



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Wednesday 19 November 2014; 10.30am
Meeting Number: MSWJDAP/56
Meeting Venue: Darius Wells Library and Resource Centre
(Next to Dome) - Ken Jackman Hall Room
Corner of Chisham Avenue and Robbos Place
Kwinana

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Ian Birch (Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Sherilyn Wood (Local Government Member, City of Kwinana) – *Item 8.1*
Cr Dennis Wood (Local Government Member, City of Kwinana) – *Item 8.1*
Cr Bart Houwen (Local Government Member, City of Cockburn) – *Item 8.2*
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn) – *Item 8.2*
Cr Joy Stewart (Local Government Member, City of Rockingham) – *Item 9.1*
Cr Richard Smith (Local Government Member, City of Rockingham) – *Item 9.1*
Cr Jon Strachan (Local Government Member, City of Fremantle) – *Item 9.2*

Officers in attendance

Mr Ryan Hall (Development Assessment Panels)
Mr Paul Neilson (City of Kwinana)
Mr Brenton Scambler (City of Kwinana)
Mr Anthony Denholm (City of Fremantle)
Ms Erika Barton (City of Rockingham)
Mr Troy Cappellucci (City of Cockburn)
Mr Andrew Le Fort (City of Cockburn)

Local Government Minute Secretary

Ms Ana Pasajlic (City of Kwinana)

Applicant and Submitters

Mr David Caddy (TPG)
Mr Matt Raymond (TPG)
Mr Ron Jee (Design Inc.)
Mr Aaron Lohman (Rowe Group)
Ms Windi Sim (SKS Group)
Ms Kathy Bond
Mr Francis Foong



Members of the Public

Nil

1. Declaration of Opening

Prior to formally starting the meeting, The Presiding Member, Mr David Gray, recognised the contribution made by Ian Hocking, who died on the weekend.

The Presiding Member, Mr David Gray declared the meeting open at 10:34am on 19 November 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

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

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

2. Apologies

Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Bill Massie (Local Government Member, City of Fremantle)
Cr Josh Wilson (Local Government Member, City of Fremantle)

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no. 55 held on 14 October 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 David Caddy (TPG) addressed the DAP for the application at Item 8.1.

The presentation at Item 7.1 was heard prior to the application at Item 8.1



- 7.2 Mr David Caddy (TPG) addressed the DAP for the application at Item 8.2.
Mr Le Fort answered questions from the panel.

The presentation at Item 7.2 was heard prior to the application at Item 8.2

- 7.3 Mr Aaron Lohman (Rowe Group) addressed the DAP for the application at Item 9.1.

The presentation at Item 7.3 was heard prior to the application at Item 9.1

- 7.4 Mr Ron Jee (Design Inc.) addressed the DAP for the application at Item 9.2.
Mr Ron Jee answered questions from the Panel.

The presentation at Item 7.4 was heard prior to the application at Item 9.2

8. Form 1 - Responsible Authority Reports – DAP Applications

- 8.1 Property Location: Lot 9002 Kwinana Beach Road and Lot 1003
Patterson Road, Kwinana Beach
Application Details: Proposed Fuel Depot and Associated
Infrastructure
Applicant: TPG
Owner: WA Land Authority – LandCorp
Responsible authority: City of Kwinana
DoP File No: DAP/14/00615

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr S Wood

Seconded by: Cr D Wood

That the Metro South – West DAP resolves to:

Approve DAP Application reference DAP/14/00615 and accompanying plans KWIN- L-0003 Rev DA8; KWIN-L-0004 Rev DA7; KWIN-L-0005 Rev DA5; KWIN-L-0006 Rev DA7; KWIN-L-0017 Rev DA3; KWIN-L-0018 Rev DA4; KWIN-L-0019 Rev DA4; KWIN-A-002 Rev DA2; KWIN-A-003 Rev DA1; KWIN-A-004 Rev DA1; KWIN-A-005 Rev DA2; KWIN-A-006 Rev DA1; KWIN-A-007 Rev DA2; KWIN-A-009 Rev DA1; KWIN-A-010 Rev DA1 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.



2. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter 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 to the satisfaction of the City of Kwinana.
4. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the 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 35 car parking bays to be provided in accordance with AS2890, 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 areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
9. All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
10. The proponent shall within 90 days of the date of this approval provide additional details for the entry crossover located on the bend of Kwinana Beach Road to the satisfaction of the City of Kwinana. The following details shall be required as a minimum:
 - Proposed signage, line marking and pavement changes;
 - Proposed changes to road pavement, street lighting, road directional signage;
 - Possible changes to road layout or crossover access to delineate road pavement and private property.The proponent shall demonstrate how the crossover will be treated to ensure a high level of safety and awareness to road users will be achieved. Should the safety of the crossover not be demonstrated in its current location, then the crossover is to be shifted to the west of the road bend to the satisfaction of the City of Kwinana.



11. The elevated pipe bridge pylons and footings shall be located wholly within Lot 9002 Kwinana Beach Road and Lot 1003 Patterson Road. No portion or part of the pylons or footings shall encroach into the adjoining road reservation.
12. The elevated pipe bridge shall provide a minimum clearance of 7.5 metres from the underside of the structure to the road surface where it crosses Kwinana Beach Road to the satisfaction of the City of Kwinana. Details to be provided prior to the commencement of construction.
13. The elevated pipe bridge shall provide the necessary clearances as required by Western Power, and where the structure crosses private road and rail infrastructure, minimum clearances are to be as required by the asset owner.
14. 3500 square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
15. A revised Landscape Plan being submitted and approved by the City of Kwinana prior to lodgement of a building permit. The Landscape Plan must outline the proposed species, spacing of each species and location of vegetation, including mature/advanced species between the fence and the road boundary/verge and proposed reticulation layout. The Plan shall also specify number of plants to be used at the time of planting together with the anticipated height of each plant at maturity.
16. Landscaping being provided within parking areas at a rate of one (1) tree per 5 bays to provide shade for parked cars and to soften the impact of paved car parking viewed from adjacent sites and roads.
17. All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
18. The provision of an adequate water supply for firefighting purposes to the satisfaction of the City of Kwinana.
19. On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
20. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
21. 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.
22. The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.



23. The development shall comply with the ventilation requirements of the Australian Standard 1668 & Sewerage (Lighting, Ventilation and Construction) Regulations 1971 requirements for the classifications of building use.
24. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate treatment and disposal system.
25. The development shall comply with the Environmental Protection Authority Risk Criteria at all times.
26. Prior to the commencement of the development the proponent shall prepare and submit an Asbestos Management Plan for approval to the City of Kwinana.

2. Advice to Applicant

- 2.1 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.
- 2.2 Construction shall not be commenced until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a building permit in accordance with the Building Act 2011 and Building Regulations 2012.
- 2.3 The applicant is further advised that this is not a building permit to enable construction to commence. A building permit is a separate City of Kwinana requirement and construction cannot be commenced until a building permit is obtained.
- 2.4 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, Contaminated Sites Act 2003 and the National Construction Code.
- 2.5 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.
- 2.6 The development shall comply with the requirements of the Dangerous Goods Safety Act 2004 and associated regulations and thereby require the approval of the Department of Mines and Petroleum.

AMENDING MOTION 1

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

That the preamble includes the date the plans were approved, and make reference to the approval being in accordance with the MRS as well as the City's Scheme. The preamble will then read:

That the Metro South – West DAP resolves to:



Approve DAP Application reference DAP/14/00615 and accompanying plans KWIN- L-0003 Rev DA8; KWIN-L-0004 Rev DA7; KWIN-L-0005 Rev DA5; KWIN-L-0006 Rev DA7; KWIN-L-0017 Rev DA3; KWIN-L-0018 Rev DA4; KWIN-L-0019 Rev DA4; KWIN-A-002 Rev DA2; KWIN-A-003 Rev DA1; KWIN-A-004 Rev DA1; KWIN-A-005 Rev DA2; KWIN-A-006 Rev DA1; KWIN-A-007 Rev DA2; KWIN-A-009 Rev DA1; KWIN-A-010 Rev DA1 date stamped approved on 19 November 2014 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:

REASON: To ensure that the approved plans are clearly identified and to make reference to the MRS.

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

AMENDING MOTION 2

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

That condition 10 be modified to replace the phrase “*The proponent shall within 90 days of the date of this approval provide*” with “*The proponent shall prior to application for a Building Permit provide*” to read:

The proponent shall prior to application for a Building Permit provide additional details for the entry crossover located on the bend of Kwinana Beach Road to the satisfaction of the City of Kwinana. The following details shall be required as a minimum:

- *Proposed signage, line marking and pavement changes;*
- *Proposed changes to road pavement, street lighting, road directional signage;*
- *Possible changes to road layout or crossover access to delineate road pavement and private property.*

The proponent shall demonstrate how the crossover will be treated to ensure a high level of safety and awareness to road users will be achieved. Should the safety of the crossover not be demonstrated in its current location, then the crossover is to be shifted to the west of the road bend to the satisfaction of the City of Kwinana.

REASON: To allow time for any changes that may take place following the issuing of the Development Approval.

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

AMENDING MOTION 3

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

That condition 14 be modified to include “*A minimum of*” prior to “*3500 square metres*” to read:

A minimum of 3500 square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.



REASON: To provide some flexibility as 3500 square metres exactly may prove challenging.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 4

Moved by: Mr Birch **Seconded by:** Cr S Wood

That condition 18 be modified to an Advice note and reworded by replacing “to the satisfaction of the City of Kwinana” with “to the specification of the Department of Fire & Emergency Services and to the satisfaction of the City of Kwinana” to read:

The provision of an adequate water supply for firefighting purposes to the specification of the Department of Fire & Emergency Services, and to the satisfaction of the City of Kwinana.

REASON: To ensure applicant is aware of relevant requirements and adjusted to advice note due to formal assessment under the Building Permit assessment.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 5

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

That condition 6 be modified to replace “35 car parking bays to be provided in accordance” with “35 car parking bays in accordance” to read:

The provision of 35 car parking bays in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.

REASON: It was not deemed necessary to include “to be provided”.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 6

Moved by: Mr Birch **Seconded by:** Cr S Wood

That condition 12 be moved to advice notes.

REASON: Due to clearance being to a road and not on the lots subject of the application.

AMENDING MOTION 7

Moved by: Mr Birch **Seconded by:** Cr S Wood

That condition 21 be modified to replace “shall be connected to” with “shall be provided with” to read:



The development shall be provided with an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.

REASON: To allow for provision of a water supply as it appears a reticulated water supply is not provided to the land.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 8

Moved by: Cr S Wood **Seconded by:** Cr D Wood

That conditions 22, 23 & 25 be moved to advice notes.

REASON: The City is not the approving authority for these matters, therefore the advice is to draw the applicants' attention to requirements.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 9

Moved by: Mr Birch **Seconded by:** Cr D Wood

That advice note 2.5 to be modified from "*the noise emissions from*" with "*the noise emissions and risk assessment*" and "*KIC cumulative noise model*" with "*KIC cumulative noise and risk models*" to read:

The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions and risk assessment from the development into the KIC cumulative noise and risk models.

REASON: To ensure that the risk assessment is recorded in the KIC cumulative model.

AMENDING MOTION 10

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

That advice note 2.4 to be modified from "*the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites*" with "*the Environmental Protection Act 1986 and Regulations, Contaminated Sites*" to read:

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, Contaminated Sites Act 2003 and the National Construction Code.

REASON: Dangerous Goods Safety Act 2004 is addressed in Advice note 2.6.

PRIMARY MOTION (AS AMENDED)



Approve DAP Application reference DAP/14/00615 and accompanying plans KWIN-L-0003 Rev DA8; KWIN-L-0004 Rev DA7; KWIN-L-0005 Rev DA5; KWIN-L-0006 Rev DA7; KWIN-L-0017 Rev DA3; KWIN-L-0018 Rev DA4; KWIN-L-0019 Rev DA4; KWIN-A-002 Rev DA2; KWIN-A-003 Rev DA1; KWIN-A-004 Rev DA1; KWIN-A-005 Rev DA2; KWIN-A-006 Rev DA1; KWIN-A-007 Rev DA2; KWIN-A-009 Rev DA1; KWIN-A-010 Rev DA1 date stamped approved 19 November 2014 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2 and the MRS, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter 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 to the satisfaction of the City of Kwinana.
4. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the 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 35 car parking bays in accordance with AS2890, 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 areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
9. All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
10. The proponent shall prior to application for a Building Permit provide additional details for the entry crossover located on the bend of Kwinana Beach Road to the satisfaction of the City of Kwinana. The following details shall be required as a minimum:
 - Proposed signage, line marking and pavement changes;
 - Proposed changes to road pavement, street lighting, road directional signage;



- Possible changes to road layout or crossover access to delineate road pavement and private property.
The proponent shall demonstrate how the crossover will be treated to ensure a high level of safety and awareness to road users will be achieved. Should the safety of the crossover not be demonstrated in its current location, then the crossover is to be shifted to the west of the road bend to the satisfaction of the City of Kwinana.
11. The elevated pipe bridge pylons and footings shall be located wholly within Lot 9002 Kwinana Beach Road and Lot 1003 Patterson Road. No portion or part of the pylons or footings shall encroach into the adjoining road reservation.
 12. The elevated pipe bridge shall provide the necessary clearances as required by Western Power, and where the structure crosses private road and rail infrastructure, minimum clearances are to be as required by the asset owner.
 13. A minimum of 3500 square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
 14. A revised Landscape Plan being submitted and approved by the City of Kwinana prior to lodgement of a building permit. The Landscape Plan must outline the proposed species, spacing of each species and location of vegetation, including mature/advanced species between the fence and the road boundary/verge and proposed reticulation layout. The Plan shall also specify number of plants to be used at the time of planting together with the anticipated height of each plant at maturity.
 15. Landscaping being provided within parking areas at a rate of one (1) tree per 5 bays to provide shade for parked cars and to soften the impact of paved car parking viewed from adjacent sites and roads.
 16. All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
 17. On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
 18. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
 19. The development shall be provided with an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
 20. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate treatment and disposal system.



21. Prior to the commencement of the development the proponent shall prepare and submit an Asbestos Management Plan for approval to the City of Kwinana.

2. Advice to Applicant

- 2.1 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.
- 2.2 Construction shall not be commenced until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a building permit in accordance with the Building Act 2011 and Building Regulations 2012.
- 2.3 The applicant is further advised that this is not a building permit to enable construction to commence. A building permit is a separate City of Kwinana requirement and construction cannot be commenced until a building permit is obtained.
- 2.4 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, Contaminated Sites Act 2003 and the National Construction Code.
- 2.5 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions and risk assessment from the development into the KIC cumulative noise and risk models.
- 2.6 The development shall comply with the requirements of the Dangerous Goods Safety Act 2004 and associated regulations and thereby require the approval of the Department of Mines and Petroleum.
- 2.7 The provision of an adequate water supply for firefighting purposes to the specification of the Department of Fire & Emergency Services, and to the satisfaction of the City of Kwinana.
- 2.8 The elevated pipe bridge shall provide a minimum clearance of 7.5 metres from the underside of the structure to the road surface where it crosses Kwinana Beach Road to the satisfaction of the City of Kwinana. Details to be provided prior to the commencement of construction.
- 2.9 The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.
- 2.10 The development shall comply with the ventilation requirements of the Australian Standard 1668 & Sewerage (Lighting, Ventilation and Construction) Regulations 1971 requirements for the classifications of building use.
- 2.11 The development shall comply with the Environmental Protection Authority Risk Criteria at all times.

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



8.2 Property Location:	10 Lot 4 Edeline Street, Spearwood
Application Details:	Partial Demolition of a Heritage Dwelling and Construction of 19 Multiple Dwellings
Applicant:	TPG
Owner:	Red Beetle Investments Pty Ltd
Responsible authority:	City of Cockburn
DoP File No:	DAP/14/00634

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Birch

Seconded by: Mr Nicholson

That the Metropolitan South West Joint Development Assessment Panel resolves to:

Approve the Development Assessment Panel Application (DAP14/015) and accompanying amended plans (dated received 25 September 2014) for the partial demolition of a heritage dwelling and construction of 19 multiple dwellings at No. 10 Edeline Street, Spearwood, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. An archival record shall be submitted to and approved by the City for the place in accordance with the Heritage Council of Western Australia's 'Archival Recording of Heritage Places: Standard Brief and Standard Form (non-registered places)', **prior to the lodgement of a Demolition Permit** with the City.
2. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction **prior to the submission of a Building Permit application** for the development. The details as agreed by the City are to be implemented in the development.
3. **Prior to the submission of a Building Permit application** for the dwellings, the submission of a revised detailed Landscape Plan for assessment and approval by the City is required. The Landscape Plan shall include the following:
 - a) The location, number and type of proposed planting;
 - b) The size of selected species at planting and maturity;
 - c) Those areas to be reticulated or irrigated;
 - d) Details of any common area lighting; and
 - e) Verge treatments.
4. Landscaping is to be established and reticulated in accordance with the approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.



5. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction.
6. **Prior to the submission of a Building Permit application**, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
7. The surface finish of the boundary walls abutting the adjoining lots is to be either face brick or rendered the same colour as the external appearance of the development to the satisfaction of the City. In all instances, the work is to be of a high standard.
8. Bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 9 bicycle bays (7 for residents, 2 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval **prior to lodgement of a Building Permit application**.
9. The proposed crossovers must be located and constructed in accordance with the City's requirements.
10. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, and line marked in accordance with the approved plans to the satisfaction of the City. Car parking and access driveways shall be designed, constructed and maintained to comply with AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
11. The allocation of car parking bays to specific dwellings shall be reflected on any strata plan for the subject property to the City's satisfaction.
12. The required on-site residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
13. Walls, fences, and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
14. All stormwater being contained and disposed of on-site to the satisfaction of the City.
15. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
16. The building must clearly display the street number/s.



17. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building permit being obtained prior to construction.
18. **Prior to the submission of a Building Permit application**, a Construction Management Plan is to be submitted to and approved by the City and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
19. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
20. Provisions identified in the Waste Management Plan approved by the City, dated received 26 June 2014, which include recycling measures and management of residential waste, shall be implemented and maintained thereafter to the satisfaction of the City.
21. A detailed Dust Management Plan shall be submitted to and approved by the City, prior to any works commencing on-site and compliance with the plan must be achieved at all times during construction.
22. The four (4) vehicle parking spaces identified within the Edeline Street verge area shall be sealed, kerbed, drained and line marked at the developer's cost in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
23. The existing tower associated with the heritage dwelling shall be maintained as per the plans submitted. **Prior to the submission of a Building Permit application**, detailed plans shall be submitted to and approved by the City showing details of the existing tower including the existing windows and red brick feature of the current tower being maintained, roofed and used as part of the development.

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. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health, and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a Building Permit is required.
3. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition 6 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 6.3 of the City of Cockburn's Town Planning Scheme No. 3.
4. With regard to condition 2, the colour and materials for the front façade of the development and fencing, is to reflect the colour and materials of the heritage tower that is being retained on-site.



5. With regard to condition 7, the surface finish of the boundary walls of the adjoining lots should be to the satisfaction of the adjoining landowner and to be completed as part of the building permit. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the City.
6. With regard to Condition 10, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
7. With regard to condition 14, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
8. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
9. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.
10. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011. 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. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov.au to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being drawn up.

AMENDING MOTION 1

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

That condition 23 be modified to include "*Interpretive plaque as per Palassis' advice to Council be installed*" to read:

*The existing tower associated with the heritage dwelling shall be maintained as per the plans submitted. **Prior to the submission of a Building Permit application**, detailed plans shall be submitted to and approved by the City showing details of the existing tower including the existing windows and red brick feature of the current tower being maintained, roofed and used as part of the development. Interpretive plaque as per*



Palassis' advice to Council be installed.

REASON: To address Council's concerns around heritage aspects of the site being lost.

The Amending Motion was put and CARRIED (3/2).

For: Mr Birch, Mr Nicholson, Mr Gray
Against: Cr Bart Houwen, Cr Carol Reeve-Fowkes

AMENDING MOTION 2

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

That condition 9 be modified to exclude "*located and*" to read:

The proposed crossovers must be constructed in accordance with the City's requirements.

REASON: Unnecessary as the location is identified in the approved plans.

The Amending Motion was put and CARRIED (3/2).

For: Mr Birch, Mr Nicholson, Mr Gray
Against: Cr Bart Houwen, Cr Carol Reeve-Fowkes

AMENDING MOTION 3

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

That footnote 6 be deleted.

REASON: Footnote is addressed in Condition 10.

The Amending Motion was put and CARRIED (3/2).

For: Mr Birch, Mr Nicholson, Mr Gray
Against: Cr Bart Houwen, Cr Carol Reeve-Fowkes

AMENDING MOTION 4

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

That Footnote 5 be modified from "*With regard to condition 7, the surface finish of the boundary walls of the adjoining lots should be to the satisfaction of the adjoining landowner and to be completed as part of the building permit. In the event of a dispute*" to "*With regard to condition 7, in the event of a dispute*" to read:

With regard to condition 7, in the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the City.

REASON: To prevent duplication of standards in Condition 7 and Footnote 5.



The Amending Motion was put and CARRIED (3/2).

For: Mr Birch, Mr Nicholson, Mr Gray
Against: Cr Bart Houwen, Cr Carol Reeve-Fowkes

AMENDING MOTION 5

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

That Condition 6 be modified from “arrangements being made to the satisfaction of the Chief Executive Officer” to “arrangements being made to the satisfaction of the City” to read:

Prior to the submission of a Building Permit application, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.

REASON: Approval should refer to the City not an officer.

The Amending Motion was put and CARRIED (3/2).

For: Mr Birch, Mr Nicholson, Mr Gray
Against: Cr Bart Houwen, Cr Carol Reeve-Fowkes

AMENDING MOTION 6

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

That Condition 15 be moved from Condition to Footnote.

REASON: It is an advice, not a condition.

The Amending Motion was put and CARRIED (3/2).

For: Mr Birch, Mr Nicholson, Mr Gray
Against: Cr Bart Houwen, Cr Carol Reeve-Fowkes

PRIMARY MOTION (AS AMENDED)

That the Metropolitan South West Joint Development Assessment Panel resolves to:

Approve the Development Assessment Panel Application (DAP14/015) and accompanying amended plans (dated received 25 September 2014) for the partial demolition of a heritage dwelling and construction of 19 multiple dwellings at No. 10 Edeline Street, Spearwood, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. An archival record shall be submitted to and approved by the City for the place in accordance with the Heritage Council of Western Australia’s ‘Archival Recording of Heritage Places: Standard Brief and Standard Form (non-



- registered places)', **prior to the lodgement of a Demolition Permit** with the City.
2. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction **prior to the submission of a Building Permit application** for the development. The details as agreed by the City are to be implemented in the development.
 3. **Prior to the submission of a Building Permit application** for the dwellings, the submission of a revised detailed Landscape Plan for assessment and approval by the City is required. The Landscape Plan shall include the following:
 - f) The location, number and type of proposed planting;
 - g) The size of selected species at planting and maturity;
 - h) Those areas to be reticulated or irrigated;
 - i) Details of any common area lighting; and
 - j) Verge treatments.
 4. Landscaping is to be established and reticulated in accordance with the approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
 5. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction.
 6. **Prior to the submission of a Building Permit application**, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
 7. The surface finish of the boundary walls abutting the adjoining lots is to be either face brick or rendered the same colour as the external appearance of the development to the satisfaction of the City. In all instances, the work is to be of a high standard.
 8. Bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 9 bicycle bays (7 for residents, 2 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval **prior to lodgement of a Building Permit application**.
 9. The proposed crossovers must be constructed in accordance with the City's requirements.
 10. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, and line marked in accordance with the approved plans to the satisfaction of the City. Car parking and access driveways shall be designed,



- constructed and maintained to comply with AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
11. The allocation of car parking bays to specific dwellings shall be reflected on any strata plan for the subject property to the City's satisfaction.
 12. The required on-site residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
 13. Walls, fences, and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
 14. All stormwater being contained and disposed of on-site to the satisfaction of the City.
 15. The building must clearly display the street number/s.
 16. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building permit being obtained prior to construction.
 17. **Prior to the submission of a Building Permit application**, a Construction Management Plan is to be submitted to and approved by the City and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
 18. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
 19. Provisions identified in the Waste Management Plan approved by the City, dated received 26 June 2014, which include recycling measures and management of residential waste, shall be implemented and maintained thereafter to the satisfaction of the City.
 20. A detailed Dust Management Plan shall be submitted to and approved by the City, prior to any works commencing on-site and compliance with the plan must be achieved at all times during construction.
 21. The four (4) vehicle parking spaces identified within the Edeline Street verge area shall be sealed, kerbed, drained and line marked at the developer's cost in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
 22. The existing tower associated with the heritage dwelling shall be maintained as per the plans submitted. **Prior to the submission of a Building Permit application**, detailed plans shall be submitted to and approved by the City showing details of the existing tower including the existing windows and red brick



feature of the current tower being maintained, roofed and used as part of the development. Interpretive plaque as per Palassis' advice to Council be installed.

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. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health, and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a Building Permit is required.
3. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition 6 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 6.3 of the City of Cockburn's Town Planning Scheme No. 3.
4. With regard to condition 2, the colour and materials for the front façade of the development and fencing, is to reflect the colour and materials of the heritage tower that is being retained on-site.
5. With regard to condition 7, in the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the City.
6. With regard to condition 14, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
7. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
8. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.
9. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011. 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. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov.au to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being drawn up.



11. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.

The Primary Motion (as amended) was put and CARRIED (3/2).

For: Mr Birch, Mr Nicholson, Mr Gray
Against: Cr Bart Houwen, Cr Carol Reeve-Fowkes

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

- 9.1** Property Location: Lot 191 Paparone Road and Lot 191 Leary Road, Baldivis
Application Details: Amendment to DAP Planning Approval for Freeway Service Centres
Applicant: Rowe Group
Owner: BP Australia Pty Ltd
Responsible authority: City of Rockingham
DoP File No: DP/12/01384

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Stewart **Seconded by:** Cr Smith

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 dated 30 September 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 date 30 September 2014 and accompanying:
 - Title Sheet, Drawing No.SK06745-A100, Revision 7, dated 20 October 2014;
 - Overall Site Plan, Drawing No.SK-6745-A101, Revision 5, dated 20 October 2014;
 - Site Plan - Southbound, Drawing No. SK-06745-A103, Revision 7, dated 20 October 2014;
 - Site Plan - Northbound, Drawing No. SK-06745-A104, Revision 4, dated 15 September 2014;
 - Building Floor Plan - Northbound/Southbound, Drawing No. SK-06745-A105, Revision 3, dated 15 September 2014;
 - MID Elevation, Drawing No. SK-06745-A111, Revision 5, dated 20 October 2014;
 - Southbound B-Triple Tanker Paths, Drawing No. SK-06745-A113, Revision 3, dated 20 October 2014; and
 - Northbound Vehicle Tanker Paths, Drawing No. SK-06745-A112, Revision 4, dated 15 September 2014;



in accordance with the provisions of the City of Rockingham Town Planning Scheme No. 2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved Freeway Service Centres at Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, subject to:

Amended Conditions

6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road and Lot 191 Paparone Road shall be designed and constructed to be at least 5.04 m AHD.
7. Deleted
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 issue of a Building Permit;
 - (ii) include two car parking spaces 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; and
 - (iii) be constructed, sealed, kerbed, drained, floodlit and marked prior to the development being occupied and maintained thereafter.

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

12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Permit and implemented as such for the duration of the development.
13. Deleted
16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of 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 waste 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;
 - (iv) frequency of bin collections; and
 - (v) a recycling strategy.

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

19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to issue of a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation



measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.

20. Access to the development during operation must only be from the Kwinana Freeway. All construction traffic access must be from either Paparone Road or Leary Road. Prior to construction works commencing, a Traffic Management Plan must be approved by the City of Rockingham.
21. Deleted
26. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

Advice Notes

- (iii) Deleted
- (xiii) Approval from Main Roads Western Australia is required for all works within the Kwinana Freeway road reserve.

All other conditions and requirements detailed on the previous approval dated 8 February 2013 shall remain unless altered by this application.

The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.

9.2 Property Location:	Lot 34 (8) Point Street, Fremantle
Application Details:	Variation to previous Planning Approval for DAP/80008/13 (DP/13/00872) (currently proposed – Demolition of existing Buildings and Public Car Park and Construction of a Seven (7) Storey Mixed Use (152 Hotel Rooms, 111 Multiple Dwellings, Shop & Restaurant) with 3 Basements of Car Park Development)
Applicant:	Design Inc. Perth
Owner:	Sks Land Pty Ltd
Responsible authority:	City of Fremantle
DoP File No:	DP/13/00872

ALTERNATE RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Birch

Seconded by: Cr Strachan

Determination of the application be deferred until no later than 30 January 2015, to allow the CoF to review and provide a further report on proposed amendments to the plans for basement car parking and ground floor tenancy arrangements, put forward by the applicants in their deputation to the JDAP.

REASON: The applicant was unable to show plans with mark ups for the JDAP to approve.



The Alternate 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 11:49am.