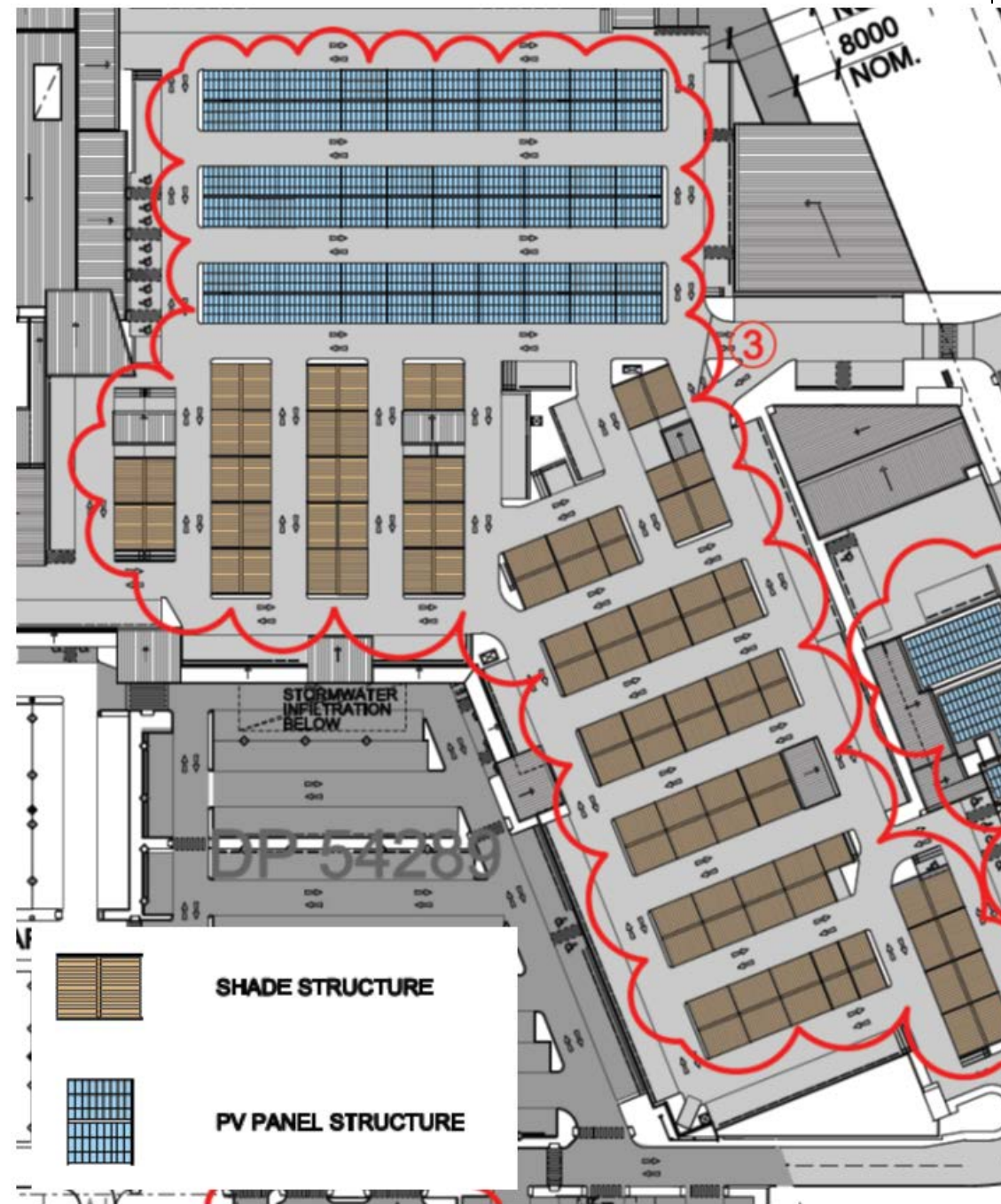
- (f) Introduction of Photovoltaic (PV) panels to the roof of the Bulky Goods tenancies.



**Figure 13 – Bulky Goods Photovoltaic Panels**

The PV panels will cover both bulky goods buildings, the pedestrian walkway between, and the plant room.

- (g) Introduction of shade structures and Photovoltaic (PV) panels to the carparking on the roof deck.



Location of Shading Structures

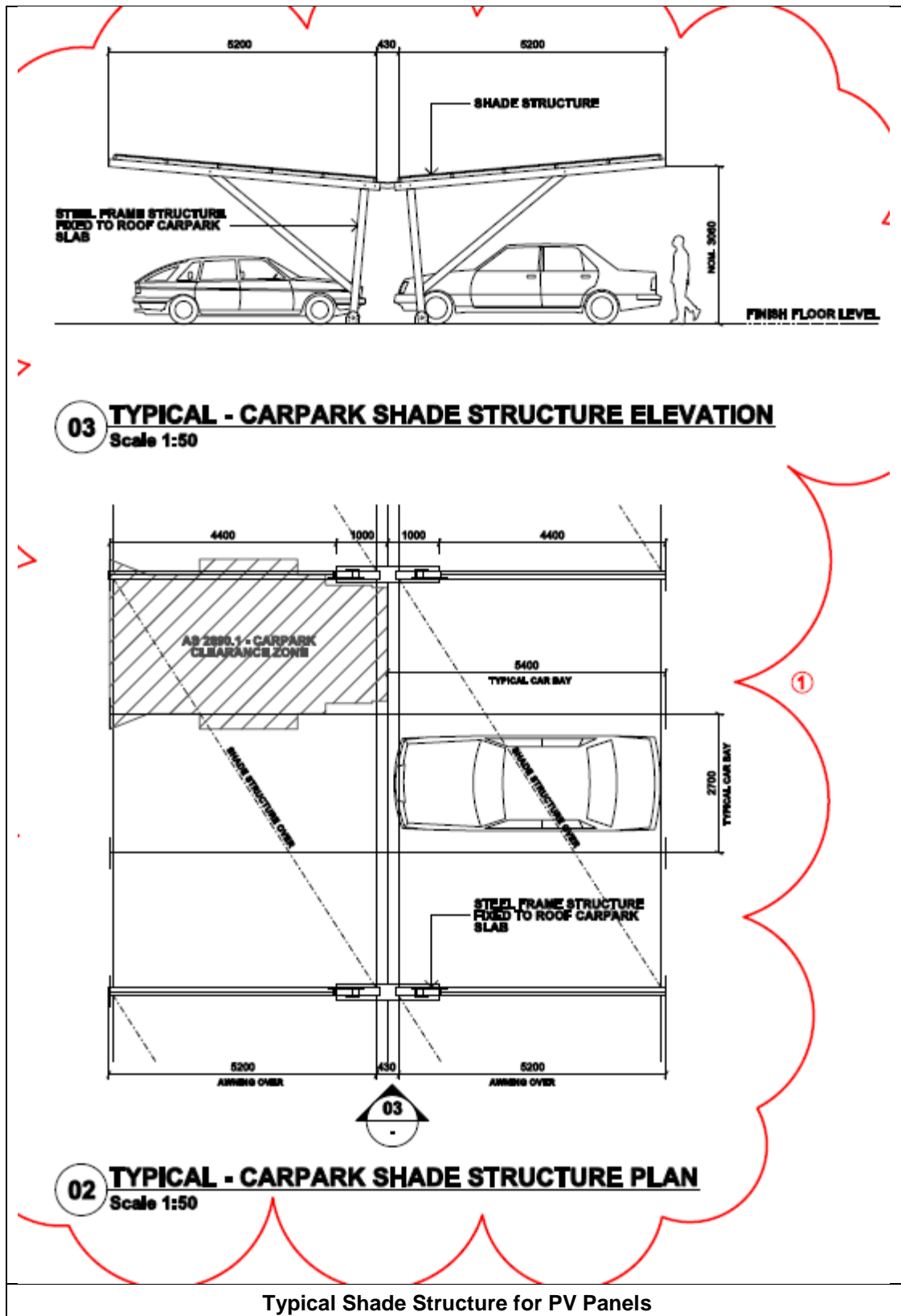
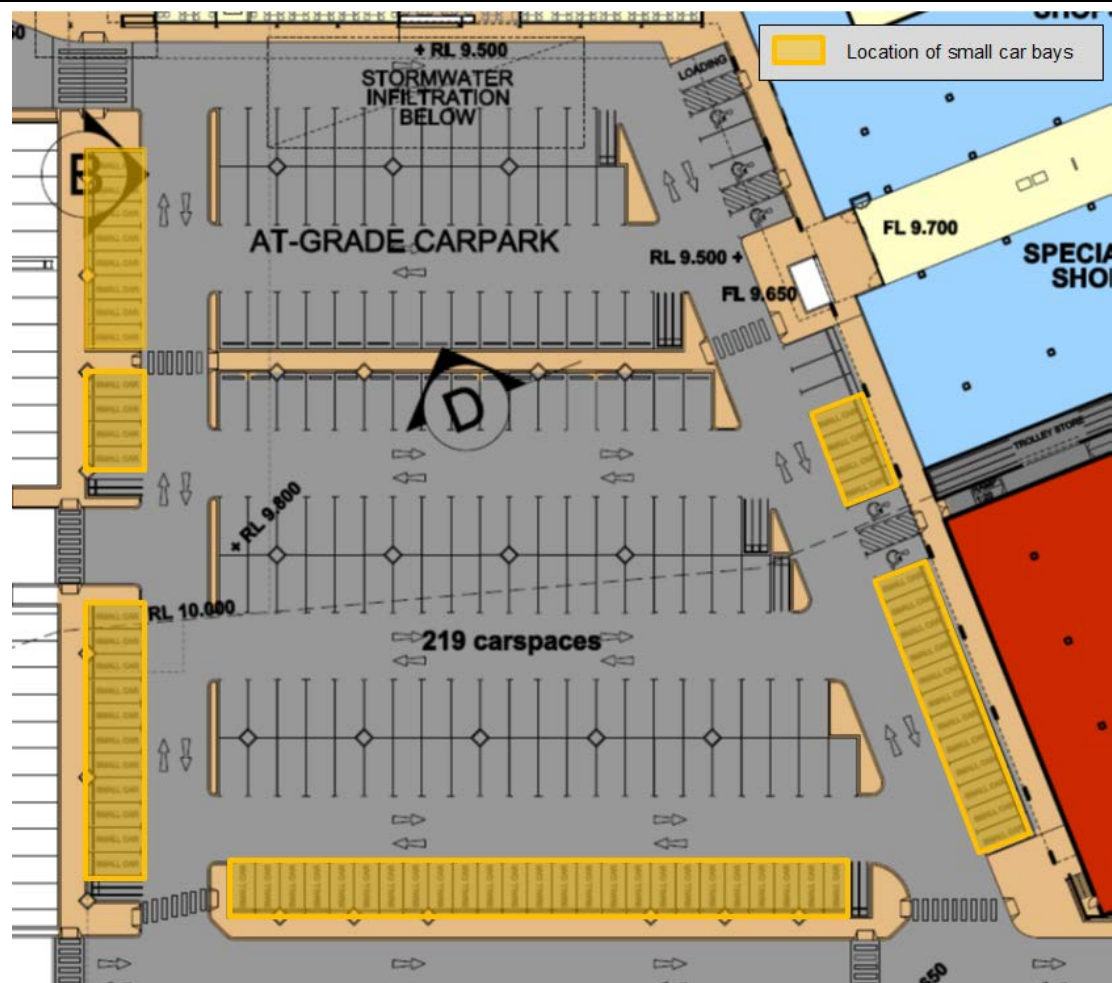


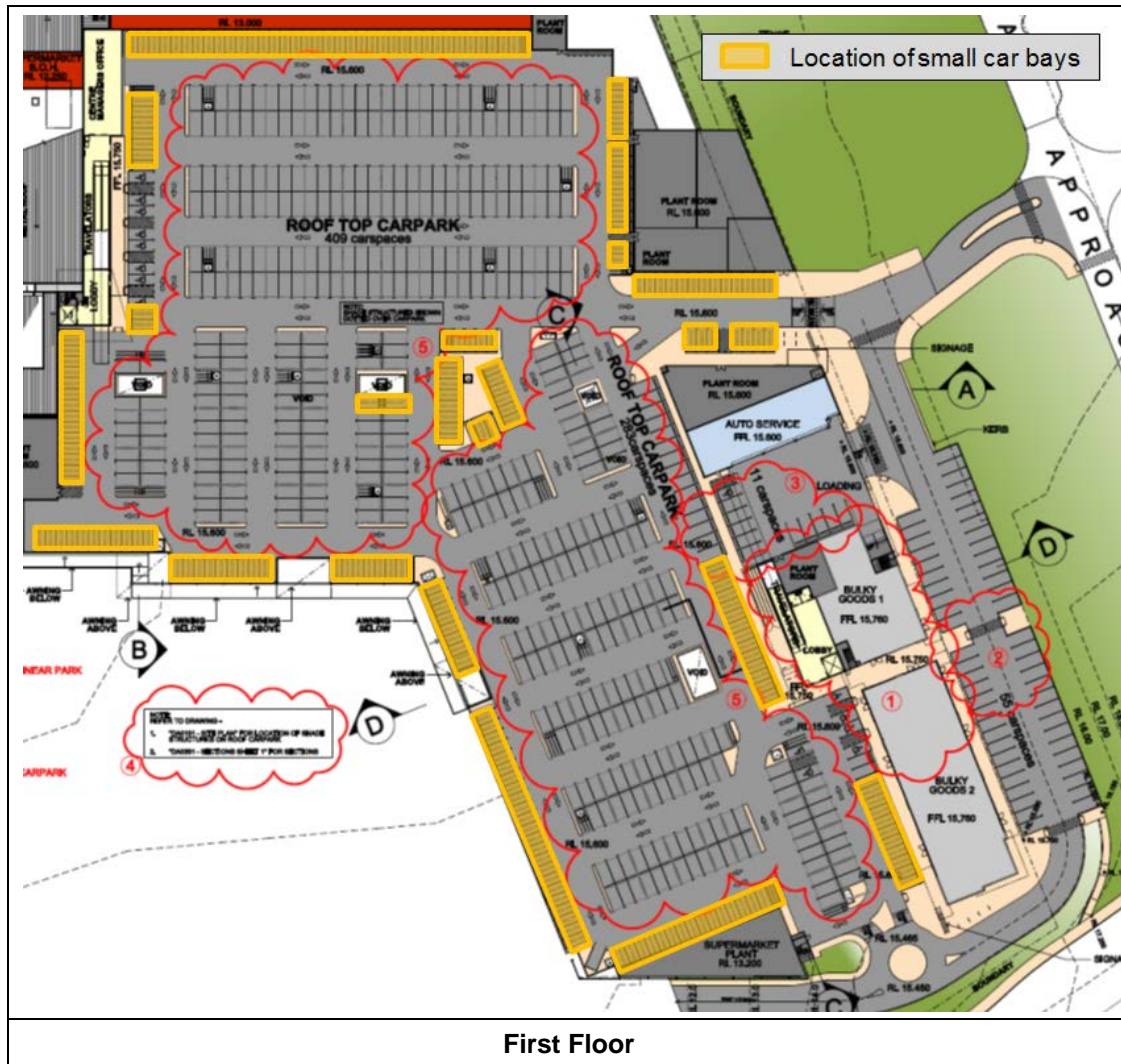
Figure 14 – Car Park Shade Structures & Photovoltaic Panels

It is proposed to install shade structures over the car parks within the rooftop car park. The northern most portion of the car park will also include PV panels.

(h) Introduction of 262 small car parking spaces.



Ground Floor



**Figure 15 – Proposed Small Car Bays**

The applicant proposes to convert 249 parking spaces to 262 small parking spaces (increase of 11 spaces). The small parking spaces have dimensions of 2.3m wide x 5m long. The applicant has advised that Stockland has set a commitment to achieve a 4 star Green Star 'Design' and 'As Built' rating. The applicant claims that the provision of these small car bays is one means of achieving the required points to satisfy the Green Building Council's 'Green Star' criteria relating to fuel efficient transport.

## **LEGISLATION & POLICY:**

### **Legislation**

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

##### **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 Planning Assessment Section (refer to Page 21).

##### **State Government Policies**

Nil.

## **LOCAL POLICIES**

#### **Baldivis Activity Centre Structure Plan (BACSP)**

The BACSP enables retail NLA of 19,816m<sup>2</sup> for Stage 2 of the Shopping Centre.

- The March 2013 Planning Approval provided retail Net Lettable Area (NLA) of 19,863m<sup>2</sup> for Stage 2. This was a minor exceedance of 47m<sup>2</sup>.
- The July 2013 amendment to the application proposed a total of 21,117m<sup>2</sup> retail NLA, which is an overall exceedance of 1,301m<sup>2</sup>.
- The January 2013 amendment to the application further increased the NLA by 390m<sup>2</sup>, which is an overall exceedance of 1,691m<sup>2</sup>.
- This application intends to increase the NLA by 310m<sup>2</sup> NLA, which is an overall exceedance of 2,001m<sup>2</sup>.

The current additional NLA is related to extensions in both Bulky Goods stores and provision of alfresco areas for Building 5.

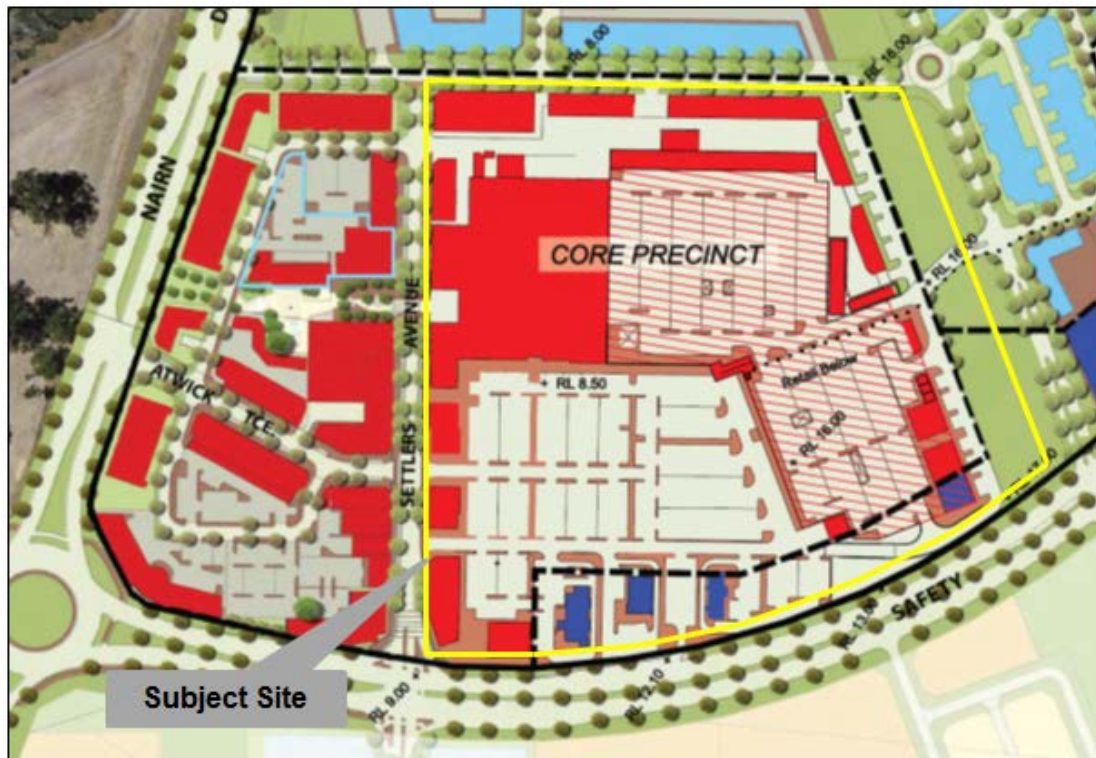
The BACSP states that any significant exceedance to the floor space provisions require testing by a Retail Sustainability Assessment, however, the City's Local Commercial Strategy quantifies this, as being an increase by 5,000m<sup>2</sup> of shop/retail floor space. Thus no further assessment is considered necessary for this increase. There are no objections to the increase in retail NLA from a planning point of view.

#### **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.

##### **Integrated Development Guide Plan (IDGP)**

PP3.2.4 contains an adopted IDGP for the Baldivis Town Centre. The purpose of the IDGP is to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. The adopted IDGP is shown in Figure 16 below.



**Figure 16 - Approved IDGP**

#### Comment

The amendment proposes to relocate the fire booster and associated emergency vehicle hardstand area further to the east of the site. They would no longer be located within the footprint of the future building location as identified on the IDGP, thus the proposed amendment is consistent with the IDGP.

### **CONSULTATION:**

#### **Public Consultation**

Public consultation is not required pursuant to Town Planning Scheme No.2.

#### **Consultation with other Agencies or Consultants**

The March 2013 Planning Approval for Alterations and Additions to the Baldivis Shopping Centre was referred to the APA Group (Gas Pipeline) and the Department of Planning.

Whilst there is a small change in the building footprint, the proposed amendment to the Planning Approval does not affect the previous comments provided by the APA Group or the Department of Planning.

### **PLANNING ASSESSMENT:**

#### **Parking Requirement**

The proposed design changes will result in changes to the NLA and thus parking calculations. Specifically the following NLA changes are proposed.

Use	Existing NLA	Proposed NLA	NLA Change
<b>Bulky Goods</b>			
<b>Building 1 (Showroom)</b>	265m <sup>2</sup>	305m <sup>2</sup>	40m <sup>2</sup>
<b>Building 2 (Showroom)</b>	560m <sup>2</sup>	750m <sup>2</sup>	190m <sup>2</sup>
<i>Total</i>	<i>825m<sup>2</sup></i>	<i>1,055m<sup>2</sup></i>	<i>230m<sup>2</sup></i>
<b>Building 5</b>			
<b>Office</b>	700m <sup>2</sup>	561m <sup>2</sup>	-139m <sup>2</sup>
<b>Shop</b>	0m <sup>2</sup>	230m <sup>2</sup>	230m <sup>2</sup>
<b>Restaurant</b>	800m <sup>2</sup>	850m <sup>2</sup>	50m <sup>2</sup>

The following table outlines the additional parking spaces required under table 3 of TPS2 as a result of the increased NLA.

Use	Floor Area	Required	
		Rate	Number
<b>Bulky Goods</b>			
<b>Showroom</b>	230m <sup>2</sup>	1/80(60) <sup>^</sup> m <sup>2</sup>	3(4)
<b>Building 5</b>			
<b>Office</b>	-139m <sup>2</sup>	1/60(40) <sup>^</sup> m <sup>2</sup>	-3(4)
<b>Shop</b>	230m <sup>2</sup>	1/22(17) <sup>^</sup> m <sup>2</sup>	11(14)
<b>Restaurants</b>	50m <sup>2</sup> (42)*	1/8(6) <sup>^</sup> person	6(7)
<b>Total</b>	<b>371m<sup>2</sup></b>		<b>17(21)</b>
Notes: * based on BCA max of 1.2m <sup>2</sup> /seat ^ numbers in brackets are maximum			

Based on the additional NLA, the proposed amendment requires an additional 17 parking spaces.

The previously approved development and its subsequent amendments provided for a reduction in car parking provision compared to the TPS2 requirements. The most recent amendment required the provision of 1,771 parking spaces according to TPS2 requirements, whilst a total of 1,381 parking spaces were to be provided on site. This equated to a shortfall of 390 parking spaces (-22%) compared to the TPS2 requirements.

A 20% variation in parking provision is considered to be acceptable for shopping centres as they are characterised by multi-purpose trips. That is, people generally visit for more than one shop when they visit the centre. The 2% variation from this was previously considered to be acceptable.

This amendment proposes to provide for a change in parking space provision compared to the currently approved application. The changes in provision are outlined below.

Location	Change in Number of Spaces Provided
Roof top car park*	+ 2
Bulky Goods car park	+ 1
Building 5 Car Park	-10
At-grade main car park*	+11
At-grade adjacent to Safety Bay Road	-3
Staff car park	-16
<b>Total</b>	<b>-15</b>
Notes:	
* small parking spaces	

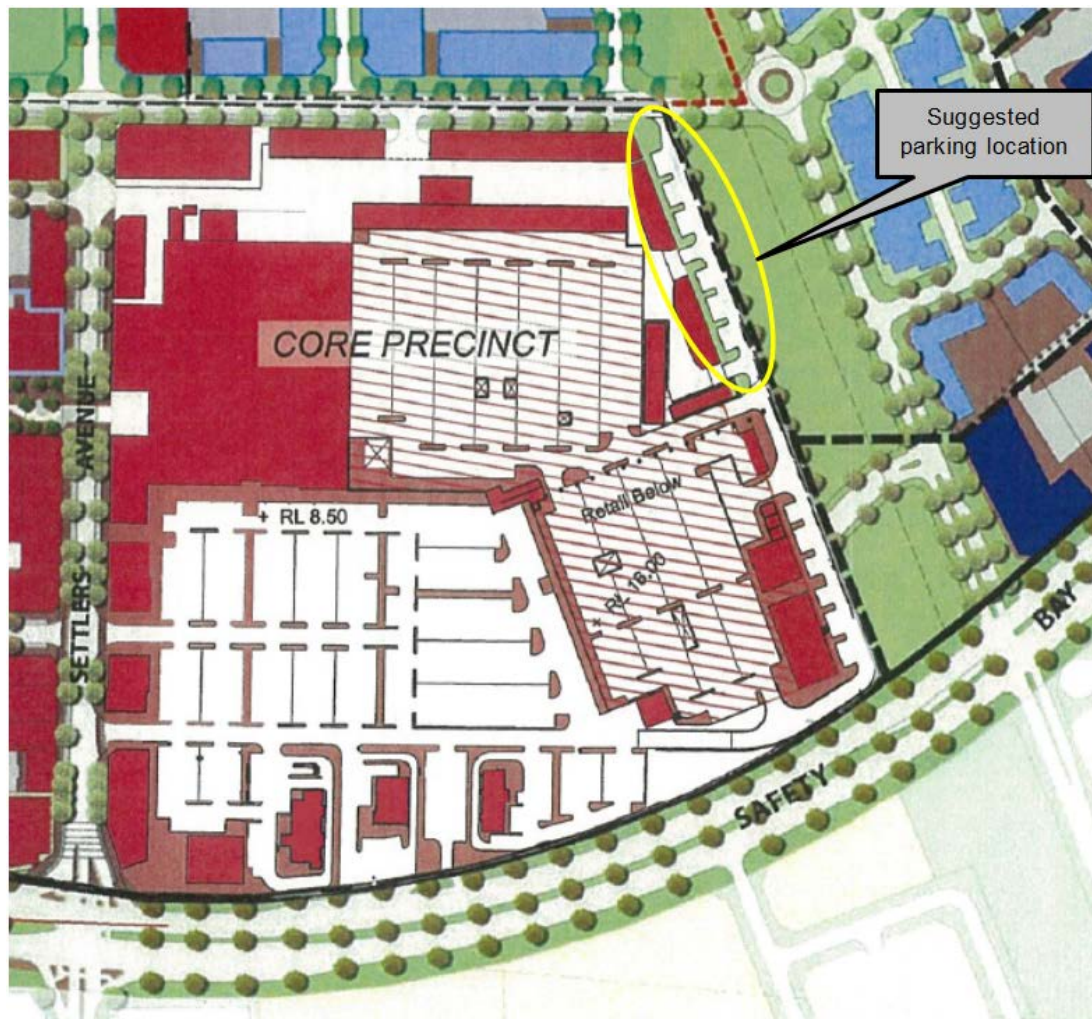
The additional parking proposed to be provided on the roof top and the at-grade main car parks have resulted from the existing approved parking spaces being converted to small parking spaces. The small parking spaces are discussed in the following section.

The following table provides a comparison between the required and provided parking for the current Planning Approval and the proposed amendment. It also considers the amendment with and without the small parking spaces.

	Required	Provided	Shortfall
<b>Currently Approved</b>	1,771	1,381	-390 (22%)
<b>Proposed Amendment</b>			
Including small spaces	1,788	1,366	-422 (23.6%)
Excluding small spaces	1,788	1,353	-435 (24.3%)

The incremental and increasing erosion of parking provision for the development is of concern to the City. A 20% variation to the TPS2 parking provisions has been previously supported by the City. The proposed amendment is seeking variations in the order of 23-24%. This equates to an additional 64-77 parking spaces more than the 20% variation. These deficiencies are considered to be extending beyond the realm of what is acceptable.

It is recommended that additional parking be provided within the development site adjacent to the pipeline corridor, replicating that provided adjacent to the Bulky Goods Stores. Parking provision and road connection in this location is consistent with the approved IDGP for the Baldivis Town Centre. This could provide for around 60 additional parking spaces.



**Figure 17 – Suggested Parking Location**

### **Small Parking Spaces**

The amendment proposes to convert 265 previously approved parking spaces to 278 small parking spaces. The small parking spaces are to have dimensions of 2.3m wide x 5m length. The 278 small parking spaces would equate to 20% of the total parking provision on site.

*Australian Standard AS2890.1 – Parking Facilities: Part 1: Off-street car parking (AS2890.1)* identifies short term town centre parking and short term high turnover parking at shopping centres as User Class 3 and 3A respectively. For these User Classes, 90° car parking spaces are required to have a width of 2.6m, length of 5.4m, and aisle width of 5.8m (User Class 3) and 6.6m (User Class 3A).

AS2890.1 provides the dimensions of 2.3m x 5.0m for small car spaces and states that:

*“In certain circumstances it may be appropriate to provide a space smaller than specified above for small cars. It shall be designed as a space for small cars”.*

The Standard provides no further guidance on the circumstances in which, or proportion of provision of small car spaces that would be appropriate.

The applicant has advised that the provision of the small car parking spaces is a requirement to achieve the Green Building Council’s Green Star Rating. It is understood from discussions with the Green Building Council that there are other means of achieving required credit points in the Transport Category for the accreditation.

No justification has been provided by the applicant for the provision of the small parking spaces in terms of planning merit. Planning merit is the scope of consideration in determining a Planning Application. Thus consideration of the appropriateness of the small car spaces and functionality of the car park are the relevant considerations.

The City requires car parking to be provided in accordance with AS2890.1 and the relevant User Class. There are no specific provisions relating to the number or proportion of small car parking spaces, and the applicant has not provided any planning merit justification for the circumstances in which the provision of the small spaces is appropriate.

The parking design requirements in AS2890.1 are based on the 85th percentile vehicle from a study of the Australian motor vehicle fleet. There has been no demonstration that the users of the car park would be driving vehicles below this average.

Furthermore, the User Class 3/3A is designed on the need for full opening of all car doors as well as the need for efficiency in parking aisles through the high turnover nature of shopping centre traffic.

Whilst the City supports Stockland's desire to improve the energy efficiency of its development, it should not come at the expense of a dysfunctional and impractical car park.

## **Comments on Proposed Amendments**

### **1(a) - Narrowing of Loading Dock Access Road**

The City does not object to the narrowing of the access road per se. It does, however, have concern as to whether a 19m articulated vehicle can negotiate the turn into the access road from Settlers Avenue. The applicant has been requested to provide swept paths to demonstrate this can be achieved at a realistic design speed. These plans are yet to be received by the City.

In this regard, it is recommended a condition be included on any approval requiring plans be submitted to the City demonstrating the access road has a width sufficient to facilitate the turning movements of a 19m articulated vehicle. The development plans shall be amended to reflect any widening necessary of this access road to enable the 19m articulated vehicles to negotiate the intersection safely.

### **1(b) - Relocation of the Fire Boosters and Associated Emergency Vehicle Hardstand**

In preliminary discussions with the applicant on this matter, the City raised concern regarding the proposed location of the boosters and the constraint on future development along Mennock Approach in accordance with the IDGP. The applicant demonstrated to the City that future development could be achieved. Thus the City does not object to the relocation of the Fire Boosters and hardstand areas, given it will not hinder the attainment of future buildings along Mennock Approach.

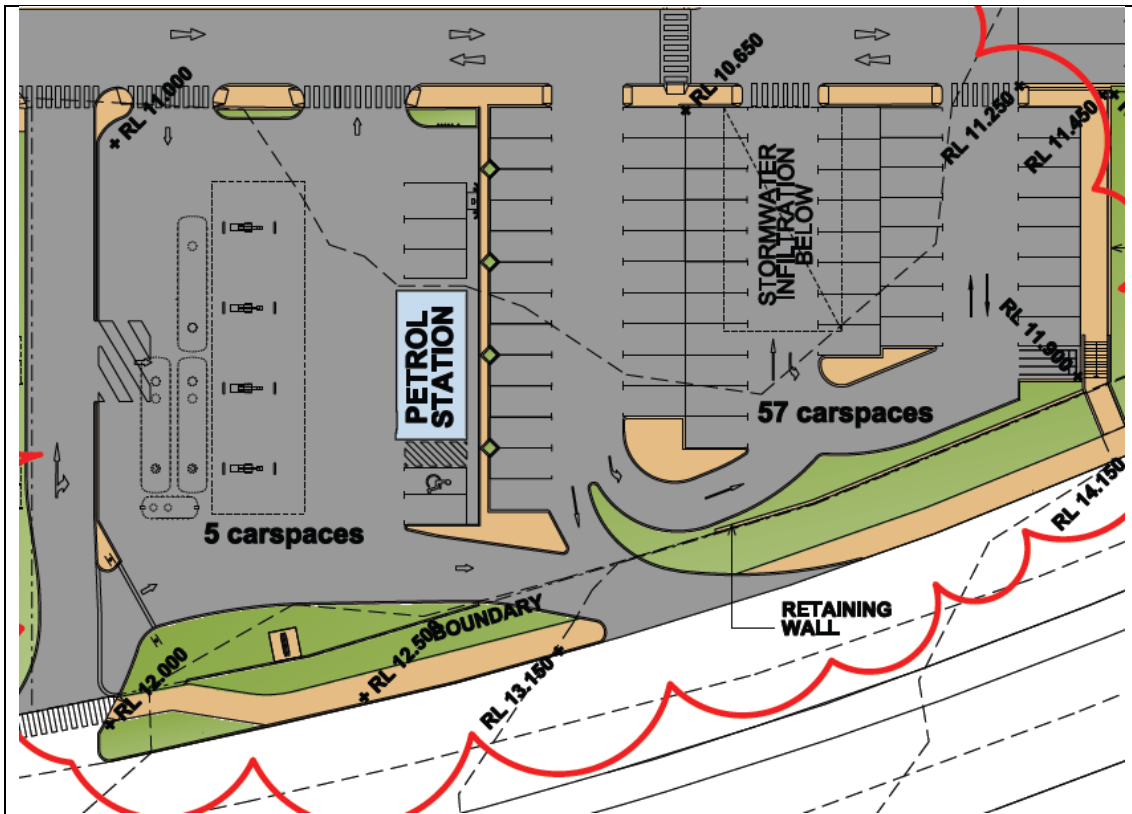
### **1(c) - Reduction of Parking Bays in the Loading Dock**

Retention of the parking bays within the loading dock were previously not supported by the City given the hindrance of future attainment of IDGP outcomes and conflict between heavy and light vehicles. The applicant appealed to SAT regarding *inter alia* the City and the Panel's conditional deletion of these parking spaces.

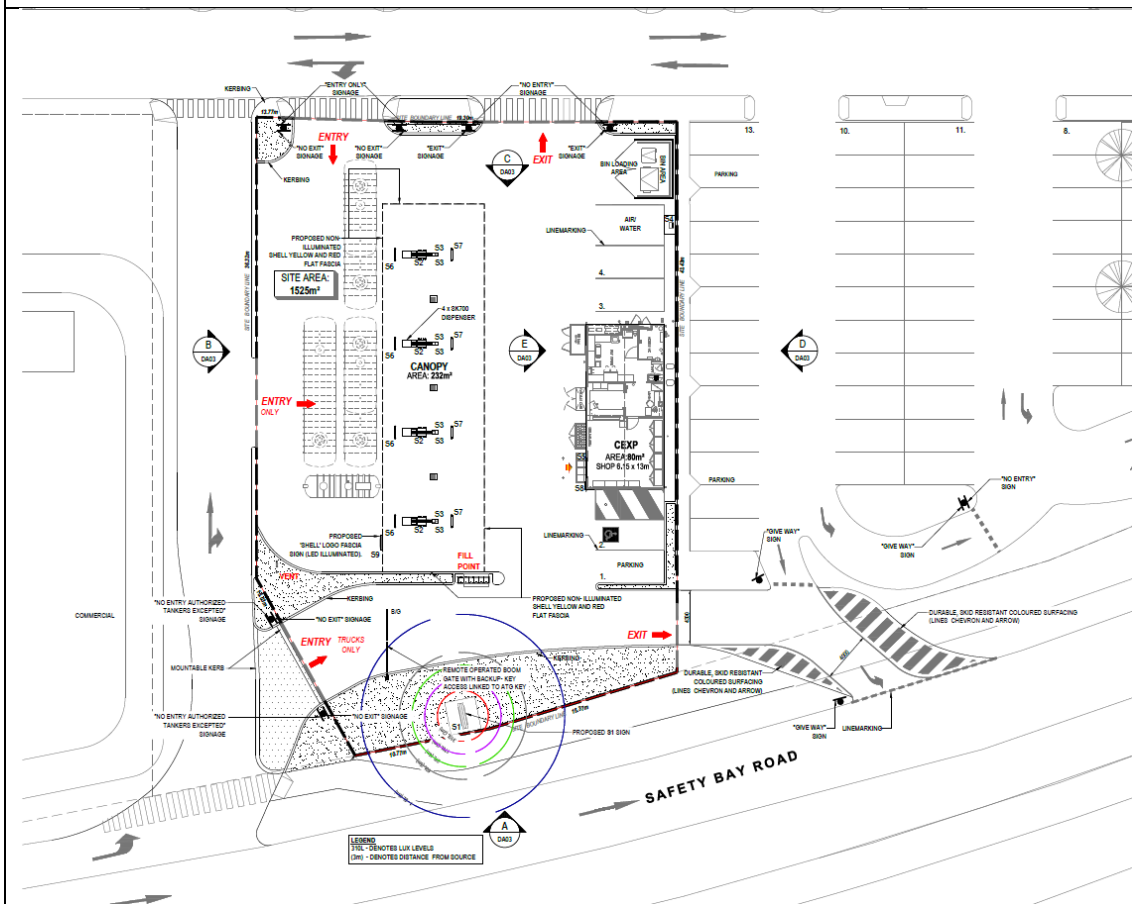
Given that the amendment intends to delete half of these spaces, the City does not object given it is consistent with its original position.

### **1(d) - Deletion of the Pad Site fronting Safety Bay Road, and associated access and parking layout changes**

The City has no objection to the amendment of the site plan to reflect the Planning Approval (20.2013.00000422) for the Service Station. The site plan, however, is required to be updated to reflect that approved under the separate application, as it does not accurately reflect the geometry of the egress to Safety Bay Road or the parking layout to the east.



Proposed Amendment Site Plan



Approved Service Station Site Plan

Figure 18 – Comparison of Site Plans

In this regard, it is recommended a condition be imposed requiring the site plan be amended to reflect the Service Station Planning Approval (20.2013.00000422) issued on 16 April 2014.

The deletion of parking spaces is addressed in the Parking Requirement Section of this report.

#### **1(e) - Reconfiguration of Building 5 and in the inclusion of Alfresco Areas**

In respect of Building 5:-

- it was part of the original overall approval issued in March 2013.
- the applicant sought a separate approval which was issued in March 2014.
- the applicant now seeks to include Building 5 into the overall approval.
- Should Building 5 be included in the overall approval, this would supersede the individual approval issued in March 2014.

The modified Building 5 results in a reduction in car parking spaces (11) and increased NLA. Parking requirements and provision is discussed in the RAR.

The City's primary concern with this building is to ensure activation of, and access to the building from street frontages, particularly given the inclusion of alfresco areas at the rear of the building, which could have the effect of the buildings turning their back on the street. This would be contrary to PP3.2.4.

The City does not support changes in grade between the verge/footpath area and the building entrances, as this prohibits the direct access to the building and provides a visual barrier between the street and the building. The City has had numerous discussions with Stockland in relation to this matter and has considered a number of options to address this matter.

Stockland has been reluctant to alter internal floor levels to mimic the external verge levels to address the City's concern, due to wanting flexibility in future tenanting of the spaces. It is, however, the City's primary concern to achieve a building that achieves appropriate activation, interaction and address with the street in this landmark location.

In this regard, a condition is recommended to be imposed on any approval requiring that amended plans be submitted and approved by the City, demonstrating direct access to all tenancies from the adjacent street, which requires no ramping or stairs external to the building fronting the street.

The approval for this development contains a condition requiring street verandahs being provided across the full frontage of Settlers Avenue at a minimum width of 2.5m. Unless the above direct access is achieved, the proposed colonading along Settlers Avenue cannot be considered as acceptable to meeting this condition. The requirement for the verandahs is outlined in PP3.2.4.

Providing the above level differences are overcome, the City has no objection to the amendments to Building 5.

#### **2(a) - Amendment to Car Parking associated with the Auto Service Tenancy**

The City has no issue with the proposed amendments. The deletion of the parking space is addressed in the Parking Section of this report above.

#### **2(b) - Reduction in size of the Plant Room and increase in size of Bulky Goods 1**

The City has no issue with the proposed amendments. The increased requirement for parking through the increase in NLA is addressed in the Parking Section of this report above.

#### **2(c) - Realignment of pedestrian connection from linear open space**

The City has no issue with the proposed realignment. It provides for an improved pedestrian connection.

#### **2(d) - Extension of Bulky Goods 2**

The City has no issue with the proposed amendment. The increased requirement for parking through the increase in NLA is addressed in the Parking Section of this report above.

## **2(e) - Change to Bulky Goods Parking**

The City has no issue with the proposed amendments. The loss of the planter bay can be offset by landscaping in the adjacent reserve.

## **2(f) - Introduction of Photovoltaic (PV) Panels on the Bulky Goods Buildings' roof**

The City has no issue with the proposed amendments. The elevation plans demonstrate the panels will not be visible above the existing parapet walls.

## **2(g) - Introduction of shade structures over the parking on the roof deck and PV Panels**

The City has no objection to the proposed shade structures. It will provide for improved amenity for users of the car park. The design of the structures will need to ensure compliance with AS2890.1 is achieved in terms of clearance to structures. This would be covered by existing Condition No.8.

## **2(h) - Introduction of Small Parking Spaces**

As outlined above under the Small Parking Spaces Section, the City has not been provided with a planning merit justification that demonstrates the circumstances in which the provision of the small spaces is appropriate.

The provision of small parking spaces, particularly 20% of the total parking provision, is likely to result in a car park that cannot function appropriately. In this regard the conversion of the parking spaces to small spaces is not supported by the City.

## **CONCLUSION:**

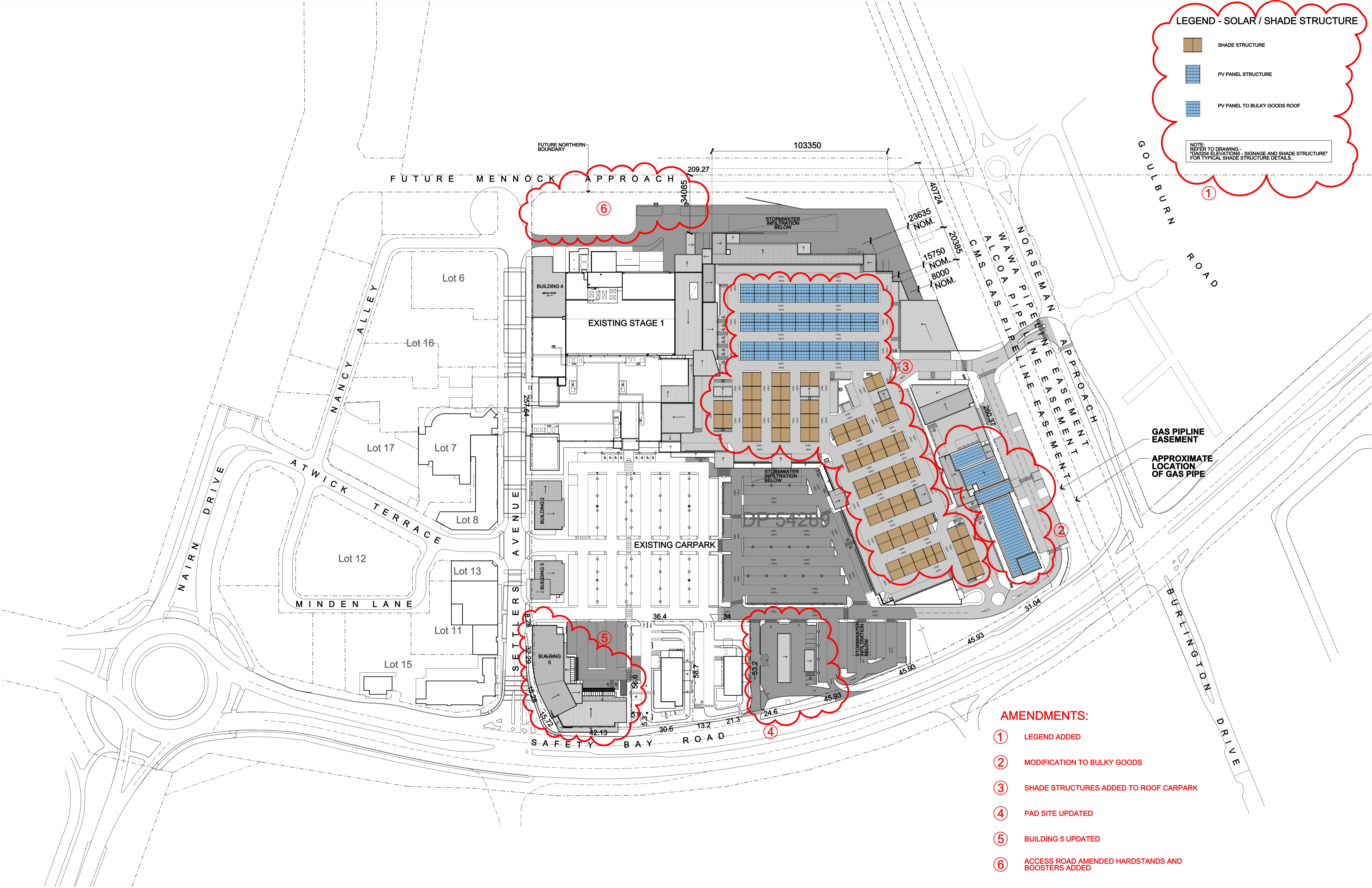
The proposal includes amendments to the design of the development as approved under the March 2013 Planning Approval.

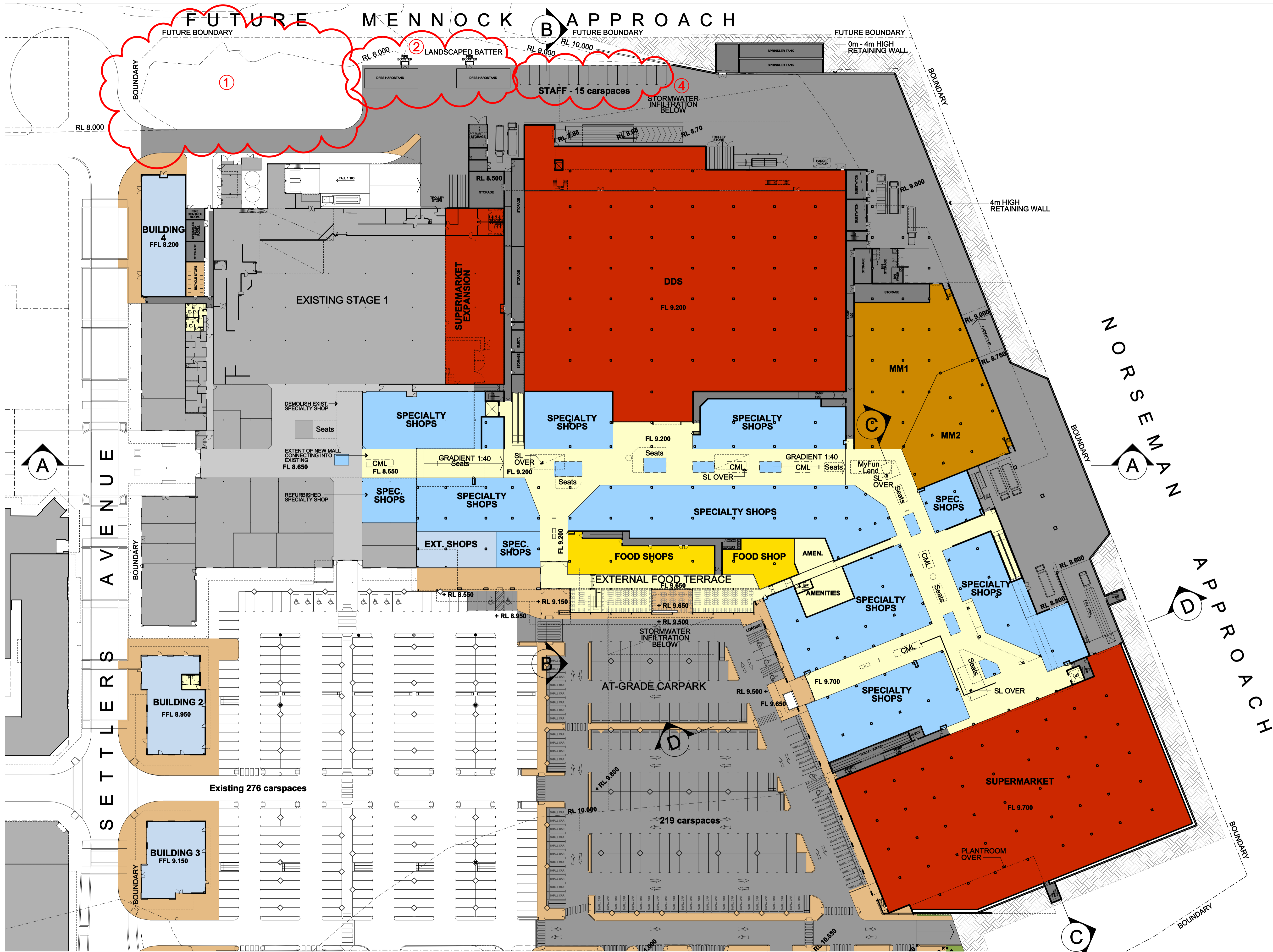
The proposed design changes are generally compliant with TPS2 and PP3.2.4 requirements and would not substantially change the development approved, with the exception of the following:

- The City does not support the proposed small car parking spaces.
- The shortfall of parking, to nearly 25% of the total requirement, is not supported. Additional parking provision within the pipeline park is therefore required to be provided to provide a more acceptable level (closer to 20% shortfall) of parking for the development.

The City supports the proposed amendments with the exception of the two above points, and subject to the following amended conditions:

- (a) The development must be provided with a minimum additional 60 car parking spaces in a car park located on Lot 9084 in the location shown in red on Drawing No.DA0103-D. Plans must be submitted to the City for approval prior to applying for a Building Permit. The car parking shall be designed, constructed and maintained in accordance with Condition No.8.
- (b) Building 5 must be designed to provide for direct pedestrian access from the street to each of its tenancies which are not to be encumbered by ramps or steps outside of the building.
- (c) Drawing No. DA0104-E (Building 5 Plans) must be amended to reflect the Service Station Approval (20.2013.00000422) issued on 16 April 2014.
- (d) Amended plans must be submitted to the City of Rockingham for approval, demonstrating that the access road to the loading dock has a width sufficient to facilitate the turning movements of a 19m articulated vehicle. The Drawing DA0102-E (Ground Floor Plan) shall be amended to reflect any widening necessary of this access road to enable the 19m articulated vehicles to negotiate the intersection safely. The works required by the amended plans shall be constructed prior to occupation of the development.





COLOUR LEGEND

- DISCOUNT DEPARTMENT STORE (DDS)
- MINI MAJORS
- INTERNAL SPECIALTY SHOP
- EXTERNAL SPECIALTY SHOP
- MALL
- SERVICE AREAS / BACK OF HOUSE
- EXISTING SHOPPING CENTRE
- EXISTING MALL
- LANDSCAPE

LEGEND

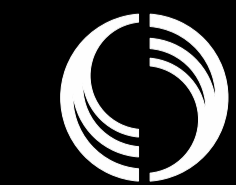
- BW BIN WASH
- CL CLEANER'S STORE
- CB CARDBOARD BAILER
- CMO CENTRE MANAGEMENT OFFICE
- D ACCESSIBLE TOILET
- DDS DISCOUNT DEPARTMENT STORE
- EL ELECTRICAL ROOM
- F FEMALE TOILET
- FCH FEMALE CHANGE ROOM
- FCR FIRE CONTROL ROOM
- L1 PASSENGER LIFT
- L2 SERVICE / TROLLEY LIFT
- M MALE TOILET
- MCH MALE CHANGE ROOM
- MM MINI MAJOR
- P PARENTS ROOM
- SL SKYLIGHT
- SM SCRUBBING MACHINES
- SPV SPRINKLER PUMP/VALVE ROOM
- ST1 CENTRE STORE
- ST2 TENANT STORE
- ST3 TROLLEY STORE
- ST4 BICYCLE STORE
- SUB SUBSTATION

NOTE: REFER TO DRAWING - DA0301 - SECTIONS SHEET 1" FOR SECTIONS

AMENDMENTS:

- ACCESS ROAD AMENDED
- FIRE BOOSTERS RELOCATED AND HARDSTANDS ADDED
- NOTE ADDED
- STAFF PARKING AMENDED

FOR CONTINUATION REFER TO DRAWING DA0102



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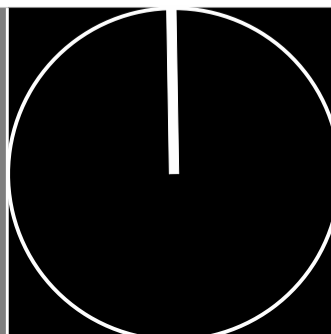
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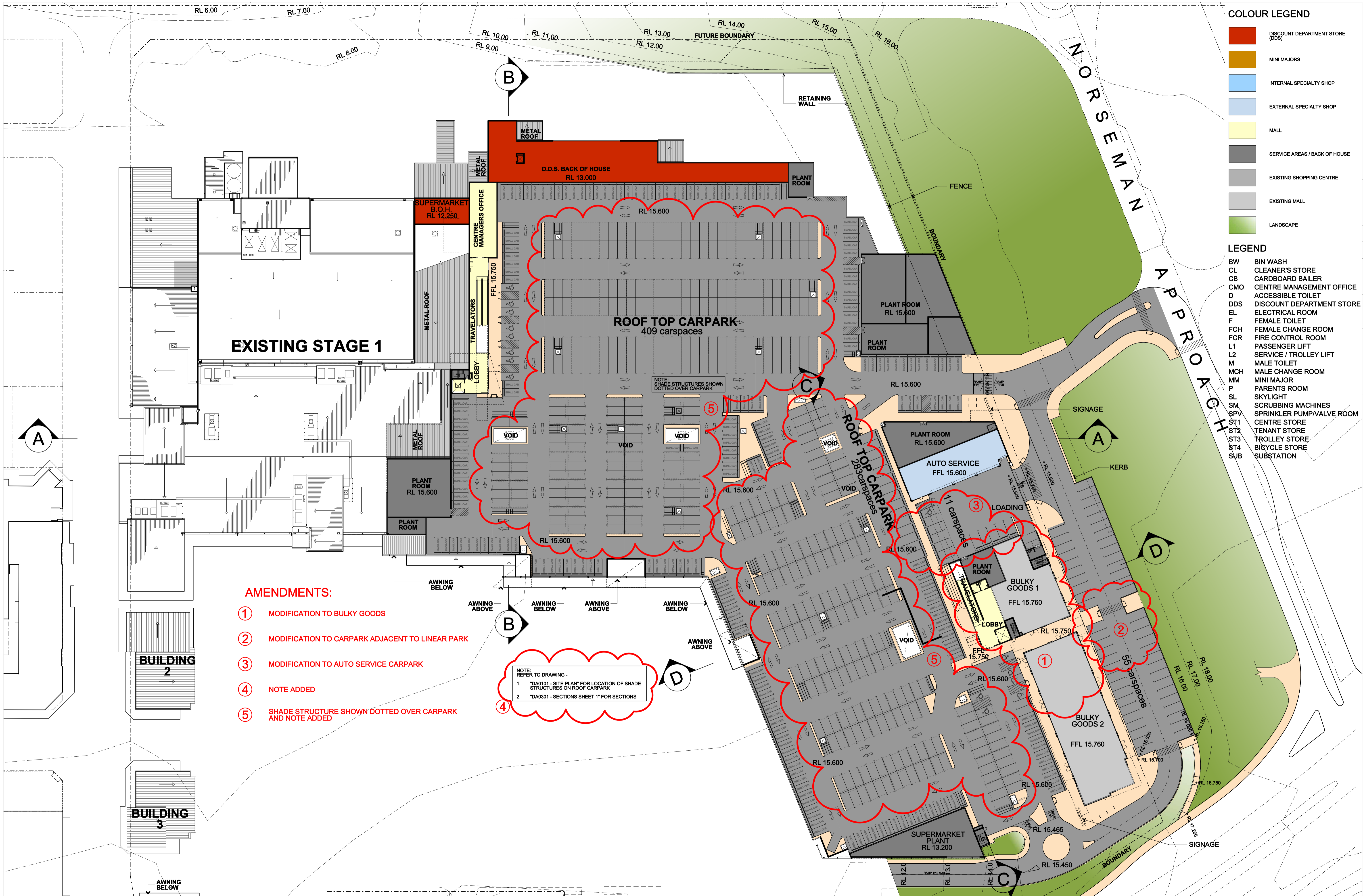
REVISION:  
A DA ISSUE 14.11.12  
B DA ISSUE 12.04.13  
C DA ISSUE 10.12.13  
D DA ISSUE 14.05.14

STATUS: DA ISSUE  
AUTHOR: RD,ML,RR  
DATE: 14.05.14  
SCALE: 1:500 @ A1  
0m 10m 20m 30m 40m

PROJECT: Stockland BALDIVIS - STAGE 2  
Lot 26, Safety Bay Road Baldivis, WA 6171  
TITLE: Ground Floor Plan

PROJECT NUMBER: 12-07-09-BA  
DRAWING NUMBER: DA0102-D





COLOUR LEGEND

- DISCOUNT DEPARTMENT STORE (DDS)
- MINI MAJORS
- INTERNAL SPECIALTY SHOP
- EXTERNAL SPECIALTY SHOP
- MALL
- SERVICE AREAS / BACK OF HOUSE
- EXISTING SHOPPING CENTRE
- EXISTING MALL
- LANDSCAPE

LEGEND

- BW BIN WASH
- CL CLEANER'S STORE
- CB CARDBOARD BAILER
- CMO CENTRE MANAGEMENT OFFICE
- D ACCESSIBLE TOILET
- DDS DISCOUNT DEPARTMENT STORE
- EL ELECTRICAL ROOM
- F FEMALE TOILET
- FCH FEMALE CHANGE ROOM
- FCR FIRE CONTROL ROOM
- L1 PASSENGER LIFT
- L2 SERVICE / TROLLEY LIFT
- M MALE TOILET
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- P PARENTS ROOM
- SL SKYLIGHT
- SM SCRUBBING MACHINES
- SPV SPRINKLER PUMP/VALVE ROOM
- ST1 CENTRE STORE
- ST2 TENANT STORE
- ST3 TROLLEY STORE
- ST4 BICYCLE STORE
- SUB SUBSTATION

AMENDMENTS:

- 1. MODIFICATION TO BULKY GOODS
- 2. MODIFICATION TO CARPARK ADJACENT TO LINEAR PARK
- 3. MODIFICATION TO AUTO SERVICE CARPARK
- 4. NOTE ADDED
- 5. SHADE STRUCTURE SHOWN DOTTED OVER CARPARK AND NOTE ADDED

NOTE:  
REFER TO DRAWING -  
1. "DA0101 - SITE PLAN" FOR LOCATION OF SHADE STRUCTURES ON ROOF CARPARK  
2. "DA0301 - SECTIONS SHEET 1" FOR SECTIONS



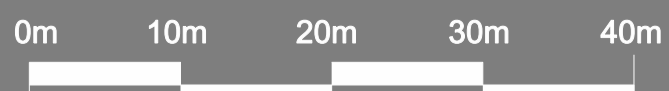
Commercial Design Group  
Level 25 Castlereagh Street  
Sydney NSW 2000  
Ph : 02 9035 2000  
Fax: 02 8988 2000

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REVISION:  
A DA ISSUE 14.11.12  
B DA ISSUE 12.04.13  
C DA ISSUE 10.12.13  
D DA ISSUE 14.05.14

STATUS:  
DA ISSUE

SCALE:  
1:500 @ A1

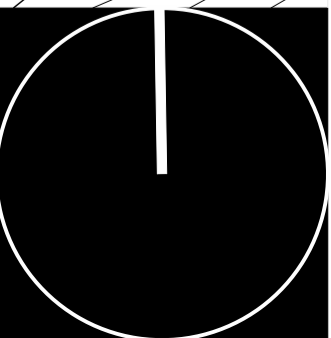


AUTHOR:  
RD,ML,RR  
DATE:  
14.05.14

PROJECT:  
**Stockland BALDIVIS - STAGE 2**  
Lot 26, Safety Bay Road Baldivis, WA 6171  
TITLE:  
**Level 1 Carpark Plan**

PROJECT NUMBER:  
12-07-09-BA

DRAWING NUMBER:  
**DA0103-D**



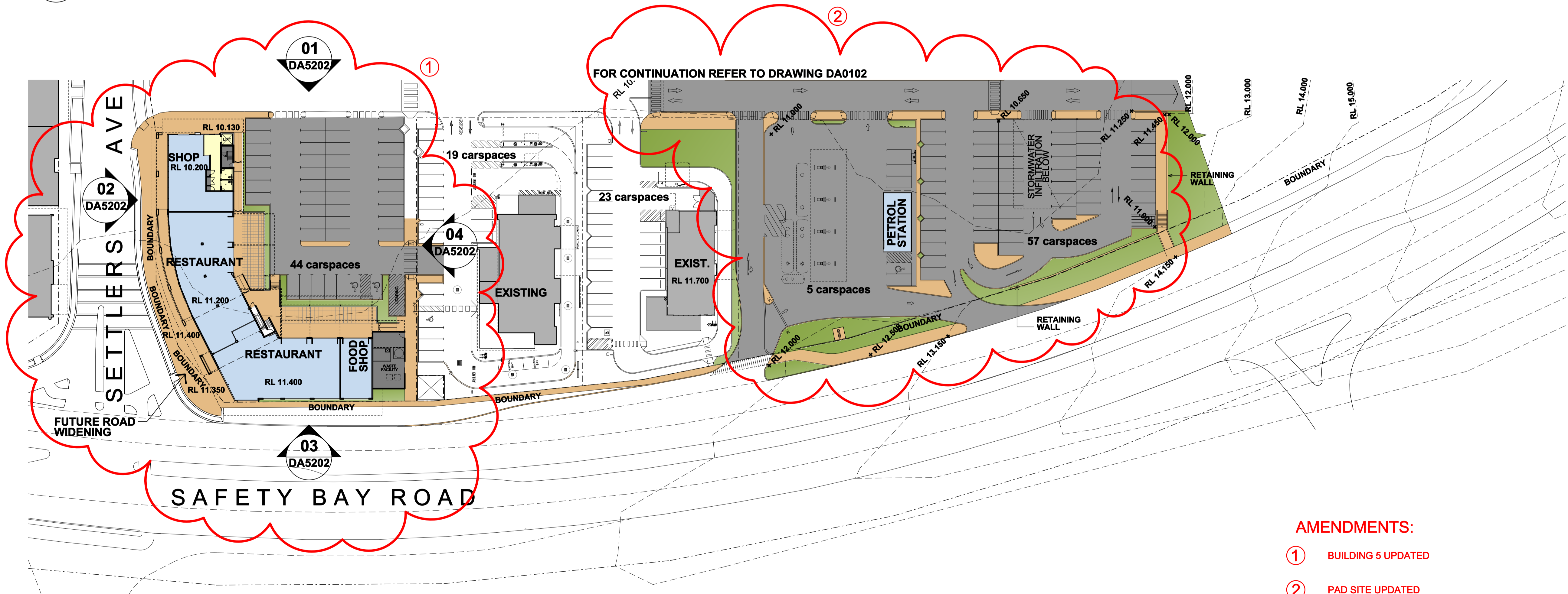
COLOUR LEGEND

	DISCOUNT DEPARTMENT STORE (DDS)
	MINI MAJORS
	INTERNAL SPECIALTY SHOP
	EXTERNAL SPECIALTY SHOP
	MALL
	SERVICE AREAS / BACK OF HOUSE
	EXISTING SHOPPING CENTRE
	EXISTING MALL
	LANDSCAPE

LEGEND

BW	BIN WASH
CL	CLEANER'S STORE
CB	CARDBOARD BAILER
CMO	CENTRE MANAGEMENT OFFICE
D	ACCESSIBLE TOILET
DDS	DISCOUNT DEPARTMENT STORE
EL	ELECTRICAL ROOM
F	FEMALE TOILET
FCH	FEMALE CHANGE ROOM
FCR	FIRE CONTROL ROOM
L1	PASSENGER LIFT
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M	MALE TOILET
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ST1	CENTRE STORE
ST2	TENANT STORE
ST3	TROLLEY STORE
ST4	BICYCLE STORE
SUB	SUBSTATION

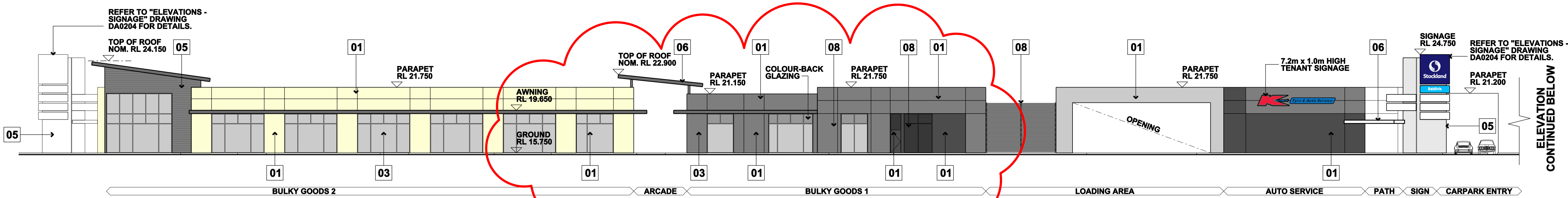
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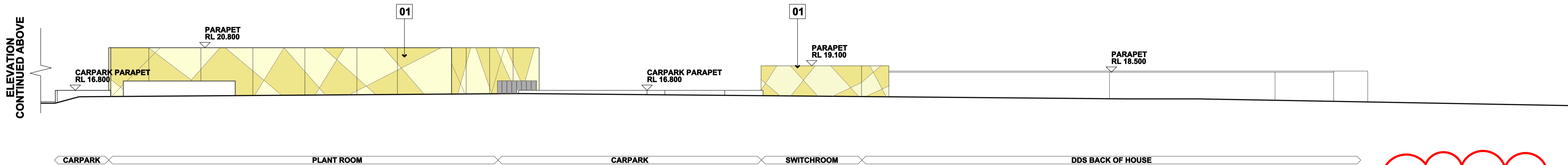
AMENDMENTS:

- ① BUILDING 5 UPDATED
- ② PAD SITE UPDATED

01 Building 5 Ground Floor Plan  
Scale 1:500



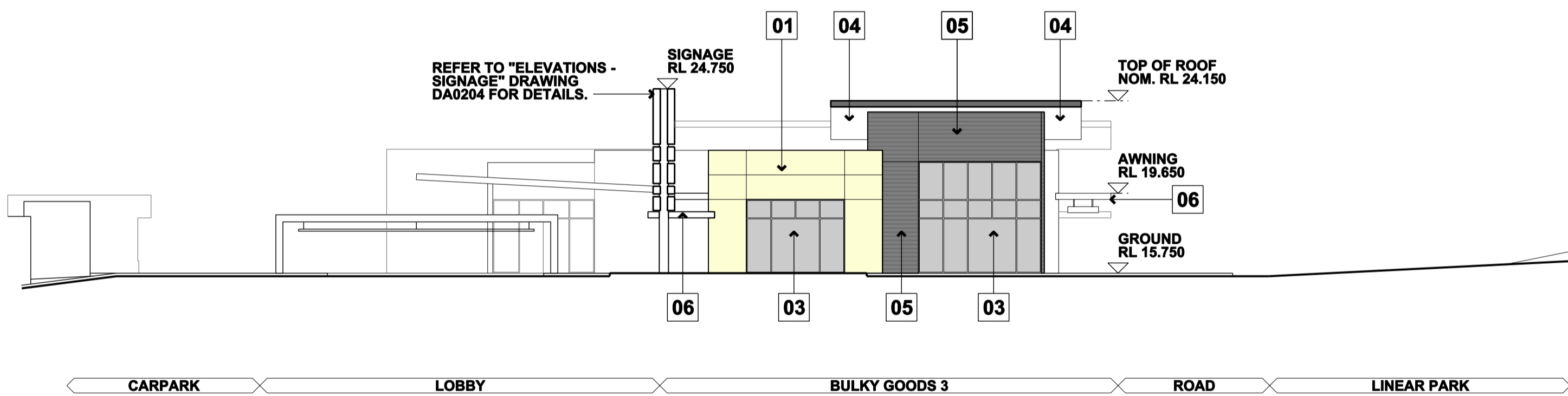
01 ELEVATION NORTH EAST  
Scale 1:200



02 ELEVATION NORTH EAST - CONT.  
Scale 1:200

NOTE:  
SHADE STRUCTURES NOT  
SHOWN FOR CLARITY

3



03 ELEVATION SOUTH EAST  
Scale 1:200

AMENDMENTS:

- 1 MODIFICATION TO BULKY GOODS ELEVATION.
- 2 BUILDING 5 ELEVATIONS RELOCATED ON SEPARATE DRAWINGS
- 3 NOTE ADDED

LEGEND - MATERIALS / FINISHES

- 01 MASONRY (PAINT FINISHED)
- 02 MASONRY (SANDSTONE CLADDING)
- 03 GLAZING (POWDERCOATED)
- 04 FIBRE CEMENT (PAINT FINISHED)
- 05 METAL WALL CLADDING (PRE-FINISHED)
- 06 STEEL FRAMED AWNING (PAINT FINISHED)
- 07 TIMBER BATTENS (STAINED/SEALED)
- 08 METAL LOUVRES (PRE-FINISHED)
- 09 STEEL BALUSTRADE (PRE-FINISHED)
- 10 EXTERNAL PLYWOOD (PRE-FINISHED)

NOTE:  
FOR BUILDING 5 ELEVATIONS -  
REFER TO DRAWINGS DA5103 AND DA5104



Commercial Design  
Group

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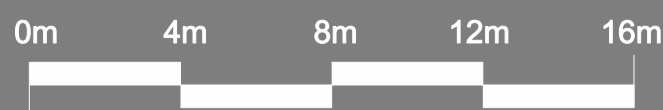
REVISION:  
A DA ISSUE 14.11.12  
B DA ISSUE 26.11.12  
C DA ISSUE 12.04.13  
D DA ISSUE 10.12.13  
E DA ISSUE 14.05.14

STATUS:  
DA ISSUE

SCALE:  
1:200 @ A1

AUTHOR:  
RD,ML,RR

DATE:  
14.05.14



PROJECT:  
**Stockland BALDIVIS - STAGE 2**  
Lot 26, Safety Bay Road Baldivis, WA 6171

TITLE:  
**Elevations Sheet 2**

PROJECT NUMBER:  
**12-07-09-BA**

DRAWING NUMBER:  
**DA0202-E**

LEGEND - MATERIALS / FINISHES

- 01

MASONARY (PAINT FINISHED)
- 02

MASONARY (SANDSTONE CLADDING)
- 03

GLAZING (POWDERCOATED)
- 04

FIBRE CEMENT (PAINT FINISHED)
- 05

METAL WALL CLADDING (PRE-FINISHED)
- 06

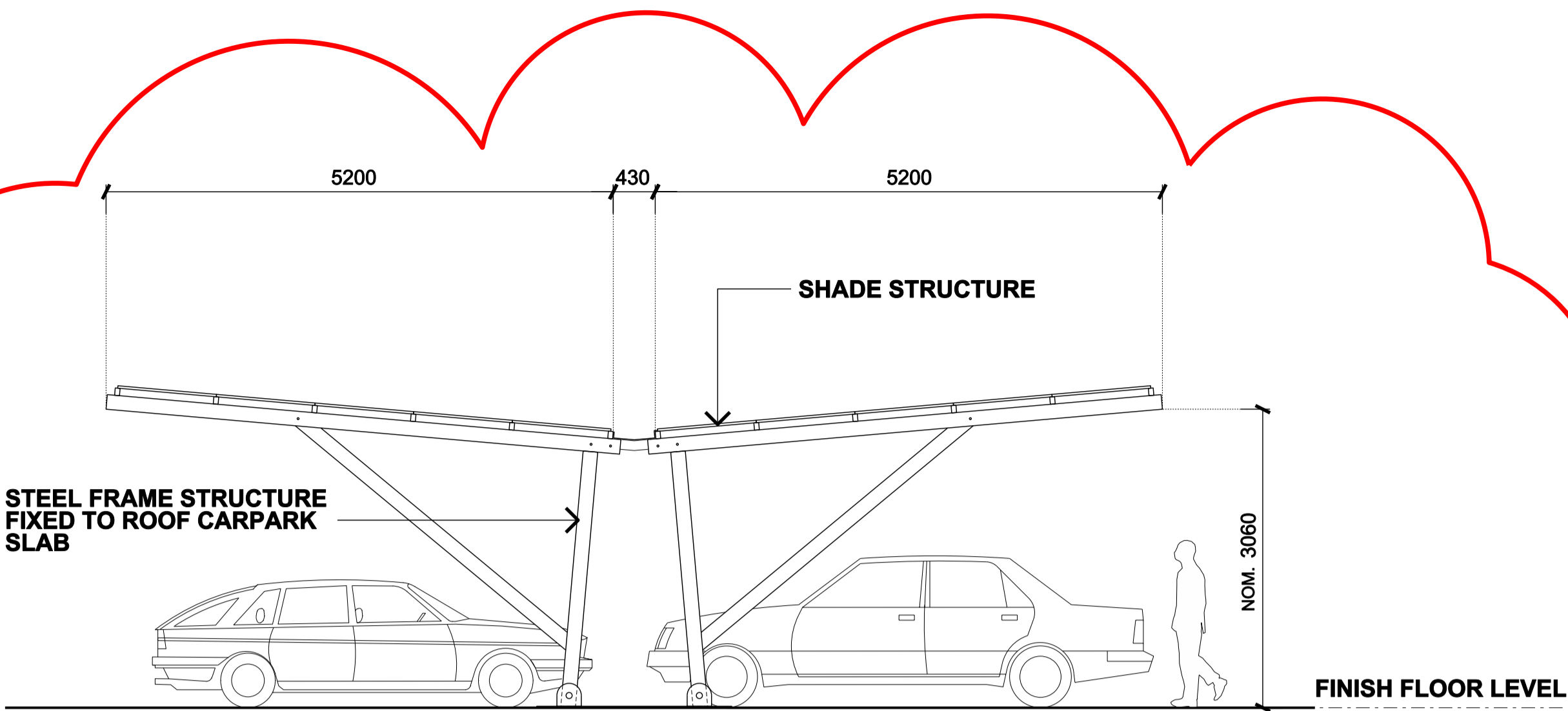
STEEL FRAMED AWNING (PAINT FINISHED)
- 07

TIMBER BATTENS (STAINED/SEALED)
- 08

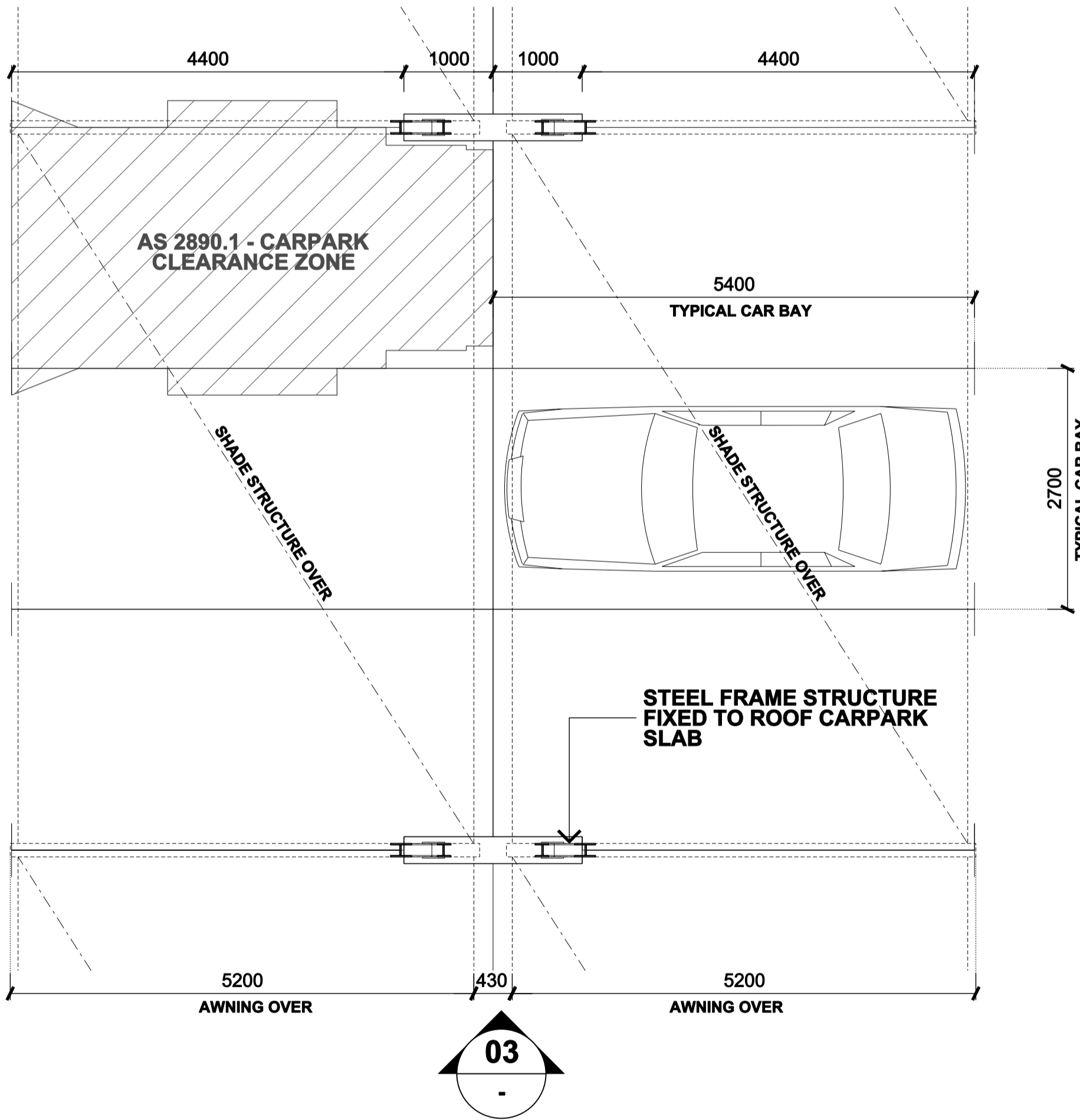
METAL LOUVRES (PRE-FINISHED)
- 09

STEEL BALUSTRADE (PRE-FINISHED)
- 10

EXTERNAL PLYWOOD (PRE-FINISHED)



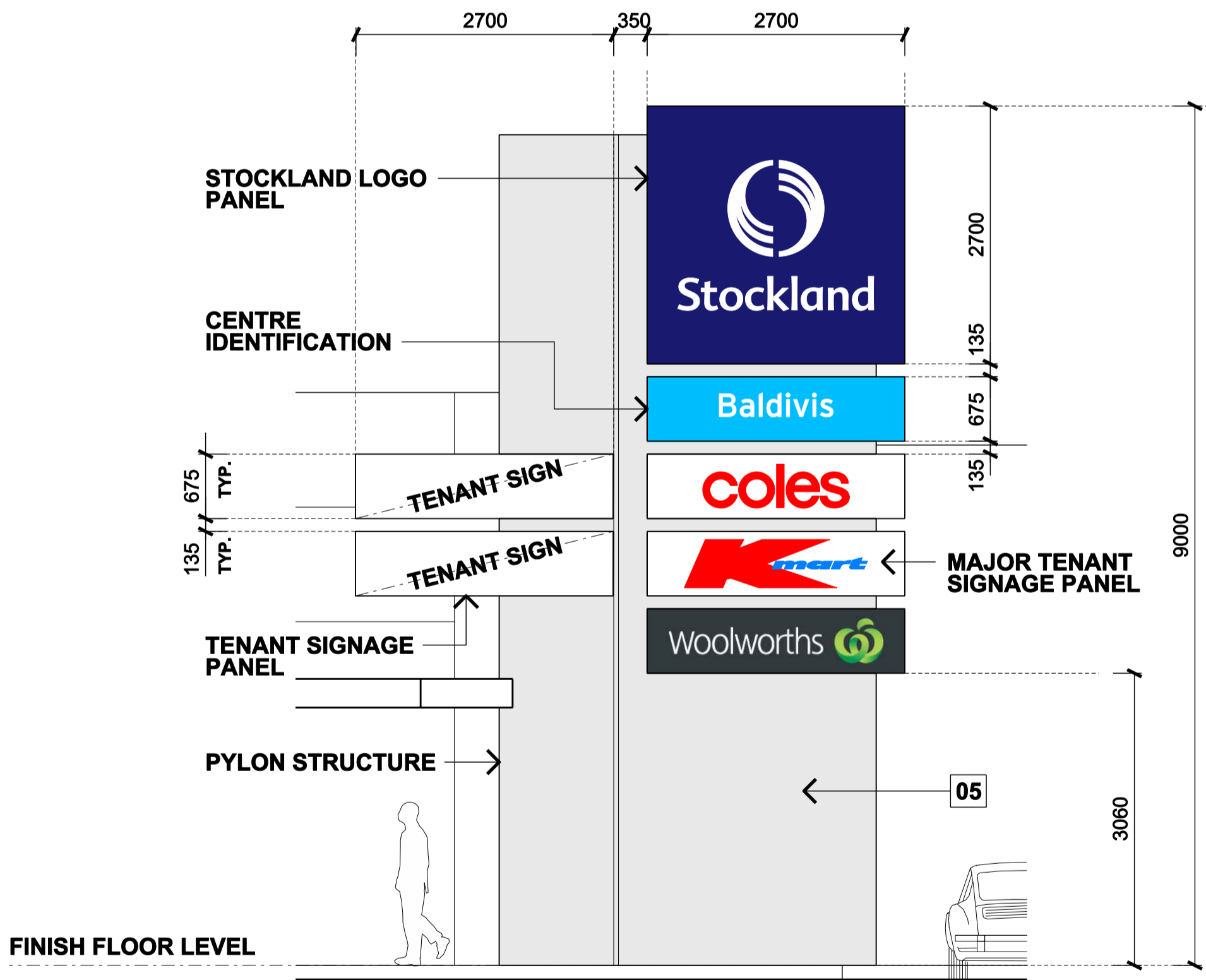
03 **TYPICAL - CARPARK SHADE STRUCTURE ELEVATION**  
Scale 1:50



02 **TYPICAL - CARPARK SHADE STRUCTURE PLAN**  
Scale 1:50

AMENDMENTS:

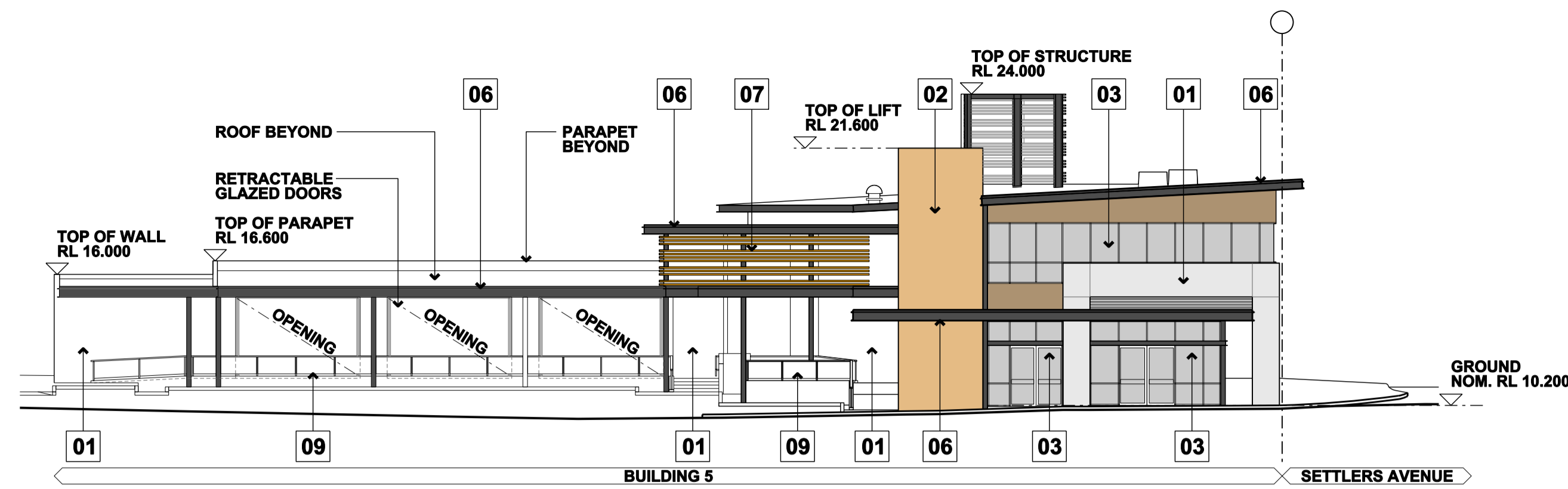
- 1 BUILDING 5 TOWER ELEVATIONS REMOVED AND NEW SHADE STRUCTURE PLAN AND ELEVATION ADDED



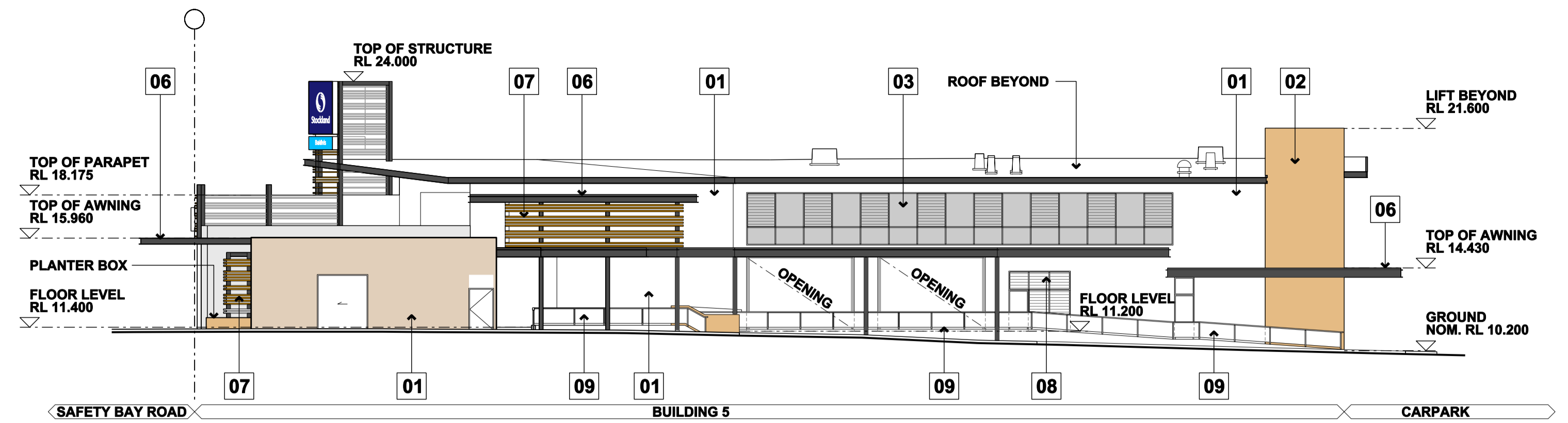
01 **PYLON ELEVATION - TYPICAL**  
Scale 1:50



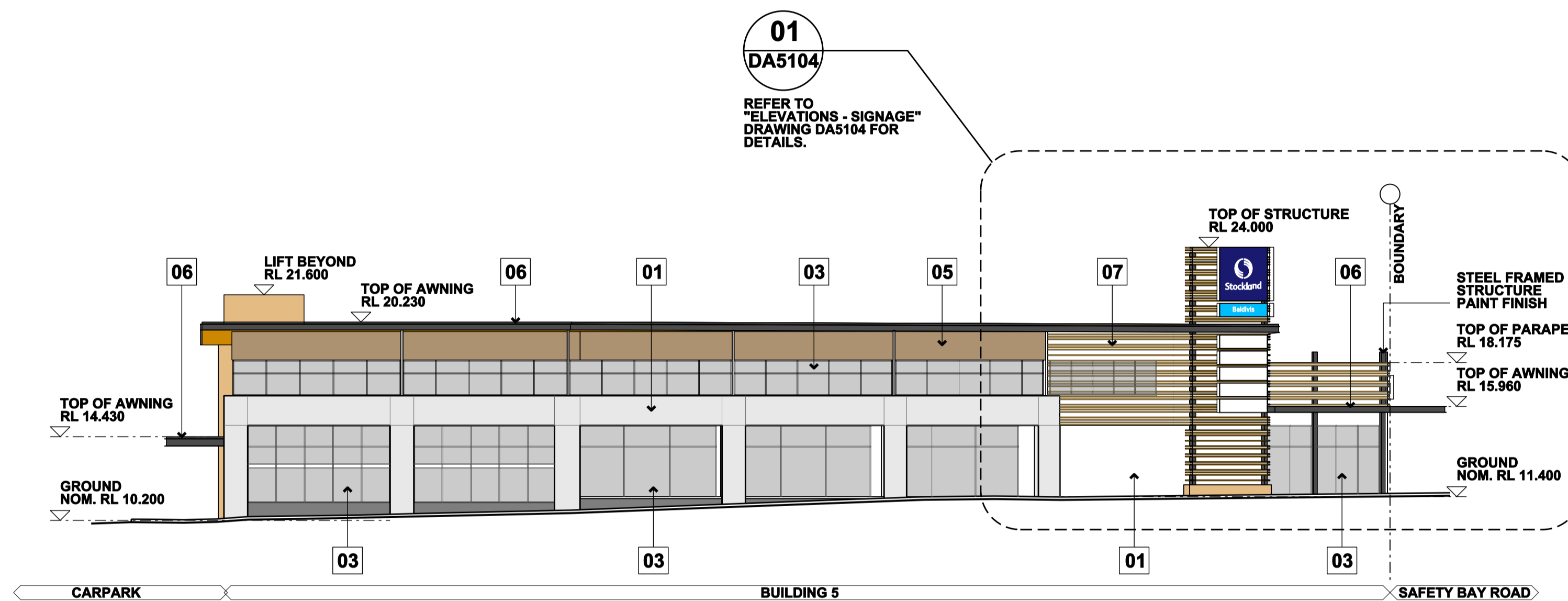
- 01** MASONARY (PAINT FINISHED)
- 02** MASONARY (SANDSTONE CLADDING)
- 03** GLAZING (POWDERCOATED)
- 04** FIBRE CEMENT (PAINT FINISHED)
- 05** METAL WALL CLADDING (PRE-FINISHED)
- 06** STEEL FRAMED AWNING (PAINT FINISHED)
- 07** TIMBER BATTENS (STAINED/SEALED)
- 08** METAL LOUVRES (PRE-FINISHED)
- 09** STEEL BALUSTRADE (PRE-FINISHED)
- 10** EXTERNAL PLYWOOD (PRE-FINISHED)



**01 ELEVATION NORTH - BUILDING 5**  
Scale 1:200



**04 ELEVATION EAST - BUILDING 5**  
Scale 1:200



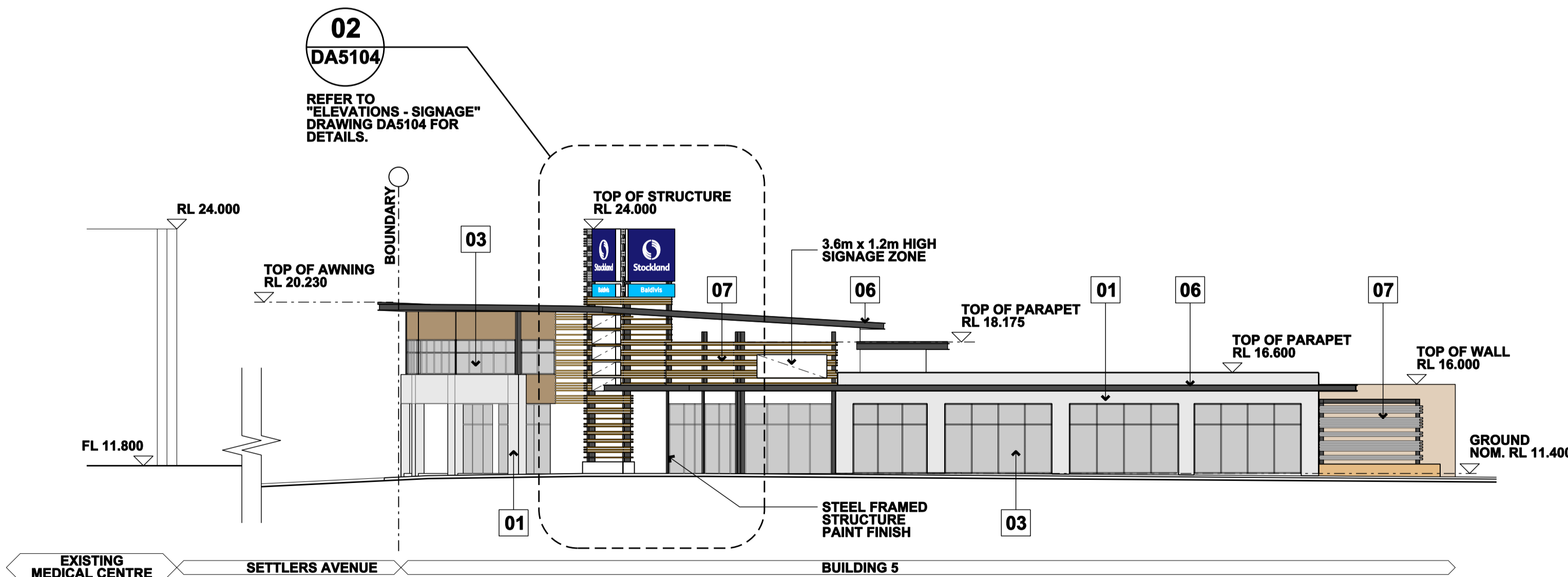
**02 ELEVATION WEST - BUILDING 5**  
Scale 1:200



**PERSPECTIVE 2**  
STREET VIEW - CNR SAFETY BAY RD. & SETTLERS AVE.



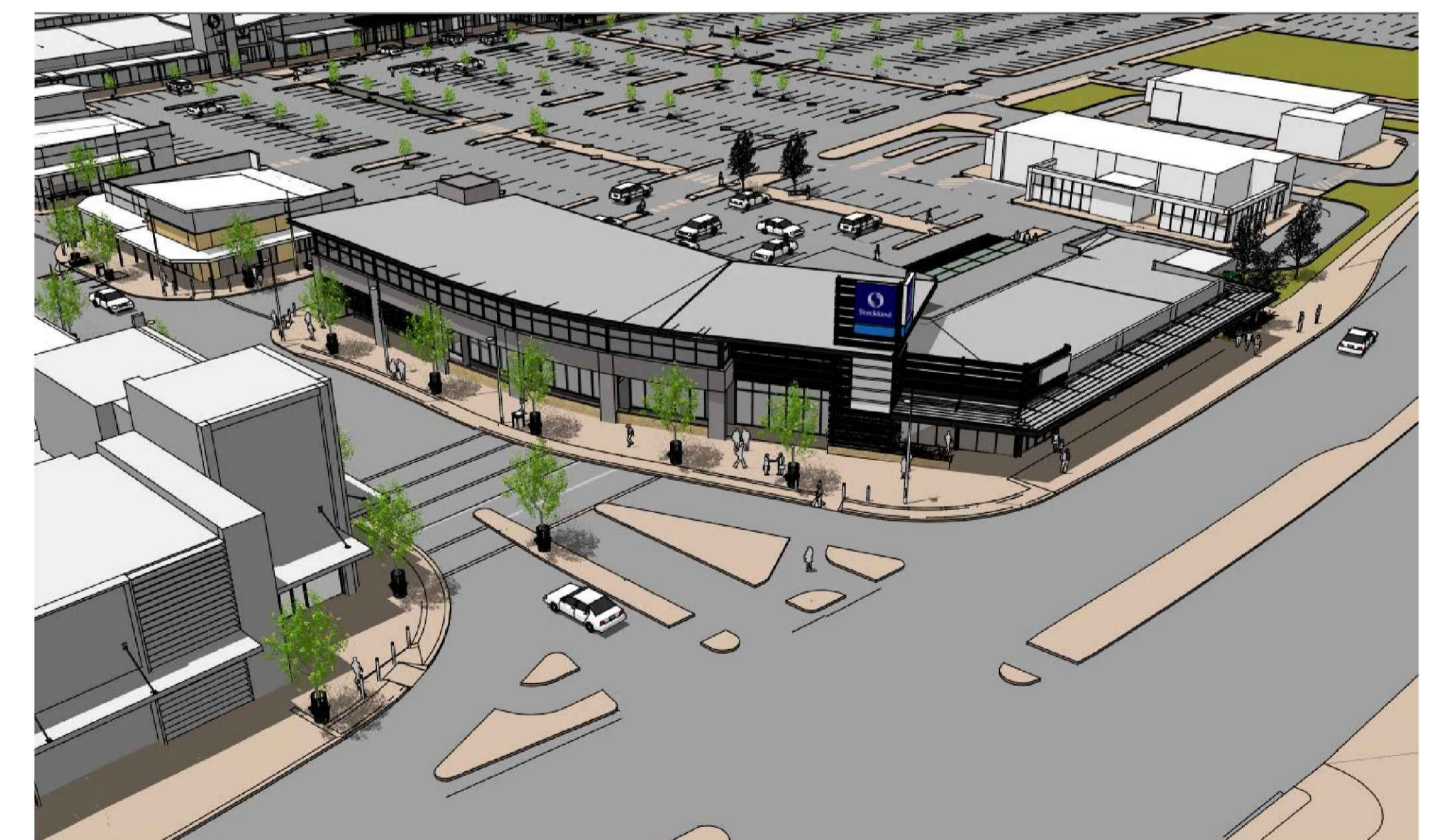
**PERSPECTIVE 3**  
AERIAL - ALFRESCO AREA FACING NORTH



**03 ELEVATION SOUTH - BUILDING 5**  
Scale 1:200

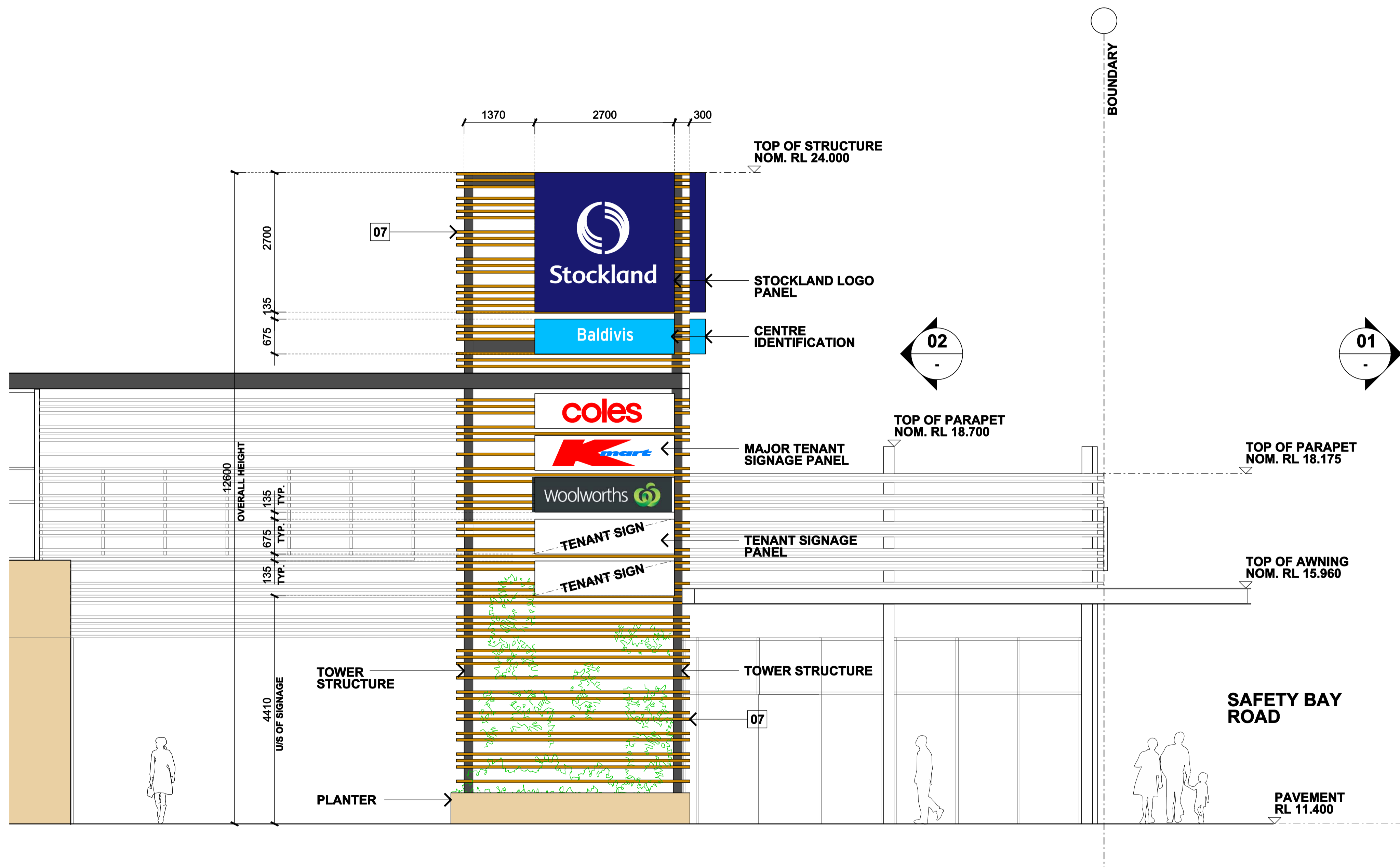
**LEGEND - MATERIALS / FINISHES**

- 01 MASONRY (PAINT FINISHED)
- 02 MASONRY (SANDSTONE CLADDING)
- 03 GLAZING (POWDERCOATED)
- 04 FIBRE CEMENT (PAINT FINISHED)
- 05 METAL WALL CLADDING (PRE-FINISHED)
- 06 STEEL FRAMED AWNING (PAINT FINISHED)
- 07 TIMBER BATTENS (STAINED/SEALED)
- 08 METAL LOUVRES (PRE-FINISHED)
- 09 STEEL BALUSTRADE (PRE-FINISHED)
- 10 EXTERNAL PLYWOOD (PRE-FINISHED)

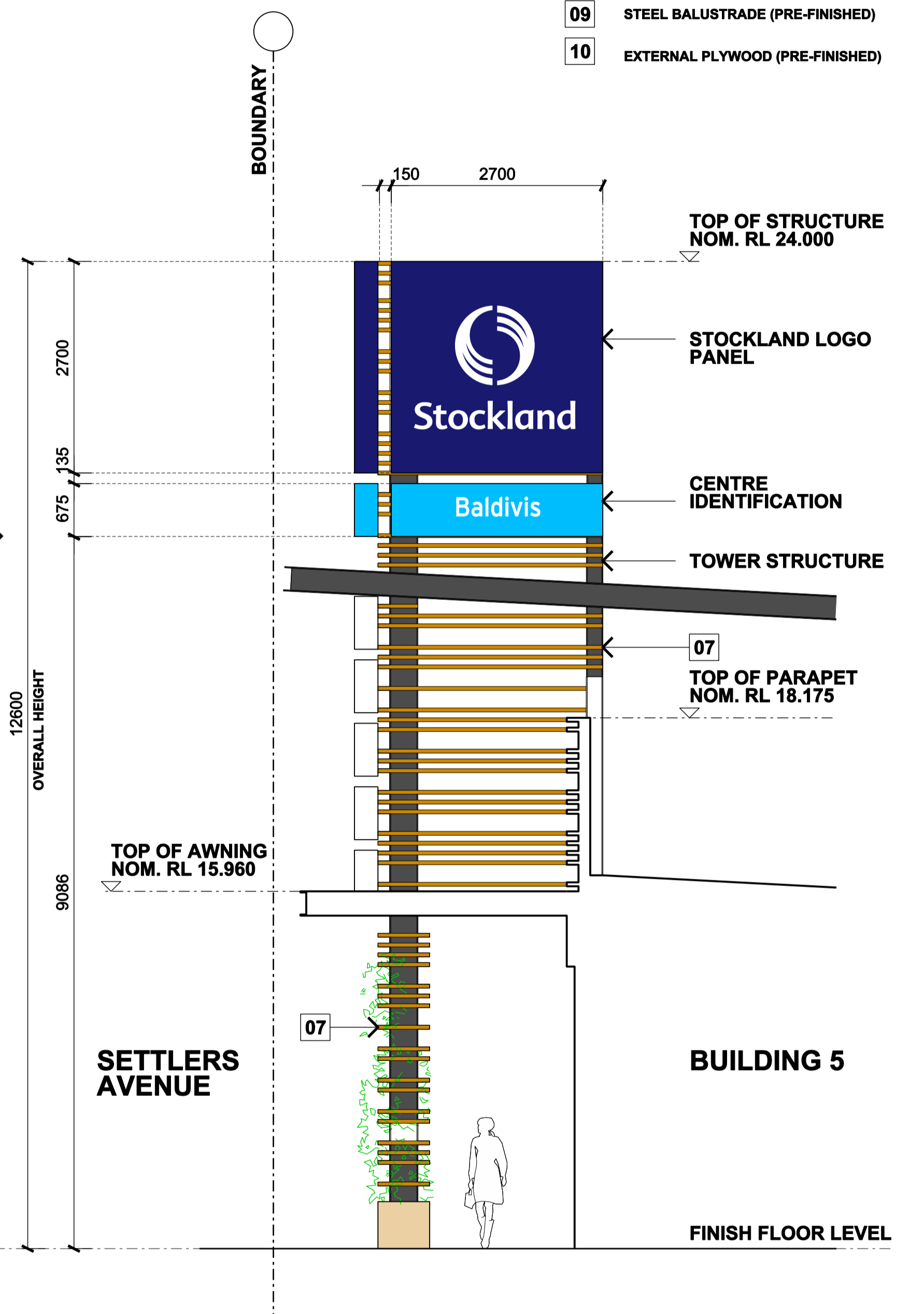


**PERSPECTIVE 1**  
AERIAL - CORNER SAFETY BAY RD. & SETTLERS AVE.

- LEGEND - MATERIALS / FINISHES
- 01 MASONRY (PAINT FINISHED)
  - 02 MASONRY (SANDSTONE CLADDING)
  - 03 GLAZING (POWDERCOATED)
  - 04 FIBRE CEMENT (PAINT FINISHED)
  - 05 METAL WALL CLADDING (PRE-FINISHED)
  - 06 STEEL FRAMED AWNING (PAINT FINISHED)
  - 07 TIMBER BATTENS (STAINED/SEALED)
  - 08 METAL LOUVRES (PRE-FINISHED)
  - 09 STEEL BALUSTRADE (PRE-FINISHED)
  - 10 EXTERNAL PLYWOOD (PRE-FINISHED)



01 TOWER ELEVATION - SOUTH WEST  
Scale 1:50



02 TOWER ELEVATION - SOUTH EAST  
Scale 1:50



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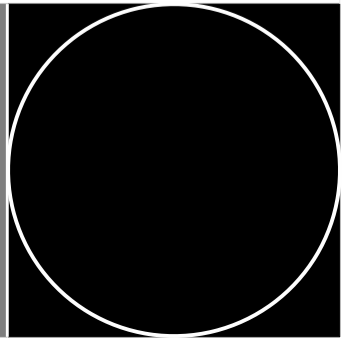
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REVISION:  
A DA ISSUE 20.12.13  
B DA ISSUE 14.05.14

STATUS: DA ISSUE  
AUTHOR: ML  
DATE: 14.05.14  
SCALE: 1:50 @ A1  
0m 1m 2m 3m 4m

PROJECT: Stockland BALDIVIS - STAGE 2  
Lot 26, Safety Bay Road Baldivis, WA 6171  
TITLE: Building 5 - Elevations Tower Signage

PROJECT NUMBER: 12-07-09-BA  
DRAWING NUMBER: DA5104-B



Attachment to PDS-055/14