



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

**Meeting Date and Time:** Tuesday, 11 February 2014; 2:00pm  
**Meeting Number:** MSWJDAP/35  
**Meeting Venue:** City of Rockingham

### Attendance

#### DAP Members

Mr David Gray (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Dennis Wood (Local Government Member, City of Kwinana) from 2.04 pm  
Cr Sherilyn Wood (Local Government Member, City of Kwinana) from 2.04 pm  
Cr Richard Smith (Local Government Member, City of Rockingham) until 2.04 pm  
Cr Chris Elliott (Local Government Member, City of Rockingham) until 2.04 pm

#### Officers in attendance

Mr Craig Shepherd, Development Assessment Panels  
Mr Janni Curtis, City of Kwinana  
Mr Paul Neilson, City of Kwinana  
Mr Brenton Scambler, City of Kwinana  
Mr Mike Ross, City of Rockingham  
Ms Erika Barton, City of Rockingham  
Mr Bob Jeans, City of Rockingham

#### Local Government Minute Secretary

Mrs Sharon Peacock, City of Rockingham

#### Applicants and Submitters

Mr Sean Fairfoul, Rowe Group

#### Members of the Public

Nil

#### 1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 2.00 p.m. on 11 February 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

#### 2. Apologies

Cr Joy Stewart (Local Government Member, City of Rockingham)



**3. Members on Leave of absence**

Nil

**4. Noting of minutes**

Minutes of the Metro South-West JDAP meeting No.34 held on 23 January 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 Sean Fairfoul (Rowe Group) addressed the DAP for the application at Item. 8.1

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

**PROCEDURAL MOTION**

**Moved by:** Mr I Birch

**Seconded by:** Cr R Smith

That the application at Item 9.1 be heard prior to the application at Item 8.1

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

8.1 Property Location:	Lot 28 Challenger Avenue & Lot 29 Meares Avenue, Kwinana Town Centre
Application Details:	Proposed Bulky Goods Commercial Development
Applicant:	Rowe Group
Owner:	Santavale (Kwinana) Pty Ltd
Responsible authority:	City of Kwinana
Report date:	31 January 2014
DoP File No:	DP/13/00855

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Mr I Birch

**Seconded by:** Cr D Wood

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DP/13/00855 and accompanying plans 7684 SK001 Sheet 0 October 2013, 7684 SK001 Sheet 1 10/21/13, 7684 SK001 Sheet 2



10/21/13, 7684 SK001 Sheet 3 October 2013, 7684 SK001 Sheet 4 October 2013, 7684 SK003 Sheet 5 December 2013, 7684 SK001 Sheet 6 October 2013, 7684 SK001 Sheet 7 October 2013, 7684 SK001 Sheet 8 October 2013, 7684 SK001 Sheet 9 October 2013, 7684 SK001 Sheet 10 October 2013, 7684 SK001 Sheet 11 October 2013, 7684 SK001 Sheet 12 October 2013 and 7684 SK001 Sheet 13 October 2013 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2, subject to the following conditions as follows:

### **Conditions**

1. This decision constitutes planning approval only and is valid for a period of three years from the date of approval. If the subject development is not substantially commenced within the three year period, the approval shall lapse and be of no further effect.
2. The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
3. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
4. Landscaping areas, vehicle parking spaces, accessways and all other details as provided 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.
5. The development being connected to a reticulated deep sewer to the satisfaction of the Water Corporation.
6. The proposed building walls being applied with anti-graffiti treatment to the satisfaction of the City of Kwinana.
7. Any graffiti, vandalism or damage to the proposed development shall be made good immediately by the landowner to the satisfaction of the City of Kwinana.
8. 2086 square metres (8%) of the subject site to be landscaped and maintained to a high standard with plants native to the locality, to the satisfaction of the City of Kwinana within 60 days of the practical completion of construction. Service yards shall be screened with semi mature vegetation to the satisfaction of the City of Kwinana. Details are to be provided in the landscaping plan referred to in Condition 11 below.
9. Shade trees are to be provided within car parking areas at a rate of 1 tree per 5 parking bays. Details are to be submitted in the landscaping plan outlined in Condition 11 below.
10. All native vegetation shall be retained and protected within the hatched landscaping areas shown on the approved site plan.
11. A Landscaping and Fencing Plan which outlines the proposed species and location of vegetation, proposed reticulation layout and colour, materials and finishes of any proposed fencing is required to be submitted to the City of Kwinana for approval within 90 days of the date of this approval and



implemented to the satisfaction of the City within 60 days of the practical completion of construction.

12. Pursuant to Clause 3.5.7 of the City of Kwinana's Town Planning Scheme No. 3, a landscaping bond or alternatively an irrevocable and unconditional guarantee from an institution satisfactory to the City of \$19,817 (\$9.50 per square metre) shall be paid to the City of Kwinana within 90 days of the date of this approval. The City of Kwinana may call upon the bond or bank guarantee to carry out or maintain landscaping on the site if it has not been carried out in accordance with these conditions.
13. The provision of 237 vehicle parking bays in accordance with Australian Standard AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation of Stage 1 of the development to the satisfaction of the City of Kwinana.
14. Prior to any part of the development being occupied, the owner shall:

Register a public access easement in favour of the City of Kwinana over the areas of car parking and all other trafficable areas within the proposed development, for the purpose of securing access rights over the two proposed lots shown on the approved plans; and

Enter into a deed with the City of Kwinana to ensure that parking on the whole site remains available for use for all tenancies and the public, and in the event of the subsequent re-subdivision of the land, to make provision for the creation of reciprocal car parking easements as a condition of subdivision approval. The deed shall charge the land in favour of the City and authorise the lodging of an absolute caveat over the land.

The easement and deed shall be prepared by the City's solicitors at the owner's cost and shall include all usual terms and conditions for agreements of this type.

15. The provision of 10 bicycle parking spaces designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles 10.3 and AS2890.3, to the satisfaction of the City of Kwinana. Details being provided within 90 days of the date of this approval.
16. No goods or materials are to be placed or stored or offered for sale within car parking areas, access roads or on any footpath at any time. Storage of goods or materials shall be confined to designated service areas only.
17. All existing and proposed trafficked routes within the subject lot being sealed and drained to comply with City of Kwinana Trafficable Area Specifications.
18. Crossovers to be located and constructed to the specifications and satisfaction of the City of Kwinana.
19. The proposed crossover radii onto Meares Avenue and Challenger Avenue are required to be modified to accommodate the service vehicle access. Details are to be provided to the City for approval within 90 days of the date of this approval and works carried out in accordance with the approved plan.



20. All proposed pedestrian paths within the development are to connect into the existing network of public footpaths. Details shall be submitted to the City for approval within 90 days of the date of this approval and works carried out in accordance with the approved plan prior to occupancy.
21. The submitted Traffic Impact Assessment Report to be amended to address the following and submitted to the City of Kwinana for endorsement within 90 days of the date of this approval and, any recommendations of this updated report being implemented to the satisfaction of the City:
  - a) The traffic report be updated to consider the residential development to the south of Challenger Avenue on Lot E26 and its latest associated Traffic Assessment Report and Modelling Reports for that draft Local Structure Plan. The applicant's assessment report shall consider and make recommendations about how best to address traffic volumes and access points along Challenger Avenue.
22. The proponent shall provide a monetary contribution of \$26,813 to be paid to the City of Kwinana for the construction of a portion of a dual use path on the western verge of Meares Avenue, adjacent to the subject site and connecting into the existing Challenger Avenue footpath. This payment shall be made prior to occupation of Stage 1 of the proposed development.
23. The proponent shall procure a 7.5 metre wide by 4 metre deep public access easement in favour of the City over Lot 89 in the area shown on the approved site plan, for the purpose of securing access for the proposed vehicle access point which crosses into the adjacent Lot 89. The easement shall be prepared by the City's solicitors at the owners cost and shall include all usual terms and conditions for agreements of this type. In addition, the proponent shall provide a suitable pedestrian connection into Lot 89, where the proposed pedestrian path connects the development to the existing Market Place shopping centre car park. Details shall be provided to the City within 90 days of the date of this approval.

Alternatively, should this easement not be obtained the proponent shall submit amended plans to the City of Kwinana for approval within 90 days of the date of this approval showing the access point being suitably closed to the satisfaction of the City and carry out works in accordance with these plans.
24. Signage is to be kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
25. Signage associated with a business is to be removed upon vacancy of the business.
26. A Signage Strategy detailing the dimensions, construction and artwork of all proposed signage being submitted for approval of the City of Kwinana within 90 days of the date of this approval.
27. Rubbish bins are to be stored in the designated bin storage areas only. No storage of rubbish, recyclables or other stock within parking areas or access roads.
28. Storage of chemicals and gasses for the operation of the aquatic facility must be in an allocated storage area that is not accessible to other tenancies.



29. The proponent is to submit a Noise Impact Assessment Report prepared by a qualified acoustic consultant to determine noise impacts on the nearest noise sensitive premises arising from the installation of plant & equipment, air and water handling systems at the development (including, but not limited to the aquatic facility, gymnasium and auto repair) to the satisfaction of the City of Kwinana to ensure compliance with the Environmental Protection (Noise) Regulations, within 90 days of the date of this approval. Once endorsed by the City of Kwinana, the proponent will implement the recommendations prior to occupancy of the proposed development to the satisfaction of the City of Kwinana.
30. All businesses carrying out automotive & mechanical repairs to provide separate wash down facilities for cleaning mechanical parts that are treated by appropriate apparatus to ensure the quality of discharge water complies with the Water Corporation's licence to discharge requirements.
31. All oils and chemicals to be stored on impervious, graded or bunded hardstand areas within enclosed buildings to prevent spillage or contamination of the environment and drainage systems.
32. The proponent is to submit to the City of Kwinana for approval within 90 days of the date of this approval a Waste Management Plan that details bin enclosure areas, bin storage areas and bin collection points in the development, written agreement allowing the City's waste contractors to enter the property to service bins, details of public liability insurance to cover damages & injury that may occur as the result of waste collections carried out by the City of Kwinana's contractor and to demonstrate that tenants will have access to bin enclosures and collection points when required by the City of Kwinana.
33. A Drainage Management Plan to be provided to the City for approval within 90 days of the date of this approval in accordance with Council's requirements demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.
34. The subject site being amalgamated and re-subdivided in accordance with the proposed boundaries shown on the attached site plan prior to the certificate of occupancy being issued.
35. Any proposed hydrants, booster cabinets or tanks being suitably screened from view to the satisfaction of the City of Kwinana. Details being provided within 90 days of the date of this approval.
36. Any proposed transformers, services, storage and deposit areas must be screened from view, air conditioners screened and/or located in areas with minimal impact on the public domain and television antennas or satellite dishes or such like to be located in roof space or as otherwise determined to the satisfaction of the City of Kwinana.
37. The development being suitably lit in accordance with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting. Lighting shall not impact on any adjacent residential property. Details to be provided to the City within 90 days of the date of this approval.



38. Plans detailing colours, materials and finishes of the zero lot wall elevations being submitted to the City of Kwinana for approval within 90 days of the date of this approval. These plans shall include suitable architectural treatment applied to these elevations to break up the bulk of the elevation and ensure an attractive appearance is achieved.
39. Plans detailing colours, materials and finishes of the proposed loading area gates being submitted to the City of Kwinana for approval within 90 days of the date of this approval to achieve a high quality finish to the satisfaction of the City.

### **Advice Notes**

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 an appeal 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 permit the City of Kwinana issues to enable construction to commence. A building permit is a separate Council requirement and construction cannot be commenced until a building permit 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, Health Act 1911 and Regulations, and the National Construction Code.
5. It should be noted the landscaping bond will be refunded upon the satisfactory installation of the required landscaping work.
6. The applicant is advised of the following issues which should be addressed as part of any building permit submission:
  - a) Construction of buildings on the allotment boundaries to be fire rated
  - b) No fire protection measures have been shown on the development application plans, i.e. hydrants and whether the water pressure is sufficient to provide adequate pressure. Details shall be submitted at building permit stage.
7. The applicant is advised that the development has the potential to impact on habitat for endangered black cockatoos and are advised to investigate if a referral to the Department of Sustainability, Environment, Water, Population and Communities is required.
8. The applicant is advised the aquatic facility with current proposed number of toilets will be limited to a maximum accommodation of 100 patrons.
9. The applicant is advised that the proposed gymnasium and aquatic facility is to comply with the Health (Public Building) Regulations 1992. Application to construct a public building must be made to the City of Kwinana.



10. All tenancies proposing to carry out a food business must comply with the Food Act 2008 and Food Regulations 2009. An Application to Construct or Alter a Food Business and an Application for Notification or Registration of a Food Business shall be submitted to, and approved by, the City of Kwinana prior to the fit out of the tenancy.
11. Proponent to make application to the Department of Health WA for approval to construct & operate an Aquatic Facility in compliance with the Health (Aquatic facilities) Regulations 2007.
12. The proposed swim school must comply with the Health (Public Building) Regulations and the Health (Aquatic facilities) Regulations 2007.
13. Chemical storage must be licensed and comply with the requirements of the Department of Minerals and Energy.
14. The proponent is advised that the approval of the Water Corporation is required to discharge waste water from the Aquatic Facility.
15. With regards to condition 29 above, the Noise Impact Assessment Report shall include, but not be limited to addressing noise impacts from the following: plant and equipment to all tenancies, air and water handling systems for the aquatic facility and gymnasium and any activities carried out with the gymnasium.
16. The applicant is advised to liaise with the Department of Mines and Petroleum and the landowner of the adjacent service station with regards to compliance with the Australian Institute of Petroleum's guidelines in regard to the separation of the proposed development to the existing LPG gas tank on Lot 13 Meares Ave.
17. With regards to Condition 21 above, the proponent should note that on the south side of Challenger Avenue, a left in left out only access is proposed from the development proposed on Lot E26 directly opposite the two Challenger Avenue access points into this development. The median openings in Challenger for the access points will affect (opens up to full movement) the left in left out operation to the Lot E26 development, and having the accesses opposite the access road into Lot E26 creates a traffic conflict point for which the Traffic Impact Assessment Report is to address and recommend treatment.
18. Signage that has been approved or is otherwise exempted from Council Planning Approval pursuant to Clause 6.17.3 of the Town Planning Scheme No. 2 may be erected. Any other signage will require an additional Planning Approval.
19. In regards to Condition 11 above, details shall be included in the landscaping plan which seek to minimise the impact of vehicle headlights on properties immediately adjacent along Meares Avenue. As well as parking areas the screening should address the access and egress driveways onto Meares Avenue.





## AMENDING MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Dennis Wood

In the opening paragraph, amend the Recommendation to insert the words 'and the Metropolitan Region Scheme', as follows:-

**Approve** DAP Application reference DP/13/00855 and accompanying plans 7684 SK001 Sheet 0 October 2013, 7684 SK001 Sheet 1 10/21/13, 7684 SK001 Sheet 2 10/21/13, 7684 SK001 Sheet 3 October 2013, 7684 SK001 Sheet 4 October 2013, 7684 SK003 Sheet 5 December 2013, 7684 SK001 Sheet 6 October 2013, 7684 SK001 Sheet 7 October 2013, 7684 SK001 Sheet 8 October 2013, 7684 SK001 Sheet 9 October 2013, 7684 SK001 Sheet 10 October 2013, 7684 SK001 Sheet 11 October 2013, 7684 SK001 Sheet 12 October 2013 and 7684 SK001 Sheet 13 October 2013 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2, and the Metropolitan Region Scheme subject to the following conditions as follows:

**REASON:** For accuracy of what legislation the planning approval relates to.

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

## AMENDING MOTION

**Moved by:** Mr R Nicholson

**Seconded by:** Mr I Birch

Amend Condition 4 to read:

*"Landscaping areas, vehicle parking spaces and accessways and all other details 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."*

**REASON:** To provide further clarification.

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

## AMENDING MOTION

**Moved by:** Mr I Birch

**Seconded by:** Cr S Wood

Amend Condition 8 to read:

*"A minimum area of 2086 square metres (8%) of the subject site to be landscaped and maintained to a high standard with plants native to the locality, to the satisfaction of the City of Kwinana within 60 days of the practical completion of construction. Service yards shall be screened with semi mature vegetation to the satisfaction of the City of Kwinana. Details are to be provided in the landscaping plan referred to in Condition 11 below."*

**REASON:** To provide further clarification.

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



## AMENDING MOTION

**Moved by:** Mr R Nicholson

**Seconded by:** Mr I Birch

Amend Condition 14 to read:

*“Prior to any part of the development being occupied, the owner shall:*

- (a) Register a public access easement in favour of the City of Kwinana over the areas of car parking and all other trafficable areas within the proposed development;*
- (b) Enter into a deed with the City of Kwinana to ensure that parking on the whole site remains available for use for all tenancies and the public, and in the event of the subsequent re-subdivision of the land, to make provision for the creation of reciprocal car parking easements. The deed shall charge the land in favour of the City and authorise the lodging of an absolute caveat over the land; and*
- (c) The easement and deed shall be prepared by the City’s solicitors at the owner’s cost and shall include all usual terms and conditions for agreements of this type.”*

**REASON: To provide further clarification and split out the conditions into distinct parts.**

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

## AMENDING MOTION

**Moved by:** Mr I Birch

**Seconded by:** Cr D Wood

Amend Condition 23 to read:

*“In the absence of an access easement over Lot 89, the applicant shall submit amended plans to the City of Kwinana for approval within 90 days of the date of this approval showing the access point into Lot 89 being suitably closed to the satisfaction of the City and carry out works in accordance with these plans.”*

**REASON: To provide further clarification.**

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

## AMENDING MOTION

**Moved by:** Cr S Wood

**Seconded by:** Mr I Birch

Incorporate Conditions 24 and 25 into Condition 26 as follows and, renumber all remaining Conditions accordingly:



*“Signage Strategy detailing the dimensions, construction and artwork of all proposed signage being submitted for approval of the City of Kwinana within 90 days of the date of this approval. The strategy shall provide that:-*

- (a) signage is to be kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.*
- (b) Signage associated with a business is to be removed upon vacancy of the business.”*

**REASON: To provide further clarification.**

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

**AMENDING MOTION**

**Moved by:** Mr I Birch

**Seconded by:** Mr R Nicholson

Amend Condition 30 to read:

*“All businesses carrying out automotive and mechanical repairs to provide separate wash down facilities for cleaning mechanical parts that are treated by appropriate apparatus to achieve an acceptable quality of discharge water.”*

**REASON: To provide further clarification.**

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

**AMENDING MOTION**

**Moved by:** Cr S Wood

**Seconded by:** Cr D Wood

Amend Condition 34 to read:

*“The subject site being amalgamated prior to the occupation of development.”*

**REASON: To provide further clarification.**

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

**AMENDING MOTION**

**Moved by:** Mr R Nicholson

**Seconded by:** Mr I Birch

Amend Condition 35 to read:

*“Any proposed hydrants, booster cabinets or tanks being aesthetically integrated into the development to the satisfaction of the City of Kwinana. Details being provided within 90 days of the date of this approval.”*

**REASON: To provide further clarification.**



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

**AMENDING MOTION**

**Moved by:** Mr R Nicholson

**Seconded by:** Mr I Birch

Amend Condition 39 to read:

*“Plans detailing colours, materials and finishes of the proposed loading areas and gates being submitted to the City of Kwinana for approval within 90 days of the date of this approval to achieve a high quality finish to the satisfaction of the City.”*

**REASON: To provide further clarification.**

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

**AMENDING MOTION**

**Moved by:** Mr I Birch

**Seconded by:** Cr S Wood

Insert a new Condition 40 to read:

*“All major openings to the development to remain unscreened at all times to the satisfaction of the City of Kwinana.”*

**REASON: To provide further clarification.**

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

**AMENDING MOTION**

**Moved by:** Mr I Birch

**Seconded by:** Cr S Wood

To:

1. Delete Advice Note 2 in its entirety; and
2. Amend Advice Note 5 to read:

*“It should be noted the landscaping bond (Condition 12), will be refunded upon the satisfactory installation of the required landscaping work.”*

**REASON: To provide further clarification.**

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

**AMENDING MOTION**

**Moved by:** Mr I Birch

**Seconded by:** Cr S Wood

To:

1. Delete Advice Note 15 in its entirety;



2. Amend Advice Note 1, to read:

*“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. The applicant is reminded that this approval is for the development and land uses proposed in the application. Any amendment to the development and land uses will require an application for Planning Approval.”*

3. Amend Advice Note 13 to read:

*“Chemical storage must be licensed and comply with the requirements of the Department of Mines and Petroleum.”*

4. Include an additional Advice Note to read:

*“With respect to Condition 30, the applicant is advised to liaise with the Water Corporation with respect to the quality of discharge water.”*

5. Renumber all Advice Notes accordingly.

**REASON: To provide further clarification.**

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

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

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DP/13/00855 and accompanying plans 7684 SK001 Sheet 0 October 2013, 7684 SK001 Sheet 1 10/21/13, 7684 SK001 Sheet 2 10/21/13, 7684 SK001 Sheet 3 October 2013, 7684 SK001 Sheet 4 October 2013, 7684 SK003 Sheet 5 December 2013, 7684 SK001 Sheet 6 October 2013, 7684 SK001 Sheet 7 October 2013, 7684 SK001 Sheet 8 October 2013, 7684 SK001 Sheet 9 October 2013, 7684 SK001 Sheet 10 October 2013, 7684 SK001 Sheet 11 October 2013, 7684 SK001 Sheet 12 October 2013 and 7684 SK001 Sheet 13 October 2013 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2, and the Metropolitan Region Scheme subject to the following conditions as follows:

### **Conditions**

1. This decision constitutes planning approval only and is valid for a period of three years from the date of approval. If the subject development is not substantially commenced within the three year period, the approval shall lapse and be of no further effect.
2. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
4. Landscaping areas, vehicle parking spaces and accessways and all other details 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.
5. The development being connected to a reticulated deep sewer to the satisfaction of the Water Corporation.
  6. The proposed building walls being applied with anti-graffiti treatment to the satisfaction of the City of Kwinana.
  7. Any graffiti, vandalism or damage to the proposed development shall be made good immediately by the landowner to the satisfaction of the City of Kwinana.
  8. A minimum area of 2086 square metres (8%) of the subject site to be landscaped and maintained to a high standard with plants native to the locality, to the satisfaction of the City of Kwinana within 60 days of the practical completion of construction. Service yards shall be screened with semi mature vegetation to the satisfaction of the City of Kwinana. Details are to be provided in the landscaping plan referred to in Condition 11 below.
  9. Shade trees are to be provided within car parking areas at a rate of 1 tree per 5 parking bays. Details are to be submitted in the landscaping plan outlined in Condition 11 below.
  10. All native vegetation shall be retained and protected within the hatched landscaping areas shown on the approved site plan.
  11. A Landscaping and Fencing Plan which outlines the proposed species and location of vegetation, proposed reticulation layout and colour, materials and finishes of any proposed fencing is required to be submitted to the City of Kwinana for approval within 90 days of the date of this approval and implemented to the satisfaction of the City within 60 days of the practical completion of construction.
  12. Pursuant to Clause 3.5.7 of the City of Kwinana's Town Planning Scheme No. 3, a landscaping bond or alternatively an irrevocable and unconditional guarantee from an institution satisfactory to the City of \$19,817 (\$9.50 per square metre) shall be paid to the City of Kwinana within 90 days of the date of this approval. The City of Kwinana may call upon the bond or bank guarantee to carry out or maintain landscaping on the site if it has not been carried out in accordance with these conditions.
  13. The provision of 237 vehicle parking bays in accordance with Australian Standard AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation of Stage 1 of the development to the satisfaction of the City of Kwinana.
  14. Prior to any part of the development being occupied, the owner shall:
    - (a) Register a public access easement in favour of the City of Kwinana over the areas of car parking and all other trafficable areas within the proposed development;



- (b) Enter into a deed with the City of Kwinana to ensure that parking on the whole site remains available for use for all tenancies and the public, and in the event of the subsequent re-subdivision of the land, to make provision for the creation of reciprocal car parking easements. The deed shall charge the land in favour of the City and authorise the lodging of an absolute caveat over the land; and
- (c) The easement and deed shall be prepared by the City's solicitors at the owner's cost and shall include all usual terms and conditions for agreements of this type.
15. The provision of 10 bicycle parking spaces designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles 10.3 and AS2890.3, to the satisfaction of the City of Kwinana. Details being provided within 90 days of the date of this approval.
16. No goods or materials are to be placed or stored or offered for sale within car parking areas, access roads or on any footpath at any time. Storage of goods or materials shall be confined to designated service areas only.
17. All existing and proposed trafficked routes within the subject lot being sealed and drained to comply with City of Kwinana Trafficable Area Specifications.
18. Crossovers to be located and constructed to the specifications and satisfaction of the City of Kwinana.
19. The proposed crossover radii onto Meares Avenue and Challenger Avenue are required to be modified to accommodate the service vehicle access. Details are to be provided to the City for approval within 90 days of the date of this approval and works carried out in accordance with the approved plan.
20. All proposed pedestrian paths within the development are to connect into the existing network of public footpaths. Details shall be submitted to the City for approval within 90 days of the date of this approval and works carried out in accordance with the approved plan prior to occupancy.
21. The submitted Traffic Impact Assessment Report to be amended to address the following and submitted to the City of Kwinana for endorsement within 90 days of the date of this approval and, any recommendations of this updated report being implemented to the satisfaction of the City:
- a) The traffic report be updated to consider the residential development to the south of Challenger Avenue on Lot E26 and its latest associated Traffic Assessment Report and Modelling Reports for that draft Local Structure Plan. The applicant's assessment report shall consider and make recommendations about how best to address traffic volumes and access points along Challenger Avenue.
22. The proponent shall provide a monetary contribution of \$26,813 to be paid to the City of Kwinana for the construction of a portion of a dual use path on the western verge of Meares Avenue, adjacent to the subject site and connecting into the existing Challenger Avenue footpath. This payment shall be made prior to occupation of Stage 1 of the proposed development.



23. In the absence of an access easement over Lot 89, the applicant shall submit amended plans to the City of Kwinana for approval within 90 days of the date of this approval showing the access point into Lot 89 being suitably closed to the satisfaction of the City and carry out works in accordance with these plans.
24. Signage Strategy detailing the dimensions, construction and artwork of all proposed signage being submitted for approval of the City of Kwinana within 90 days of the date of this approval. The strategy shall provide that:-
  - (a) signage is to be kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
  - (b) Signage associated with a business is to be removed upon vacancy of the business.
25. Rubbish bins are to be stored in the designated bin storage areas only. No storage of rubbish, recyclables or other stock within parking areas or access roads.
26. Storage of chemicals and gasses for the operation of the aquatic facility must be in an allocated storage area that is not accessible to other tenancies.
27. The proponent is to submit a Noise Impact Assessment Report prepared by a qualified acoustic consultant to determine noise impacts on the nearest noise sensitive premises arising from the installation of plant & equipment, air and water handling systems at the development (including, but not limited to the aquatic facility, gymnasium and auto repair) to the satisfaction of the City of Kwinana to ensure compliance with the Environmental Protection (Noise) Regulations, within 90 days of the date of this approval. Once endorsed by the City of Kwinana, the proponent will implement the recommendations prior to occupancy of the proposed development to the satisfaction of the City of Kwinana.
28. All businesses carrying out automotive and mechanical repairs to provide separate wash down facilities for cleaning mechanical parts that are treated by appropriate apparatus to achieve an acceptable quality of discharge water.
29. All oils and chemicals to be stored on impervious, graded or bunded hardstand areas within enclosed buildings to prevent spillage or contamination of the environment and drainage systems.
30. The proponent is to submit to the City of Kwinana for approval within 90 days of the date of this approval a Waste Management Plan that details bin enclosure areas, bin storage areas and bin collection points in the development, written agreement allowing the City's waste contractors to enter the property to service bins, details of public liability insurance to cover damages & injury that may occur as the result of waste collections carried out by the City of Kwinana's contractor and to demonstrate that tenants will have access to bin enclosures and collection points when required by the City of Kwinana.
31. A Drainage Management Plan to be provided to the City for approval within 90 days of the date of this approval in accordance with Council's requirements





- demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.
32. The subject site being amalgamated prior to the occupation of development.
  33. Any proposed hydrants, booster cabinets or tanks being aesthetically integrated into the development to the satisfaction of the City of Kwinana. Details being provided within 90 days of the date of this approval.
  34. Any proposed transformers, services, storage and deposit areas must be screened from view, air conditioners screened and/or located in areas with minimal impact on the public domain and television antennas or satellite dishes or such like to be located in roof space or as otherwise determined to the satisfaction of the City of Kwinana.
  35. The development being suitably lit in accordance with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting. Lighting shall not impact on any adjacent residential property. Details to be provided to the City within 90 days of the date of this approval.
  36. Plans detailing colours, materials and finishes of the zero lot wall elevations being submitted to the City of Kwinana for approval within 90 days of the date of this approval. These plans shall include suitable architectural treatment applied to these elevations to break up the bulk of the elevation and ensure an attractive appearance is achieved.
  37. Plans detailing colours, materials and finishes of the proposed loading areas and gates being submitted to the City of Kwinana for approval within 90 days of the date of this approval to achieve a high quality finish to the satisfaction of the City.
  38. All major openings to the development to remain unscreened at all times to the satisfaction of the City of Kwinana.

#### **Advice Notes**

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. The applicant is reminded that this approval is for the development and land uses proposed in the application. Any amendment to the development and land uses will require an application for Planning Approval.
2. The applicant is further advised that this is not a building permit the City of Kwinana issues to enable construction to commence. A building permit is a separate Council requirement and construction cannot be commenced until a building permit 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, Health Act 1911 and Regulations, and the National Construction Code.
4. It should be noted the landscaping bond (Condition 12), will be refunded upon the satisfactory installation of the required landscaping work.



5. The applicant is advised of the following issues which should be addressed as part of any building permit submission:
  - a) Construction of buildings on the allotment boundaries to be fire rated
  - b) No fire protection measures have been shown on the development application plans, i.e. hydrants and whether the water pressure is sufficient to provide adequate pressure. Details shall be submitted at building permit stage.
6. The applicant is advised that the development has the potential to impact on habitat for endangered black cockatoos and are advised to investigate if a referral to the Department of Sustainability, Environment, Water, Population and Communities is required.
7. The applicant is advised the aquatic facility with current proposed number of toilets will be limited to a maximum accommodation of 100 patrons.
8. The applicant is advised that the proposed gymnasium and aquatic facility is to comply with the Health (Public Building) Regulations 1992. Application to construct a public building must be made to the City of Kwinana.
9. All tenancies proposing to carry out a food business must comply with the Food Act 2008 and Food Regulations 2009. An Application to Construct or Alter a Food Business and an Application for Notification or Registration of a Food Business shall be submitted to, and approved by, the City of Kwinana prior to the fit out of the tenancy.
10. Proponent to make application to the Department of Health WA for approval to construct & operate an Aquatic Facility in compliance with the Health (Aquatic facilities) Regulations 2007.
11. The proposed swim school must comply with the Health (Public Building) Regulations and the Health (Aquatic facilities) Regulations 2007.
12. Chemical storage must be licensed and comply with the requirements of the Department of Mines and Petroleum.
13. The proponent is advised that the approval of the Water Corporation is required to discharge waste water from the Aquatic Facility.
14. The applicant is advised to liaise with the Department of Mines and Petroleum and the landowner of the adjacent service station with regards to compliance with the Australian Institute of Petroleum's guidelines in regard to the separation of the proposed development to the existing LPG gas tank on Lot 13 Meares Ave.
15. With regards to Condition 21 above, the proponent should note that on the south side of Challenger Avenue, a left in left out only access is proposed from the development proposed on Lot E26 directly opposite the two Challenger Avenue access points into this development. The median openings in Challenger for the access points will affect (opens up to full movement) the left in left out operation to the Lot E26 development, and having the accesses



opposite the access road into Lot E26 creates a traffic conflict point for which the Traffic Impact Assessment Report is to address and recommend treatment.

16. Signage that has been approved or is otherwise exempted from Council Planning Approval pursuant to Clause 6.17.3 of the Town Planning Scheme No. 2 may be erected. Any other signage will require an additional Planning Approval.
17. In regards to Condition 11 above, details shall be included in the landscaping plan which seek to minimise the impact of vehicle headlights on properties immediately adjacent along Meares Avenue. As well as parking areas the screening should address the access and egress driveways onto Meares Avenue.
18. With respect to Condition 30, the applicant is advised to liaise with the Water Corporation with respect to the quality of discharge water.

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

**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: Modification 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  
Responsible authority: City of Rockingham  
Report date: 2nd January 2013  
DoP File No: DP/12/01276

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Smith

**Seconded by:** Cr Elliott

That the Metro South West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.00000290.003 as detailed on the DAP Form 2 dated 13th December 2013 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 20.2012.00000290.003 as detailed on the DAP Form 2 dated 13th December 2013 and accompanying plans Site Plan (Drawing No. DA0101-D), Ground Floor Plan (Drawing No. DA0102-C), Level 1 Carpark Plan (Drawing No. DA0103-C), Elevations Sheet 1 (Drawing No. DA0201-D), Elevations Sheet 2 (Drawing No. DA0202-D), Sections Sheet 1 (Drawing No. DA0301-D), Perspective Sheet 1 (Drawing No. DA0501-C), and Perspective Sheet 2 (Drawing No. DA0502-C) dated 10 December 2013, in accordance with the provisions of 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, in accordance with the conditions of Planning Approval as issued on 8 March 2013, and as amended on 29 July 2013 and 5 December 2013.



**The Report Recommendation/Primary Motion 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 3.02 p.m.

A handwritten signature in black ink, appearing to read 'D. Gray', with a horizontal line underneath.