



Minutes of the Metro South-West Joint Development Assessment Panel

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

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Ian Birch (Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham)
Cr Joy Stewart (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 Nicole D'Alessandro (City of Rockingham)
Ms Melinda Wellburn (City of Rockingham)

Applicant and Submitters

Mr Tim Dawkins (Urbis)
Ms Prue Cunningham (Stockland)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 10:29am on 1 August 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The 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 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

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP Meeting No.47 held on 10 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

7.1 Mr Tim Dawkins (Urbis) and Ms Prue Cunningham (Stockland) addressed the DAP for the application at Item No.9.1.

8. Form 1 - Responsible Authority Reports – DAP Application

Nil

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

9.1 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

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Joy Stewart



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 spaces as detailed on the DAP Form 2 dated 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 dated 6 June 2014 and accompanying Site Plan (Drawing No.DA0101-E), Ground Floor Plan (Drawing No.0102-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 in 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 Services 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.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Ian Birch



To amend condition 3 to replace the words "subject to the following additional conditions" with "subject to the conditions as approved by the JDAP on 1 March 2013, and as amended on 15 July 2013 and 5 December 2013.

REASON: For the approval to be consolidated with the existing previous Approval for the site as amended.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Cr Richard Smith **Seconded by:** Mr Rob Nicholson

To re-list Conditions 3 (a) to (d) from the original decision made 1 March 2013 to read as Conditions 27 to 30.

REASON: To be consistent with the conditions as approved on 1 March 2013, and as amended on 15 July 2013 and 5 December 2013.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Ian Birch **Seconded by:** Cr Joy Stewart

To delete Recommendation (2) and insert an additional Condition (31) to the existing conditions as approved in March 2013, and as amended on 15 July 2031 and 5 December 2013, to read as follows;

"Small car parking bays detailed on the DAP Form 2 dated 6 June 2014 and accompanying Ground Floor Plan (Drawing No.DA0102-E), Level 2 Carpark Plan (Drawing No.DA0103-E), dated 14 May 2014 be re-designed to standard parking bays in accordance of Condition No.7."

REASON: The applicant has not provided any evidence to support the inclusion of such a significant number of small car parking bays being adequate to meet parking demand at the centre and, therefore, they are not considered by the JDAP as acceptable and are to be reverted to standard parking bays.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Ian Birch **Seconded by:** Mr Rob Nicholson

Amend Condition 2 of the conditions as approved in March 2013, amended on 15 July 2013 and 5 December 2013 to delete reference to the number of staff car parking bays (31);

REASON: Be deleted due to the changes to the Fire fighting requirements



The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Richard Smith

To amend condition 7 (i) by removing the words “unless otherwise specified by this approval”, so as to read as follows”

“be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;”

REASON: To clarify parking requirements and to maintain consistency having regard for Condition 31 which refers to small car-parking spaces.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Richard Smith

Seconded by: Mr Ian Birch

To renumber condition 24 paragraphs (i) to (vi) correctly.

REASON: To ensure accuracy with the condition statement.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Mr Rob Nicholson

To amend Advice Note (viii) to replace the words “with respect to Condition 25 and 26” with “with respect to Condition 23 and 24”, so as to read as follows:

“With respect to Condition No.23 and 24, the applicant and owner should liaise with the City’s Parks Services to confirm requirements for landscaping plans.”

REASON: To refer Advice Note (viii) with respect to Condition No. 23 and 24 to be consistent with the revised conditions.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

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

1. Accept that the DAP Application reference 20.2012.00000290 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. Approve the DAP Application reference 20.2012.000000290 as detailed on the DAP Form 2 dated 6 June 2014 and accompanying Site Plan (Drawing No.DA0101-E), Ground Floor Plan (Drawing No.0102-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 conditions as approved in March 2013, and as amended on 15 July 2013 and 5 December 2013.

Conditions

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

If the operation of the base case scenario road network is considered unsatisfactory, an improved scenario is to be developed with appropriate intersection improvements to achieve satisfactory operation (to be agreed between City of Rockingham and the applicant's traffic engineering consultants). An alternative scenario is to be modelled with Nairn Drive / Safety Bay Road roundabout intersection replaced by a signalised intersection and the Settlers Avenue / Safety Bay Road intersection modified to a four-way signalised intersection with a connection to the south.

The findings of the microsimulation shall provide intersection designs (upgrades) and development design modifications that are required to accommodate the appropriate level of service. The microsimulation modelling must be completed prior to the issue of a Building Permit.



2. The 31 staff car parking spaces located on the northern side of the development are only permitted to remain and be used for parking until Mennock Approach is constructed. Once Mennock Approach is constructed, the staff car parking spaces must cease to be used for any parking.
3. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development, to the satisfaction of the City.
4. A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's *DRAFT – A guideline for the development and implementation of a dust management program* to the satisfaction of the City, to the satisfaction of the City, prior to applying for a Building Permit. All works must be carried out in accordance with the Dust Management Plan, for the duration of development.
5. A Stormwater Management Plan to be prepared and implemented, that identifies catchments, flow paths, area calculations and design criteria demonstrating that all stormwater is able to be contained and disposed of onsite, to the satisfaction of the City, prior to applying for a Building Permit.
6. A Pipeline Protection Plan must be prepared in accordance with the specifications set out in Attachment 1 of the Minister for Environment's 'Statement That a Scheme may be Implemented' for the City of Rockingham Town Planning Scheme No. 1 Amendment No. 295, prior to the commencement of site works.
7. The carpark must:
 - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (ii) include at least 7 new car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (iv) have lighting installed, prior to the occupation of the development; and
 - (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

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



8. The car parking and access easement documentation in favour of Lots 7 & 8 Mennock Approach is to be updated to reflect the revised car parking layout. The easement documentation is to reflect no less than the number of car bays currently provided.
9. The proposed access way intersections with Safety Bay Road and Norseman Approach must be designed and constructed to the satisfaction of the City. Detailed plans and specifications must be submitted to the City for approval prior to applying for a Building Permit.
10. Mennock Approach is to be constructed between Nairn Drive and Settlers Avenue in accordance with engineering drawings and specifications submitted for approval of the City of Rockingham. The land required to construct Mennock Approach between Nairn Drive and Settlers Avenue is to be vested in the Crown as a public road under section 152 of the *Planning and Development Act 2005*, and such land is to be ceded free of cost without payment of compensation, prior to applying for an Occupancy Permit.
11. A minimum of 30 additional short-term bicycle parking spaces and 15 long-term bicycle parking spaces must be included and designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*. The bicycle parking spaces (including long-term spaces identified on the Plans in the northwest corner of the shopping centre) must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
12. The bicycle parking enclosure for the long-term bicycle parking must include gate access to the existing path on the northern side of the shopping centre.
13. Two male and two female secure hot-water showers and change rooms and one clothing locker for every long-term bicycle parking space provided must be provided in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*. The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
14. A shared path located on Safety Bay Road between Settlers Avenue and Norseman Approach, and along Norseman Approach for the full length of Lot 9084 with a minimum width of 2.5m, must be constructed in accordance with the plans submitted to and approved by the City. The shared path is to be located adjacent to the lot boundaries along Safety Bay Road. The shared path must be constructed prior to occupation.
15. The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
16. A Waste Management Plan must be prepared and include the following details to the satisfaction of the City, prior to applying for a Building Permit:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of water to be placed in the bins;



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

All works must be carried out in accordance with the Waste Management Plan for the duration of the development.

17. A Noise Management Plan must be prepared for the operation of all service vehicles and forklifts in association with the Baldivis Shopping Centre. The Noise Management Plan is to demonstrate that all vehicles can operate and are to be operated in accordance with the Environmental Protection (Noise) Regulations 1997. The Noise Management Plan shall be submitted to and approved by the City of Rockingham prior to any application for an Occupancy Permit being lodged. Service deliveries and the operation of forklifts must only be carried out or undertaken in accordance with the approved Noise Management Plan, for the duration of the development.
18. A service vehicle loading dock must be made available to all shopping centre tenants at all times, for the duration of the development.
19. A Sign Strategy must be prepared and include the information required by Local Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit.
20. Entries and window frontages of the ground floor tenancies facing Settlers Avenue must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times and all tenants are advised accordingly.
21. All doors fronting Settlers Avenue must be accessible by customers and not locked during all hours when the subject business is trading.
22. Street verandahs must be provided to Settlers Avenue across the full frontage of the proposed buildings at a minimum width of 2.5m.
23. A detailed Landscape Plan for the gas pipeline corridor must be submitted to and approved by the City, prior to applying for a Building Permit. The plans shall be designed to be in accordance with the City's Planning Policy 3.4.1 – *Public Open Space* and consistent with the pipeline corridor public open space provided in Baldivis Central, and include:-
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) And lawns to be established;
 - (iii) And natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated;
 - (v) Details of water supply; and



(vi) Verge treatments.

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

24. A detailed Landscape Plan for the remainder of the site (other than the pipeline corridor) must be submitted to and approved by the City, prior to applying for a Building Permit. The plan shall include:-

- (i) All future development sites on the Land identified on the adopted Indicative Development Guide Plan for the Baldivis Town Centre being provided with interim landscaping suitable to prevent sand drift and dust nuisance;
- (ii) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
- (iii) Any lawns to be established;
- (iv) Any natural landscape areas to be retained;
- (v) Those areas to be reticulated or irrigated; and
- (vi) Verge treatments.

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

25. The decision constitutes planning approval only and is valid for period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.
26. The 43m² of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road, is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to applying for an occupancy permit.
27. 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.7.
28. 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.
29. Drawing No. DA0104-E (Building 5 Plans) must be amended to reflect the Service Station Approval (20.2013.00000422) issued on 16 April 2014.



30. Amended plans must be submitted to the City of Rockingham for approval, demonstration 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.
31. Small parking bays detailed on the RAR DAP Form 2 dated 6 June 2014 and accompanying Ground Floor Plan (Drawing No.DA0102-E), Level 2 Carpark Plan (Drawing No.DA0103-E), dated 14 May 2014 be re-designed to standard car parking bays.

Advice Notes

- (i) This Approval related to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Planning Approval must be submitted to the City.
- (ii) In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.
- (iii) Stockland is requested to liaise with APA Group to discuss the requirements of undertaking an AS 2885 Qualitative Risk Assessment on the second stage of this project prior to any earthworks or development commencing.
- (iv) The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
- (v) The development must comply with section 400 of the *Local Government (Miscellaneous Provisions) Act 1960* and the *Street Verandahs Local Law 2000* relating to encroachments into the road reserve; the applicant and owner should liaise with the City's Building Services in this regard.
- (vi) A Building Permit must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.
- (vii) A Sign Licence must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
- (viii) With respect to Condition 23 and 24, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
- (ix) All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and



works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Engineering Services in this regard.

- (x) Two pipeline culverts should be constructed under the access road and footpath created by this approval, where it crosses the Alcoa easement. The two pipeline culverts should have internal opening measurements of no less than 1500mm x 1500mm, and be at a depth of 1000mm. An information pack containing general specifications for the pipeline culvert can be obtained from Alcoa's Land Administrator, Mr Alex Richardson on (08) 9316 5476 or 0404 800 095.
- (xi) It is recommended that the car parking plan includes provision for car parking for parents with small children and prams, and provision of motorcycle parking, within the development.
- (xii) All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.

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

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Close

There being no further business, the presiding member declared the meeting closed at 11:32am.