



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

**Meeting Date and Time:** Friday 1st March 2013, 10:00am  
**Meeting Number:** MSWJDAP/15  
**Meeting Venue:** City of Rockingham, Civic Boulevard.

### Attendance

#### DAP Members

Ms Rachel Chapman (Alternate Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Mayor Logan Howlett (Local Government Member, City of Cockburn)  
Cr Sherilyn Wood (Local Government Member, City of Kwinana)  
Cr Dennis Wood (Local Government Member, City of Kwinana)

#### Officers in attendance

Mr Craig Shepherd (Department of Planning)  
Mr Mike Ross (City of Rockingham) – Item 8.1  
Ms Erika Barton (City of Rockingham) – Item 8.1  
Mr Brett Ashby (City of Rockingham) – Item 8.1  
Mr Scott Lambie (City of Rockingham) – Item 8.1  
Mr Troy Cappellucci (City of Cockburn) – Item 8.2  
Mr Greg Bowering (City of Cockburn) – Item 8.2  
Mr Brenton Scambler (City of Kwinana) – Item 8.3  
Mr Paul Neilson (City of Kwinana) – Item 8.3

#### Local Government Minute Secretary

Ms Nicole D'Alessandro

#### Applicants, Submitters and Members of the Public

Mr Ray Haeren (Urbis)  
Mr Robin White (Transcore)  
Mr Kevin Allen (Veda)  
Mr Kingsley Yu (BOC)  
Mr Jeff Malcolm (MGA Town Planners)  
Mr Damon Dimitrijevic (Fabcot Pty Ltd – Woolworths)

### 1. Declaration of Opening

The Alternate Presiding Member, Ms Rachel Chapman declared the meeting open at 10:00am on 1st March 2013 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Alternate Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012*

*Rachel*



under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Alternate Presiding Member advised that 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 meeting would not be recorded.

## **2. Apologies**

Mr Neil Foley (Metro South-West JDAP Presiding Member)  
Cr Joy Stewart (Local Government Member, City of Rockingham)  
Cr Ruth Alexander (Local Government Member, City of Kwinana)  
Mr Paul Drechsler (Alternative Deputy Presiding Member)  
Deputy Mayor Kevin Allen (Local Government Member, City of Cockburn)

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

Nil

## **4. Noting of minutes**

Minutes of the Metro South-West Joint Development Assessment Panel meeting No.14 held on Friday, 8th February 2013 were noted by JDAP 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. Presenter(s):** Mr Ray Haeren (Urbis) and Mr Robin White (Transcore)

Mr Ray Haeren and Mr Robin White addressed the DAP for Item 8.1. The presentation provided supplementary information for the DAP members along with additional background and context requesting the application be approved subject to conditions.

**7.2. Presenter(s):** Mr Jeff Malcolm (MGA Town Planners) and Mr Damon Dimitrijevic (Fabcot Pty Ltd – Woolworths)

Mr Jeff Malcolm and Mr Damon Dimitrijevic addressed the DAP for item 8.2. The presentation involved a brief discussion on the proposal and addressed the draft conditions and additional Footnote as discussed with the City of Cockburn.



## 8. Form 1 - Responsible Authority Reports – DAP Applications

8.1	Application Details:	Additions and Alterations to Baldivis District Shopping Centre
	Property Location:	Lot 1 and 9084 Safety Bay Road, Baldivis
	Applicant:	Stockland Development Pty Ltd C/- Urbis The Trust Company Pty Ltd
	Owner:	The Trust Company Pty Ltd Stockland WA (Estates) Pty Ltd
	Responsible authority:	City of Rockingham
	Report date:	12th February 2013
	DoP File No:	DP/12/01276

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Richard Smith

**Seconded by:** Ms Rachel Chapman

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

**Defer** DAP Application reference DP12/01276, as notwithstanding the general compliance of the proposal with Town Planning Scheme No.2 and Planning Policy No.3.2.4 – Baldivis Town Centre, the applicant's Transport Assessment demonstrates that development would result in an unacceptable functioning of the nearby intersections along Safety Bay Road.

The applicant must submit a traffic microsimulation, as required by the adopted Baldivis Activity Centre Structure Plan, to:

1. Assess the integrated functioning of the intersections along Safety Bay Road;
2. Consequentially demonstrate how traffic impacts on the proposed development can be appropriately managed; and
3. Address the other matters raised in the Traffic Impact Section of the Responsible Authority Report.

**The motion was put and LOST (2/1).**

*For:* Cr Richard Smith

*Against:* Ms Rachel Chapman, Mr Robert Nicholson

### ALTERNATIVE MOTION

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr Robert Nicholson

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

**Approve** DAP Application reference DP12/01276, and accompanying plans dated 14 November 2012 DWG No's DA0102-A, DA0103-A, DA0104-A, DA0201-B, L-001 and plans dated 26 November 2012 DWG No's DA0202-B, DA0203-B, DA0204-B, DA0301-B in accordance with clause 6.7.1(a) of the City of



Rockingham Town Planning Scheme No.2 and subclause 30(i) of the Metropolitan Region Scheme, subject to the conditions as follows:

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 Rd left in / left out access and upgrading of Safety Bay Rd / Settlers Ave 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) 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. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
3. A stormwater plan must be prepared that identifies catchments, flow paths, area calculations and design criteria that confirms that all stormwater associated with the existing shopping centre and the proposed development is able to be contained and disposed of on-site to the satisfaction of the City, prior to the issue of a Building Permit.
4. A Pipeline Protection Plan must be prepared in accordance with the specification set out in Attachment 1 of the Minister for Environment's 'Statement That A Scheme Be Implemented' for the City of Rockingham Town Planning Scheme No.1 Amendment No.295, prior to the commencement of site works.



5. The car park must:
- i. be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by the approval, prior to the issue of a Building Licence;
  - ii. be designed to include wheel stops in all spaces where the end of the space is adjacent to a pedestrian path;
  - iii. include at least 14 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*;
  - iv. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
  - v. have lighting installed, prior to the occupation of the development; and
  - vi. confine all illumination to the Land in accordance with the requirement of Australian Standard AS 4282-1997, *Control of obtrusive effects of outdoor lighting*, at all times.
6. The proposed access roads to Safety Bay Road and Norsemen Approach must be designed to the satisfaction of the City, prior to the issue of a Building Permit.
7. 30 short-term bicycles parking spaces and 15 long term bicycle parking spaces must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, prior to the issue of a Building Permit.
- The bicycle parking spaces (included long-term spaces identified on the Plan 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.
8. The bicycle parking enclosure must be designed to include gate access to the existing path on the northern side of the shopping centre, prior to the issue of a Building Permit.
9. Two male and two female secure hot-water shower and change rooms and one clothing locker for every long-term bicycle parking space provided must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, prior to the issue of a Building Permit.

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.



10. A shared path must be designed on Safety Bay Road between Settlers Avenue and the eastern side of the proposed access road with a minimum width of 2.5 metres, prior to the issue of a Building Permit.

The shared path must be constructed prior to the commencement of the use of the development.

11. The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
12. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Permit:
- i. the location of bin storage areas and bin collections areas;
  - ii. the number, volume and type of bins, and the type of waste to be placed in the bins;
  - iii. management of the bins 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, for the duration of development.

13. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.
14. A service vehicle loading dock must be made available to all shopping centre tenants at all times, for the duration of the development.
15. A Sign Strategy must be prepared and include the information requirement by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to the issues of a Building Permit. It is noted that all signage documented on the plans is taken to be approved.
16. At least 75% glazing to the ground floor of the proposed tenancies facing Settlers Avenue must be transparent, which must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), at all times.
17. All doors facing the Settlers Avenue frontage of the buildings must not be locked during the trading hours of the tenancy.
18. Street verandahs must be provided to Settlers Avenue across the full width of the proposed building at a minimum of 2.5m wide, with lighting being provided under the street verandahs.
19. The proposed tenancies facing Settlers Avenue must not be used for offices without first obtaining the City's planning approval.



## AMENDING MOTION

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr Robert Nicholson

That all draft conditions outlined in the Alternative Motion be replaced with the City of Rockingham's proposed draft Conditions (1-27) and Advice Notes (i – xii), with some additional modifications to Conditions 1 & 12 and Advice note (iii) as follows:

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

Ms Rachel Chapman

Alternate Presiding Member, Metro South-West JDAP

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3. The proposed stairs within the Safety Bay Road reserve adjacent to Bulky Goods Building 3 shall be deleted.
4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development, to the satisfaction of the City.
5. 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.

6. 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 on-site, to the satisfaction of the City, prior to applying for a Building Permit.
7. 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.
8. The carpark must:
  - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
  - (ii) include 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.



9. An Easement, in accordance with Section 195 and 196 of the Land Administration Act 1997, for the benefit of the public is to be registered on the Certificates of Title for Lot 1 and Lot 9084 Safety Bay Road, Baldivis, specifying public access rights for the car park. Notice of the Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

*"Public Access Easement for Carparking and Pedestrian Access".*

10. 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.
11. The Service Vehicle access shall be designed and constructed to the satisfaction of the City, to provide for access to the loading docks from Nairn Drive, in the vicinity of Mennock Approach road reserve. The Service Vehicle access shall be in place prior to the occupation of the development and maintained for the duration of the development or until such a time that Mennock Approach is constructed and dedicated as a public road.
12. The owner shall enter into a legal agreement with the City with a caveatable interest, for the construction of the portion of Mennock Approach on the Land, either:
- (i) When the owner of the balance of Mennock Approach adjacent to the Land ('Balance') announces an intention to construct the portion of Mennock Approach on the Balance; or
  - (ii) When the owner of the land obtains the balance of Mennock Approach, prior to issue of a certificate of occupancy.
13. 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.

14. 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.
15. 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.



16. 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.

17. The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
18. 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.

19. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.
20. A service vehicle loading dock must be made available to all shopping centre tenants at all times, for the duration of the development.
21. 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.
22. Entries and window frontages of the ground floor tenancies facing Settlers Avenue must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times and all tenants are advised accordingly.
23. All doors fronting Settlers Avenue must be kept open and not locked during all hours when the subject business is trading.
24. Street verandahs must be provided to Settlers Avenue across the full frontage of the proposed buildings at a minimum width of 2.5m.



25. 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.

26. 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:-

- (ii) 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;
- (iii) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
- (iv) Any lawns to be established;
- (v) Any natural landscape areas to be retained;
- (vi) Those areas to be reticulated or irrigated; and
- (vii) Verge treatments.

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

27. The decision constitutes planning approval only and is valid for a 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.

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) Condition 2 is required to ensure that sites, unencumbered by development such as walls, parking and vehicle access areas and able to be built on independently of the shopping centre, are made available for future buildings adjacent to Mennock Approach as identified on the adopted Integrated Development Guide Plan for the Baldivis Town Centre. The applicant's proposal to retain car parking and walls in the building envelope locations is not considered to achieve the objective of providing sites unencumbered by the development and able to be developed independently of the shopping centre.
- (iii) The car parking requirement for this site has been calculated as a minimum of 1,684 and a maximum of 1,989 car parking. This calculation includes the car parking demand for the development on Lots 7 and 8 Settlers Avenue and the McDonalds and Red Rooster developments on the Land. The entire development provides a total of 1,472 car parking spaces (which includes on-street car parking spaces on the eastern side of Settlers Avenue) but excludes the 31 car parking spaces deleted under Condition 2 of this approval) which has a shortfall of car parking spaces required for the development. This shortfall is deemed acceptable given the various uses have varying peak operating periods and the City's *Planning Policy 3.4.2 - Baldivis Town Centre* encourages the reciprocal use of car parking spaces where appropriate.
- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) With respect to Condition 25 and 26, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.



- (x) 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.
- (xi) 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.
- (xii) 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.

**The motion was put and CARRIED (3/0).**

**REASON: The original tabled Alternative Motion conditions were considered, however, the City's draft conditions more accurately reflected the requirements for the development.**

#### **ALTERNATIVE MOTION (AS AMENDED)**

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr Robert Nicholson

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

**Approve** DAP Application reference DP12/01276, and accompanying plans dated 14 November 2012 DWG No's DA0102-A, DA0103-A, DA0104-A, DA0201-B, L-001 and plans dated 26 November 2012 DWG No's DA0202-B, DA0203-B, DA0204-B, DA0301-B in accordance with clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and subclause 30(i) of the Metropolitan Region Scheme, subject to the conditions as follows:

#### 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

Ms Rachel Chapman

Alternate Presiding Member, Metro South-West JDAP

*Rachel*



- 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 development must be designed to exclude the car parking spaces, access ways and retaining walls north side of the location marked in red on the approved plan, prior to applying for a Building Permit.
3. The proposed stairs within the Safety Bay Road reserve adjacent to Bulky Goods Building 3 shall be deleted.
4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development, to the satisfaction of the City.
5. 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.

6. 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 on-site, to the satisfaction of the City, prior to applying for a Building Permit.
7. 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.

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

9. An Easement, in accordance with Section 195 and 196 of the Land Administration Act 1997, for the benefit of the public is to be registered on the Certificates of Title for Lot 1 and Lot 9084 Safety Bay Road, Baldivis, specifying public access rights for the car park. Notice of the Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

*"Public Access Easement for Carparking and Pedestrian Access"*.

10. 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.
11. The Service Vehicle access shall be designed and constructed to the satisfaction of the City, to provide for access to the loading docks from Nairn Drive, in the vicinity of Mennock Approach road reserve. The Service Vehicle access shall be in place prior to the occupation of the development and maintained for the duration of the development or until such a time that Mennock Approach is constructed and dedicated as a public road.



12. The owner shall enter into a legal agreement with the City with a caveatable interest, for the construction of the portion of Mennock Approach on the Land, either:
- (i) When the owner of the balance of Mennock Approach adjacent to the Land ('Balance') announces an intention to construct the portion of Mennock Approach on the Balance; or
  - (ii) When the owner of the land obtains the balance of Mennock Approach, prior to issue of a certificate of occupancy.

13. 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.

14. 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.
15. 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.

16. 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.

17. The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
18. 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.

19. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.
20. A service vehicle loading dock must be made available to all shopping centre tenants at all times, for the duration of the development.
21. 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.
22. Entries and window frontages of the ground floor tenancies facing Settlers Avenue must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times and all tenants are advised accordingly.
23. All doors fronting Settlers Avenue must be kept open and not locked during all hours when the subject business is trading.
24. Street verandahs must be provided to Settlers Avenue across the full frontage of the proposed buildings at a minimum width of 2.5m.
25. 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 Baldvis 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.



26. 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:-

- (ii) 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;
- (iii) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
- (iv) Any lawns to be established;
- (v) Any natural landscape areas to be retained;
- (vi) Those areas to be reticulated or irrigated; and
- (vii) Verge treatments.

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

27. The decision constitutes planning approval only and is valid for a 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.

#### 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) Condition 2 is required to ensure that sites, unencumbered by development such as walls, parking and vehicle access areas and able to be built on independently of the shopping centre, are made available for future buildings adjacent to Mennock Approach as identified on the adopted Integrated Development Guide Plan for the Baldivis Town Centre. The applicant's proposal to retain car parking and walls in the building envelope locations is not considered to achieve the objective of providing sites unencumbered by the development and able to be developed independently of the shopping centre.
- (iii) The car parking requirement for this site has been calculated as a minimum of 1,684 and a maximum of 1,989 car parking. This calculation includes the car parking demand for the development on Lots 7 and 8 Settlers Avenue and the McDonalds and Red Rooster developments on the Land. The entire development provides a total of 1,472 car parking spaces (which includes on-street car parking spaces on the eastern side of Settlers Avenue) but excludes the 31 car parking spaces deleted under Condition 2 of this approval) which has a shortfall of car parking spaces required for the



development. This shortfall is deemed acceptable given the various uses have varying peak operating periods and the City's *Planning Policy 3.4.2 - Baldivis Town Centre* encourages the reciprocal use of car parking spaces where appropriate.

- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) With respect to Condition 25 and 26, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
- (x) 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.
- (xi) 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.
- (xii) 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.

**The motion was put and CARRIED (3/0).**

*Cr Richard Smith left the meeting at 10.58am.*

*Mayor Logan Howlett joined the meeting at 10.58am.*

Ms Rachel Chapman      Alternate Presiding Member, Metro South-West JDAP

*Rachel*



<b>8.2</b>	Application Details:	Neighbourhood Shopping Centre – Harvest Lakes Village Centre
	Property Location:	Lot 2176 Flourish Loop and Lots 2178 & 2179 Lyon Road, Atwell
	Applicant:	MGA Town Planners
	Owner:	Fabcot Pty Ltd
	Responsible authority:	City of Cockburn
	Report date:	8th February 2013
	DoP File No:	DP/12/01387

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mayor Logan Howlett

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

**Approve** the Development Assessment Panel Application for the development of the Neighbourhood Shopping Centre – Harvest Lakes Village Centre and related land uses on Lot 2176 Flourish Loop and Lots 2178 & 2179 Lyon Road, Atwell, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No.3, and the Metropolitan Region Scheme, as depicted on plans dated 4 December 2012, subject to the following conditions:

1. The submission of a schedule of materials, colours and finishes for assessment and approval by the City prior to lodgement of a Building Permit.
2. All off-street parking and access thereto shall comply with Australian Standard 2890.1 to the satisfaction of the City.
3. The construction of (36) on-street car parking bays as marked in RED on the approved plans in Lyon Road and Flourish Loop. Design details shall be provided for assessment and approval by the City prior to lodgement of a Building Permit.
4. The provision of on-site motorcycle parking in the vicinity of the supermarket and the buildings proposed to front Lyon Road. Details shall be provided for assessment and approval by the City prior to lodgement of a Building Permit.
5. The loading dock shall be provided with suitable visual screening either by way of fabricated screening devices or the use of landscaping. The screening shall be in the vicinity of the loading dock for the supermarket, adjacent to Gibbs Road. Details of the screening method, placement and design shall be submitted to the City for approval prior to lodgement of a Building Permit.
6. Bicycle parking bays at the rate of 1 per 200m<sup>2</sup> GLA designed to comply with Australian Standard 2890.3 are to be provided on site clear of any vehicular carriageway. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
7. Staff bicycle parking shall be secured in a manner that does not impact on staff parking provision at the rear of the supermarket building. Details shall

Ms Rachel Chapman

Alternate Presiding Member, Metro South-West JDAP

*Rachel*



be submitted to the City for assessment and approval prior to lodgement of a Building Permit.

8. All paths extending around the perimeter of the site shall be a minimum of 2.0 metres wide.
9. All external services such as air conditioning equipment, hot water units, satellite dishes, exhaust vents etc. must be a similar colour to the roof and screened from view adjacent street and/or the public domain.
10. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
11. Earthworks over the site and batters shall be stabilised to prevent sand or dust blowing, with appropriate measures implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
12. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sundays or Public Holidays without the prior written consent of the City.

All waste and recycling must be contained within bins. These must be stored within the buildings or within an external enclosure located and constructed to the satisfaction of the City. This information should be submitted for approval by the City's Statutory Planning Department prior to submitting a Building Permit application.

13. Plans and descriptions of all signs for the proposed development (including signs painted on a building) **shall be submitted to and approved by the City as a separate application for development approval**. The application for signage (including detailed plans) and appropriate free for a sign licence must be submitted to the City prior to the erection or painting of any signage on the site/building.
14. A Construction Management Plan shall be submitted to and approved by the City prior to lodgement of a Building Permit. The CMP is to detail how the following matters are proposed to be managed:
  - (a) access to and from the site;
  - (b) the delivery of material and equipment to the site;
  - (c) the storage of materials and equipment on the site;
  - (d) other matters likely to impact on surrounding properties;
  - (e) the parking arrangements for contractors and subcontractors; and
  - (f) management of construction waste.

Footnotes:

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.



2. Nothing in the approval or the above conditions shall excuse non-compliance with any and all other relevant written laws and/or legislation in the commandment and carrying out of the development.
3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. On-site stormwater retention is to be designed for a 1 in 100 year, 24 hour duration storm event.
5. The applicant is advised to liaise with the City's Statutory Planning Department in relation to complying with Condition Nos 1, 3-7 and 10.
6. With respect to conditions 10-14 & 16, the City's objective is to ensure the construction of the development is undertaken in a manner that has minimal impact on adjoining and adjacent landowners, and the local community generally.
7. Landscaping of the site and surrounds shall be subject of a separate Development Application and approval by the City prior to lodgement of a Building Permit. The plan shall include the following:-
  - (a) those areas to be reticulated or irrigated;
  - (b) verge treatments;
  - (c) specific species types and numbers; and
  - (d) lighting to pathways, communal space and parking areas
8. Prior to the lodgement of a Building Permit, the applicant is advised to liaise with the City's Health Department to ensure noise emissions and impacts on nearby noise sensitive premises are addressed.
9. With respect to Condition 12:
  - (a) All proposed clearance strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon. The burning of vegetation is not permitted on site.
  - (b) The City of Cockburn Local Government Act Local Laws 2000 requires a detailed Dust Management Plan to be submitted to the City's Health team. The Dust Management Plan must comply with the City's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn". The plan must be approved by an authorised officer prior to the commencement of any earthworks on site.
  - (c) The developer is advised that the City's Health Service is unable to permit bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.



10. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.
11. Where an approval has so lapsed, no development shall be carried out without further approval to commence development having first been sought and obtained.

### **AMENDING MOTION**

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr Robert Nicholson

That the following amendments be made:

- (i) Condition 3 be amended as follows:
  3. *The existing 36 on-street car parking bays in Lyon Road and Flourish Loop shall form part of the approval.*
- (ii) Insert number to a Condition unnumbered (after Condition 12 and prior to Condition 13) as follows:
  13. *All waste and recycling must be contained within bins. These must be stored within the buildings or within an external enclosure located and constructed to the satisfaction of the City. This information should be submitted for approval by the City's Statutory Planning Department prior to submitting a Building Permit Application.*
- (iii) Insert a new condition as follows:
  - X. *With regards to the use of the tenancies (with the exception of tenancies identified as 'Woolworths Supermarket' and 'Liquor Store' on the approved plans), those marked on the plans as "Retail" have been approved for use as a Shop, Fast Food Outlet, Café/Restaurant, Lunch Bar and Convenience Store without a further change of use application being submitted to and approved by the City. The tenancies marked as 'Commercial' have been approved for use as an Office, Bank, Betting Agency, Veterinary Consulting Rooms and Consulting Rooms without a further change of use application being submitted to and approved by the City. Uses are not confined to the locations identified on the approved plans. Where "Commercial" and "Retail" uses are proposed in tenancies which are not indicated for that use on the approved plans, no further planning approval is required, provided that there are no modifications to external facades.*
- (iv) Footnote 7 be removed as a footnote and included as a Condition.
- (v) Amend Footnote 9 by deleting the first sentence of the footnote as drafted. Footnote 9 should read as follows:
  9. (a) *All proposed clearance strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent*

Ms Rachel Chapman

Alternate Presiding Member, Metro South-West JDAP

*Rachel*



*properties are not adversely impacted upon. The burning of vegetation is not permitted on site.*

*(b) The City of Cockburn Local Government Act Local Laws 2000 requires a detailed Dust Management Plan to be submitted to the City's Health team. The Dust Management Plan must comply with the City's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn". The plan must be approved by an authorised officer prior to the commencement of any earthworks on site.*

*(c) The developer is advised that the City's Health Service is unable to permit bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.*

(vi) Insert 5 additional conditions arising from the recommendations of the Traffic Engineer's Report, as worded by the City's officers:

*15. The development shall provide pedestrian crossing facilities on the west leg of the roundabout at the Gibbs Road/Lyon Road intersection and the south leg of the Lyon Road/Alliance Entrance intersection to the satisfaction of the City.*

*16. Install a 2.5m wide shared path on the north side of Gibbs Road, between Lyon Road and Alliance Entrance, to the satisfaction of the City.*

*17. Crash attenuation bollards shall be installed on the north-west and north-east corners of the Gibbs Road/Lyon Road intersections to the satisfaction of the City.*

*18. No vegetation shall be planted on the North-West corner of the Gibbs Road/Lyon Road intersection or in the splitter islands at the roundabouts on Lyon Road to the satisfaction of the City.*

*19. The design of the left in/left out treatment to the driveway on Flourish Loop shall be modified to maintain access to on-site car parking and maintain pedestrian movement along Flourish Loop. It shall be demonstrated that the revised treatments shall effectively restrict turning movements to left in/left out to the satisfaction of the City.*

(vii) Renumber all Conditions and Footnotes as required.

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Amend various conditions and advice notes to clarify the conditions and include traffic engineering requirements, as outlined in the RAR.

**PRIMARY MOTION (AS AMENDED)**



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

**Approve** Development Assessment Panel Application for the development of the Neighbourhood Shopping Centre – Harvest Lakes Village Centre and related land uses on Lot 2176 Flourish Loop and Lots 2178 & 2179 Lyon Road, Atwell, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No.3, and the Metropolitan Region Scheme, as depicted on plans dated 4 December 2012, subject to the following conditions:

Conditions

1. The submission of a schedule of materials, colours and finishes for assessment and approval by the City prior to lodgement of a Building Permit.
2. All off-street parking and access thereto shall comply with Australian Standard 2890.1 to the satisfaction of the City.
3. The existing 36 on-street car parking bays in Lyon Road and Flourish Loop shall form part of the approval.
4. The provision of on-site motorcycle parking in the vicinity of the supermarket and the buildings proposed to front Lyon Road. Details shall be provided for assessment and approval by the City prior to lodgement of a Building Permit.
5. The loading dock shall be provided with suitable visual screening either by way of fabricated screening devices or the use of landscaping. The screening shall be in the vicinity of the loading dock for the supermarket, adjacent to Gibbs Road. Details of the screening method, placement and design shall be submitted to the City for approval prior to lodgement of a Building Permit.
6. Bicycle parking bays at the rate of 1 per 200m<sup>2</sup> GLA designed to comply with Australian Standard 2890.3 are to be provided on site clear of any vehicular carriageway. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
7. Staff bicycle parking shall be secured in a manner that does not impact on staff parking provision at the rear of the supermarket building. Details shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
8. All paths extending around the perimeter of the site shall be a minimum of 2.0 metres wide.
9. All external services such as air conditioning equipment, hot water units, satellite dishes, exhaust vents etc. must be a similar colour to the roof and screened from view from adjacent streets and/or the public domain.



10. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
11. Earthworks over the site and batters shall be stabilised to prevent sand or dust blowing, with appropriate measures implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
12. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sundays or Public Holidays without the prior written consent of the City.
13. All waste and recycling must be contained within bins. These must be stored within the buildings or within an external enclosure located and constructed to the satisfaction of the City. This information should be submitted for approval by the City's Statutory Planning Department prior to submitting a Building Permit application.
14. Plans and descriptions of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City as a separate application for development approval. The application for signage (including detailed plans) and appropriate fee for a sign licence must be submitted to the City prior to the erection or painting of any signage on the site/building.
15. A Construction Management Plan shall be submitted to and approved by the City prior to lodgement of a Building Permit. The CMP is to detail how the following matters are proposed to be managed:
  - (a) access to and from the site;
  - (b) the delivery of materials and equipment to the site;
  - (c) the storage of materials and equipment on the site;
  - (d) other matters likely to impact on surrounding properties;
  - (e) the parking arrangements for contractors and subcontractors; and
  - (f) management of construction waste.
16. The development shall provide pedestrian crossing facilities on the west leg of the roundabout at the Gibbs Road/Lyon Road intersection and the south leg of the Lyon Road/Alliance Entrance intersection to the satisfaction of the City.
17. Install a 2.5m wide shared path on the north side of Gibbs Road, between Lyon Road and Alliance Entrance, to the satisfaction of the City.
18. Crash attenuation bollards shall be installed on the north-west and north-east corners of the Gibbs Road/Lyon Road intersections to the satisfaction of the City.
19. No vegetation shall be planted on the North-West corner of the Gibbs Road/Lyon Road intersection or in the splitter islands at the roundabouts on Lyon Road to the satisfaction of the City.



20. The design of the left in/left out treatment to the driveway on Flourish Loop shall be modified to maintain access to on site car parking and maintain pedestrian movement along Flourish Loop. It shall be demonstrated that the revised treatments shall effectively restrict turning movements to left in/left out to the satisfaction of the City.
21. Landscaping of the site and surrounds shall be subject of a separate Development Application and approval by the City prior to lodgement of a Building Permit. The plan shall include the following:
  - (a) those areas to be reticulated or irrigated;
  - (b) verge treatments;
  - (c) specific species types and numbers; and
  - (d) lighting to pathways, communal space and parking areas.
22. With regards to the use of the tenancies (with the exception of tenancies identified as 'Woolworths Supermarket' and 'Liquor Store' on the approved plans), those marked on the plans as "Retail" have been approved for use as a Shop, Fast Food Outlet, Café/Restaurant, Lunch Bar and Convenience Store without a further change of use application being submitted to and approved by the City. The tenancies marked as 'Commercial' have been approved for use as an Office, Bank, Betting Agency, Veterinary Consulting Rooms and Consulting Rooms without a further change of use application being submitted to and approved by the City. Uses are not confined to the locations identified on the approved plans. Where "Commercial" and "Retail" uses are proposed in tenancies which are not indicated for that use on the approved plans, no further planning approval is required, provided that there are no modifications to external facades.

Advice Notes:

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
2. Nothing in the approval or the above conditions shall excuse non-compliance with any and all other relevant written laws and/or legislation in the commandment and carrying out of the development.
3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. On-site stormwater retention is to be designed for a 1 in 100 year, 24 hour duration storm event.
5. The applicant is advised to liaise with the City's Statutory Planning Department in relation to complying with Condition Nos 1, 3-7 and 10.
6. With respect to conditions 10-13 & 15, the City's objective is to ensure the construction of the development is undertaken in a manner that has minimal



- impact on adjoining and adjacent landowners, and the local community generally.
7. Prior to the lodgement of a Building Permit, the applicant is advised to liaise with the City's Health Department to ensure noise emissions and impacts on nearby noise sensitive premises are addressed.
  8. (a) All proposed clearance strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon. The burning of vegetation is not permitted on site.  
  
(b) The City of Cockburn Local Government Act Local Laws 2000 requires a detailed Dust Management Plan to be submitted to the City's Health team. The Dust Management Plan must comply with the City's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn". The plan must be approved by an authorised officer prior to the commencement of any earthworks on site.  
  
(c) The developer is advised that the City's Health Service is unable to permit bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
  9. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.
  10. Where an approval has so lapsed, no development shall be carried out without further approval to commence development having first been sought and obtained.

**The motion was put and CARRIED UNANIMOUSLY.**

*Mayor Logan Howlett left the meeting at 11.20am.*

*Cr Sherilyn Wood and Cr Dennis Wood joined the meeting at 11.20am.*



<b>8.3a</b>	Application Details:	Proposed Hazardous Industry – Air Separation Plant
	Property Location:	Lot 201 Mason Road, Kwinana Beach
	Applicant:	BOC Limited
	Owner:	BOC Limited
	Responsible authority:	City of Kwinana
	Report date:	19 February 2013
	DoP File No:	DP/13/0001

### **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Sherilyn Wood

**Seconded by:** Mr Robert Nicholson

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DP/13/0001 and accompanying plans C224-XX6, C224-XX7, WME120703 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions and advice notes;

#### Conditions

1. The use, management and development of the land being in accordance with the terms and provisions of Town Planning Scheme No.2.
2. The premises being kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
3. Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan.
4. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of site to the satisfaction of the City of Kwinana.
5. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
6. The provision of 20 car parking bays of the dimensions 5.5 X 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
7. All vehicle parking to be accommodated within the boundaries of the subject lot.
8. All trafficable and vehicle parking areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.

Ms Rachel Chapman

Alternate Presiding Member, Metro South-West JDAP

*Rachel*



9. All non-trafficable and lay-down areas as shown on the development plans within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
10. 1745 square metres (5%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana
11. Vehicle parking spaces, accessways, and all other details specified on the development plans are to be installed prior to occupying the proposed development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.
12. The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.
13. On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
14. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
15. The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
16. The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.
17. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate disposal system.
18. All cooling systems used in the plant which utilise evaporative water handling systems shall be registered with the City of Kwinana under the provisions of the Health (Air and Water Handling Systems) regulations.
19. The applicant shall provide an updated acoustic report and implement any recommendations to the satisfaction of the City of Kwinana which demonstrates the following:
  - (a) Address cumulative noise assessments in a format that is compatible with the current Kwinana Industrial Council (KIC) assessment methodology (Cumulative noise assessments should also include a comparison of sound level emitting from BOC in comparison to findings of the 2005 Cumulative noise study carried out by the KIC which indicated total sound power for the existing BOC plant was 113dB(A);
  - (b) Amended assessment to adopt the modelling criteria stated in EPA Guidance No 8 which specifies the worst case night time & day time



conditions for the CONCAWE algorithm, and ground absorption parameters used, actual elevations used when modelling.

20. This approval is valid for 24 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained before commencing or continuing with the development.

Note that the following advice will be provided to the applicant as footnotes on the approval.

1. The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
2. Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
3. The applicant is further advised that this is not a building licence to enable construction to commence. A building licence is a separate City of Kwinana requirement and construction cannot be commenced until a building licence is obtained.
4. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations and Contaminated Sites Act 2003.
5. The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.

#### **AMENDING MOTION**

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr Robert Nicholson

That the following amendments be made:

- (i) That Condition 1 is deleted.
- (ii) That Condition 20 is amended to read as follows:

*20. This approval is valid for 24 months only. If development is not substantially commenced within this period a fresh approval must be obtained before commencing and/or continuing with the development.*

- (iii) That Footnote 2 is deleted.

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Various amendments to ensure consistency with the existing planning framework and legislation.

Ms Rachel Chapman

Alternate Presiding Member, Metro South-West JDAP

*Rachel*



## **PRIMARY MOTION (AS AMENDED)**

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Sherilyn Wood

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DP/13/0001 and accompanying plans C224-XX6, C224-XX7, WME120703 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions and advice notes;

### Conditions

1. The premises being kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
2. Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan.
3. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of site to the satisfaction of the City of Kwinana.
4. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
5. The provision of 20 car parking bays of the dimensions 5.5 X 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
6. All vehicle parking to be accommodated within the boundaries of the subject lot.
7. All trafficable and vehicle parking areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
8. All non-trafficable and lay-down areas as shown on the development plans within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
9. 1745 square metres (5%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
10. Vehicle parking spaces, accessways, and all other details specified on the development plans are to be installed prior to occupying the proposed

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Alternate Presiding Member, Metro South-West JDAP

*Rachel*



development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.

11. The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.
12. On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
13. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
14. The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
15. The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.
16. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate disposal system.
17. All cooling systems used in the plant which utilise evaporative water handling systems shall be registered with the City of Kwinana under the provisions of the Health (Air and Water Handling Systems) regulations.
18. The applicant shall provide an updated acoustic report and implement any recommendations to the satisfaction of the City of Kwinana which demonstrates the following:
  - (a) Address cumulative noise assessments in a format that is compatible with the current Kwinana Industrial Council (KIC) assessment methodology (Cumulative noise assessments should also include a comparison of sound level emitting from BOC in comparison to findings of the 2005 Cumulative noise study carried out by the KIC which indicated total sound power for the existing BOC plant was 113dB(A);
  - (b) Amended assessment to adopt the modelling criteria stated in EPA Guidance No 8 which specifies the worst case night time & day time conditions for the CONCAWE algorithm, and ground absorption parameters used, actual elevations used when modelling.
19. This approval is valid for 24 months only. If development is not substantially commenced within this period a fresh approval must be obtained before commencing and/or continuing with the development.

Note that the following advice will be provided to the applicant as footnotes on the approval.



1. The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
2. The applicant is further advised that this is not a building licence to enable construction to commence. A building licence is a separate City of Kwinana requirement and construction cannot be commenced until a building licence is obtained.
3. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations and Contaminated Sites Act 2003.
4. The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.

**The motion was put and CARRIED UNANIMOUSLY.**

<b>8.3b</b> Application Details:	Construction of new air separation plant (to replace existing ageing plant) and nitrogen liquefaction unit, miscellaneous auxiliary works, and additional gas storage.
Property Location:	Lot 201 Mason Road, Kwinana Beach
Applicant:	BOC Limited
Owner:	BOC Limited
Responsible authority:	City of Kwinana DA7640
Report date:	5 February 2013
DoP File No:	DP/13/0001

#### **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Dennis Wood

**Seconded by:** Mr Robert Nicholson

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

**Approve** DAP Application reference DP/13/0001 and accompanying plans date stamped 2 January 2013 by the Department of Planning in accordance with the provisions of the Metropolitan Region Scheme (MRS), subject to the following condition and advice note:

#### Condition

1. The new pipeline referred in the development application report at Section 4.4 (to be installed in the existing BOC pipeline easement from the fence line of Lot 201 Mason Road, passing through Lot 172 and terminating at Lot 650) is excluded from this development approval.

#### Advice Note

- a) ATCO Gas Australia has High Pressure gas infrastructure adjacent to the subject land. ATCO Gas should be notified of any works within 15 metres of

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High Pressure gas infrastructure before those works begin. The applicant is advised that construction, excavation and other activities may be restricted in this zone, and that no pavements (including crossovers) should be constructed over the pipeline without consent from ATCO Gas Australia.

The applicant is advised to contact ATCO Gas on Ph: 08 9499 5272 in the above regard. Anyone proposing to carry out construction or excavation works should contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.

**The motion 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**

There being no further business, the presiding member declared the meeting closed at 11:35am.