



Metro South-West Joint Development Assessment Panel Agenda

Meeting Date and Time: Wednesday, 30 November 2016; 9.00am
Meeting Number: MSWJDAP/ 119
Meeting Venue: Department of Planning
140 William Street, Perth

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Stacey Towne (Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Dennis Wood (Local Government Member, City of Kwinana)
Cr Ruther Alexander (Local Government Member, City of Kwinana)
Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

Mr Brenton Scambler (City of Kwinana)
Mr Greg Delahunty (City of Rockingham)
Mr Neels Pretorius (City of Rockingham)

Department of Planning Minute Secretary

Ms Dallas Downes (Department of Planning)

Applicants and Submitters

Ms Kym Petani (GHD)
Mr Sean Fairfoul (Rowe Group)
Ms Stephanie Norgaard (Urbis)

Members of the Public

Nil

1. Declaration of Opening

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

2. Apologies

Cr Kelly McManus (Local Government Member, City of Rockingham)

3. Members on Leave of Absence

Nil



4. Noting of Minutes

The Minutes of the Metro South-West JDAP Meeting No.118 held on 25 November 2016 were not available at time of Agenda preparation.

5. Declarations of Due Consideration

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

6. Disclosure of Interests

Nil

7. Deputations and Presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Applications

Nil

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

- | | | |
|------------|------------------------|--|
| 9.1 | Property Location: | Part Lot 9002 Port Road, Kwinana Beach |
| | Application Details: | Proposed General Industry – Bitumen Storage, Processing and Distribution Facility |
| | Applicant: | GHD Pty Ltd (on behalf of SAMI Bitumen Technologies Pty Ltd) |
| | Owner: | WA Land Authority – LandCorp |
| | Responsible authority: | City of Kwinana |
| | DoP File No: | DAP/15/00924 |
| 9.2 | Property Location: | Lot 2003 Secret Harbour Boulevard and Lots 2010 & 2013 Oneida Road, Secret Harbour |
| | Application Details: | Amendment to JDAP Development Approval for Additions and Alterations to Secret Harbour Shopping Centre |
| | Applicant: | Rowe Group Pty Ltd |
| | Owner: | Perpetual Limited |
| | Responsible authority: | City of Rockingham |
| | DoP File No: | DAP/14/00649 |
| 9.3 | Property Location: | Lot 61 (No.37) & Lot 62 (No.39) Council Avenue, Rockingham |
| | Application Details: | Mixed Use Development (99 Residential Apartments and 2 Ground Floor Retail Shops) |
| | Applicant: | Urbis Pty Ltd |
| | Owner: | Rockingham No 1 Pty Ltd |
| | Responsible authority: | City of Rockingham |
| | DoP File No: | DAP/14/00523 |



10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Closure

In accordance with Standing Order 7.3 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.



Form 2 - Responsible Authority Report (Regulation 17)

Property Location:	Part Lot 9002 Port Road, Kwinana Beach
Application Details:	Proposed General Industry – Bitumen Storage, Processing and Distribution Facility
DAP Name:	METRO SOUTH – WEST
Applicant:	GHD Pty Ltd (on behalf of SAMI Bitumen Technologies Pty Ltd)
Owner:	WA Land Authority – LandCorp
LG Reference:	DA8470-03
Responsible Authority:	City of Kwinana
Authorising Officer:	Jessica Birbeck – Planning Officer
Department of Planning File No:	DAP/15/00924
Report Date:	12 October 2016
Application Receipt Date:	4 October 2016
Application Process Days:	60 Days
Attachment(s):	1: Location Plan 2: 245638 – 000 – DRG – LA – 0038 - Rev D – Site Plan 3: 245638 – 000 – DRG – LA – 0022 - Rev D – Site Overview

Recommendation:

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

1. Accept that the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 4 October 2016 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. Approve the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 4 October 2016 and accompanying plans '245638 – 000 – DRG – LA – 0038 - Rev D' & '245638 – 000 – DRG – LA – 0022 - Rev D' in accordance with the provisions of the City of Kwinana Town Planning Scheme No. 2 and the Metropolitan Region Scheme for the proposed minor amendment to the approved General Industry – Bitumen Storage, Processing and Distribution Facility on Part Lot 9002 Port Road, Kwinana Beach, subject to the conditions and advice notes of the 8 July 2016 approval.

Background

Property Address:	Part Lot 9002 Port Road, Kwinana Beach
Zoning	MRS: Special Industry
	TPS: General Industry
Use Class:	General Industry – Bitumen Storage, Processing and Distribution Facility
Strategy Policy:	City of Kwinana Local Planning Policy (LPP) - Development within Industrial Zones
Development Scheme:	City of Kwinana Town Planning Scheme No.2

Lot Size:	2.4815 hectares (proposed lease area)
Existing Land Use:	Vacant
Value of Development:	\$42 million

The Metro South-West Joint Development Assessment Panel (JDAP) at its meeting held on 13 January 2016 approved an application for a proposed General Industry – Bitumen Storage, Processing and Distribution Facility for SAMI Bitumen Technologies (SAMI) on Lot 9002 Port Road, Kwinana Beach. The approval was issued on the 2.4815 hectare western portion leased area. The development has not yet commenced. The lease areas are shown in Attachment 1 of this report.

SAMI subsequently entered into a joint venture (JV) agreement with the neighbouring lease holder, Puma Energy, to share three storage tanks across the adjoining two leasehold sites. An amended application was submitted to accommodate the changes. The application was conditionally approved by the JDAP on 8 July 2016.

The applicant now submits an amended application for minor alterations to the site layout and storage facilities.

Proposal

The proponent seeks to relocate its existing bitumen storage and processing facility in North Fremantle to a 2.4815 hectare leased portion of Lot 9002 Port Road, Kwinana Beach. The application states that bitumen will be imported from bulk bitumen carriers moored at the Kwinana Bulk Jetty and transferred to site via the existing services pipeline to storage tanks located on-site. The bitumen will be processed on-site and transferred into road tankers, via new road tanker loading bays. It is noted that the processing of bitumen on site is only limited to the introduction of additives to the bitumen to produce a range of Polymer Modified Bitumen (PMB), specialty and standard grade bitumen emulsion.

The following operational activities will be undertaken on the site;

- Importing of bitumen via cargo ships utilising the Kwinana Bulk Jetty and transferred to the site through an existing services pipeline, for final storage in two feed storage tanks;
- Delivery of smaller quantities of chemicals and additives via road tankers and isotainers and storage on site;
- Processing of bitumen to supply a range of PMB, specialty and standard grade bitumen emulsion; and
- Operation of double bay truck loading gantry.

The applicant advises that loading operations at the site are proposed to be run 24 hours per day, 365 days per year. The applicant's Traffic Assessment Report predicts that the development will generate up to 7 to 10 truck movements in and out per day. The report notes that the peak operation hours are 4am - 10am and 3pm – 6pm. It is anticipated that there will be a total of 13 staff on-site.

Summary of proposed changes

The proposed changes to the development are as follows:

1. Replacement of two 500mt tanks with four 150mt storage and blending tanks and relocation of another four 150mt day tanks;

Given the above, City Officers are satisfied that the proposed changes do not alter the conclusion of the original QRA that stipulates that Location Specific Individual Fatality Risk contours remain within the site boundary.

The proponent submitted a Hazard Assessment Map (Figure 1 below) showing the risk contours remaining within the property boundary.

It is considered that with the proposed measures and controls put in place, the development meets the acceptable risk criteria levels. The development will be subject to licensing and dangerous goods legislation controlled by the Department of Mines and Petroleum.

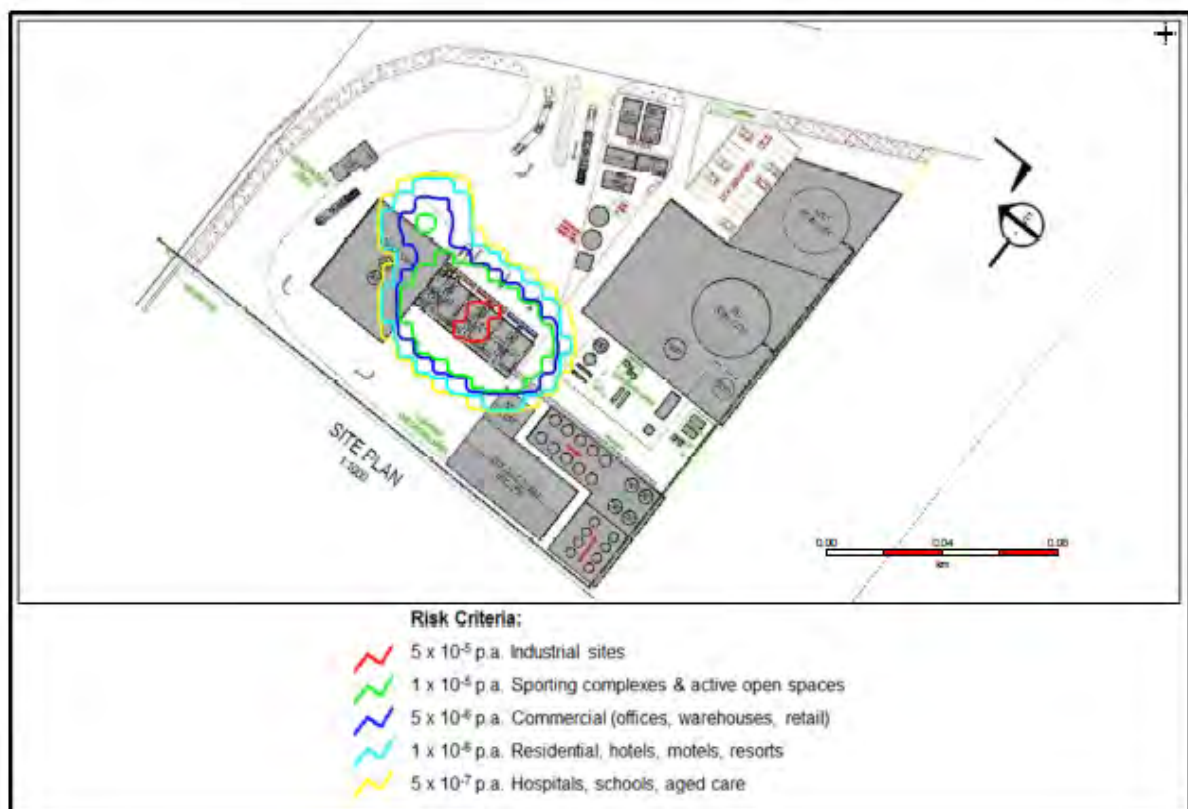


Figure 1 – Hazard Assessment Contours

Traffic Assessment

A traffic impact assessment was undertaken to support the previous development applications. The proposed amendments do not modify any access points or impact on traffic flows, therefore the conclusions made within the original and reassessed traffic impact report are considered to remain valid.

Legislation & Policy:

Legislation

The proposed development is subject to a range of licences and regulations applying to industry in Western Australia. A summary of the key legislation, regulations or local laws relevant to the application is listed below:

- *Contaminated Sites Act, 2003*
- *Dangerous Goods Safety Act, 2004* and Regulations
- *Environmental Protection Act, 1986* and relevant Regulations
- *Health Act, 1911*
- Kwinana Environmental Protection (Atmospheric Waste) Policy 1992 including 1999 amendment Regulations
- State Environmental (Cockburn Sound) Policy 2005
- *Planning and Development Act, 2005*
- City of Kwinana, Local Planning Scheme No. 2 and Local Planning Policies

State Government Policies

State Planning Policy 4.1 – State Industrial Buffer Policy

State Planning Policy 2.6 – State Coastal Planning Policy and associated Position Statement

Local Planning Policies

Local Planning Policy – Development within the Cockburn Sound Catchment

Local Planning Policy – Development within Industrial Zones.

Consultation:

The proposal represents a “P” use within the context of the requirements of TPS No.2 and therefore is not required to be advertised.

The amended application was not advertised to any referral agencies or adjoining land owners as it is not required under TPS No.2 and the changes are considered minor and do not change the intent of the development.

The Department of Environment Regulation (DER) has classified the land as *possibly contaminated – investigation required* under the Contaminated Sites Act 2003, and as such, there is a memorial on the Certificate of Title for the subject land.

Lot 9002 Kwinana Beach Road was subject to an overall preliminary site investigation in 2008, which indicated that potential Asbestos Containing Material from fly tipping was removed from the site in 2006. The DER has since reported however, that evidence to confirm whether the remedial works undertaken in 2006 were successful in removing all asbestos materials is yet to be submitted or confirmed.

The DER have previously commented (Puma Energy's recent application DAP/14/00615 on the same lot for a similar development) that the site is capable of supporting the industrial development, however should be required under the Contaminated Sites Act, 2003 to prepare an Asbestos Management Plan to address the potential risks to site workers during the construction period. Subject to the preparation and submission of the abovementioned management plan, the DER would not recommend any contaminated sites related conditions.

Conclusion:

Upon assessment of the development against the objectives and requirements of TPS No.2, it is considered that the amended application can be approved subject to the conditions of the DAP approval granted on the 8 July 2016. The development

largely complies with the requirements of TPS 2 and represents effective use of currently underutilised industrial land within the KIA.

The conditions of approval granted by the JDAP on the 8 July 2016 are as follows:

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. A minimum of 1240 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.
3. 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.
4. 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.
5. 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.
6. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
7. A minimum of 13 vehicle parking bays are to be provided in the area defined on the approved development plans in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation of the development to the satisfaction of the City of Kwinana.
8. All vehicle parking to be accommodated within the boundaries of the subject lot.
9. 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.
10. 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.
11. A detailed Landscaping Plan which outlines the proposed species and densities of plants to be used at the time of planting together with the anticipated height of each plant at maturity, spacing of each species and location of existing vegetation, the use of mature/advanced species between

the existing security fence and the road boundary/verge, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to commencement of construction. The landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.

12. 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.
13. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act and Cockburn Sound Management Council requirements.
14. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
15. The development shall be connected to an adequate potable water supply in accordance with the standards required by the *National Health and Medical Research Council Australian Drinking Water Guidelines, 2004*.
16. 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.
17. Prior to the commencement of the development the proponent shall prepare and submit to the City of Kwinana for approval an Asbestos Management Plan which has been reviewed by a WA Accredited Contaminated Sites Auditor. The plan shall be implemented during the construction period.
18. Within 14 days of commissioning of the Plant operations, the proponent shall provide to the City of Kwinana, certification from a suitably qualified acoustic consultant that the noise emissions resulting from the operations on the site comply with Environment Protection Act and Regulations. The certification shall demonstrate that the plant complies with Environmental Protection (Noise) Regulations 1997 from time of commencement of operations through to maximum throughput capacity.
19. The proponent shall ensure odour emissions from the site do not cause nuisance odour at sensitive premises as determined under the nuisance provisions of the Health Act.

2. Advice to Applicant

- 2.1 The applicant is advised that planning approval is required from the City of Kwinana for all future development prior to the commencement of works or alteration of land use.
- 2.2 Construction should not be commenced for the components of the development which require building approval 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*.

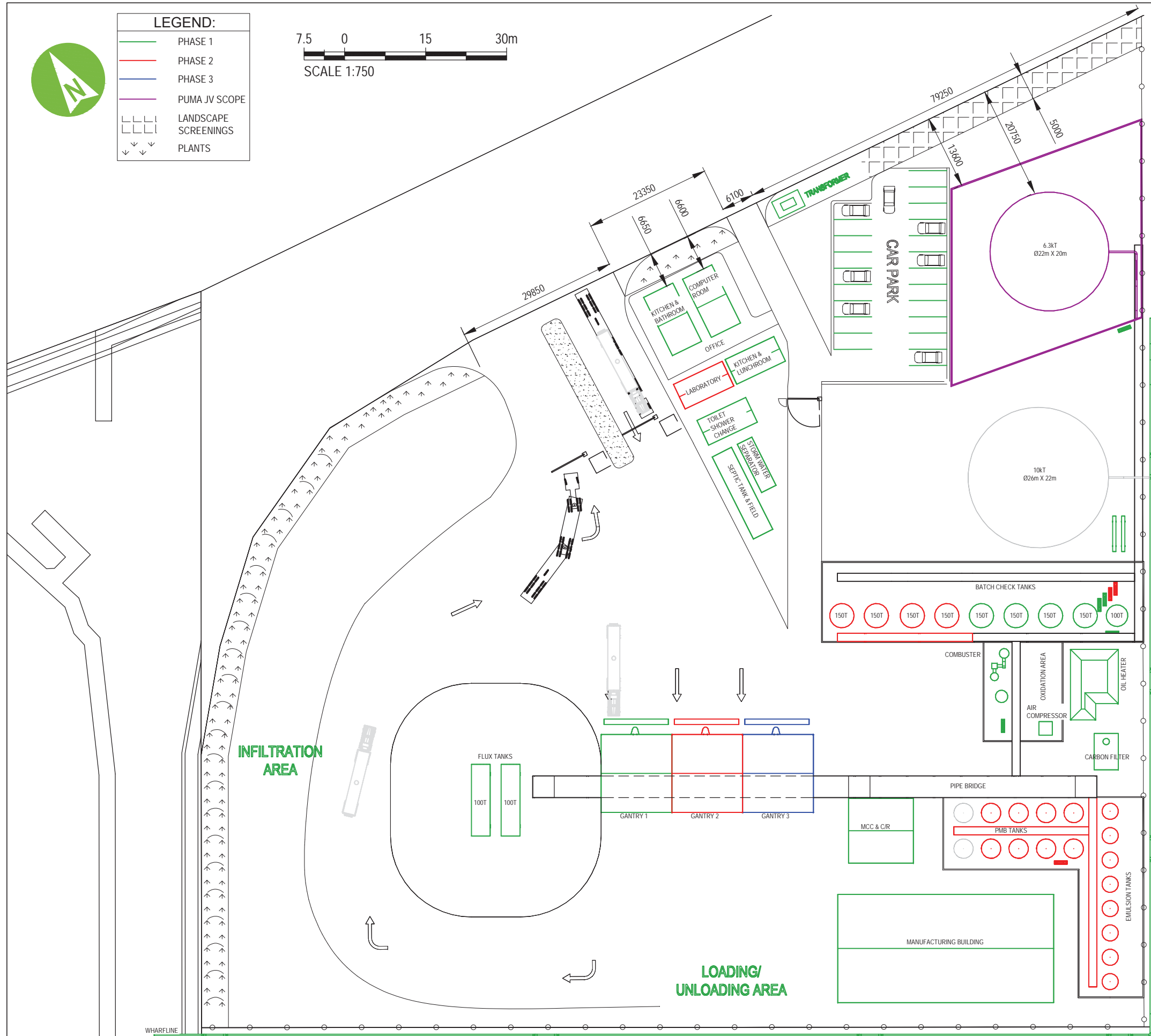
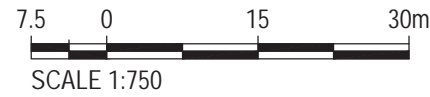
- 2.3 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003, Kwinana Environmental Protection (Atmospheric Waste) Policy 1999.
- 2.4 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.5 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.
- 2.6 The development shall comply with the Department of Environment Regulation Works Approval and Licence conditions.
- 2.7 The provision of an adequate water supply for fire fighting purposes to the specification of the Department of Fire & Emergency Services, and to the satisfaction of the City of Kwinana.
- 2.8 Where an approval has so lapsed, no development shall be carried out without further approval having first been 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 *Planning and Development (Development Assessment Panels) Regulations 2011*.

LOCATION PLAN – SAMI & PUMA LEASE AREAS





LEGEND:	
—	PHASE 1
—	PHASE 2
—	PHASE 3
—	PUMA JV SCOPE
LLLL	LANDSCAPE
LLLL	SCREENINGS
↓ ↓ ↓	PLANTS



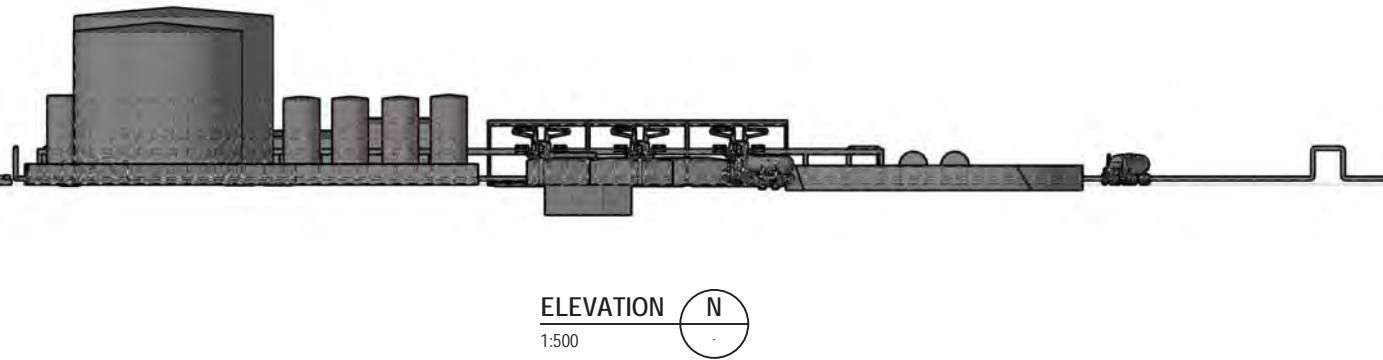
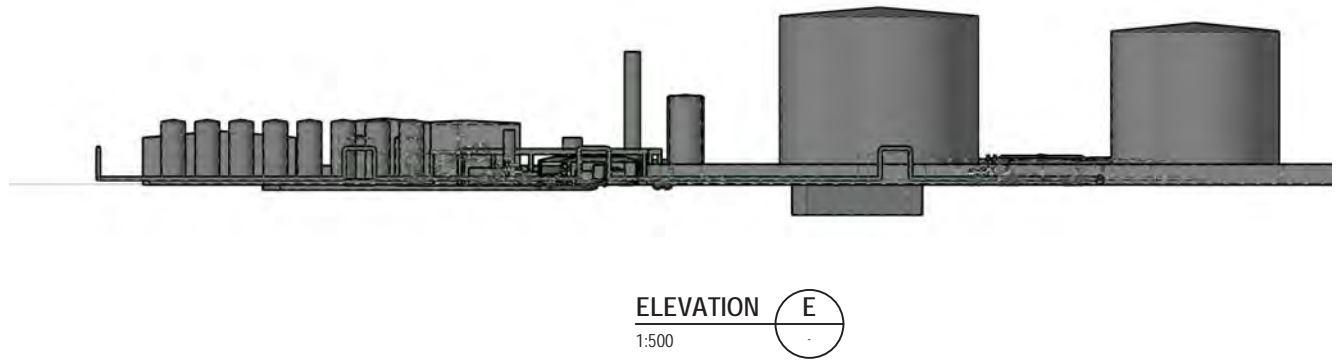
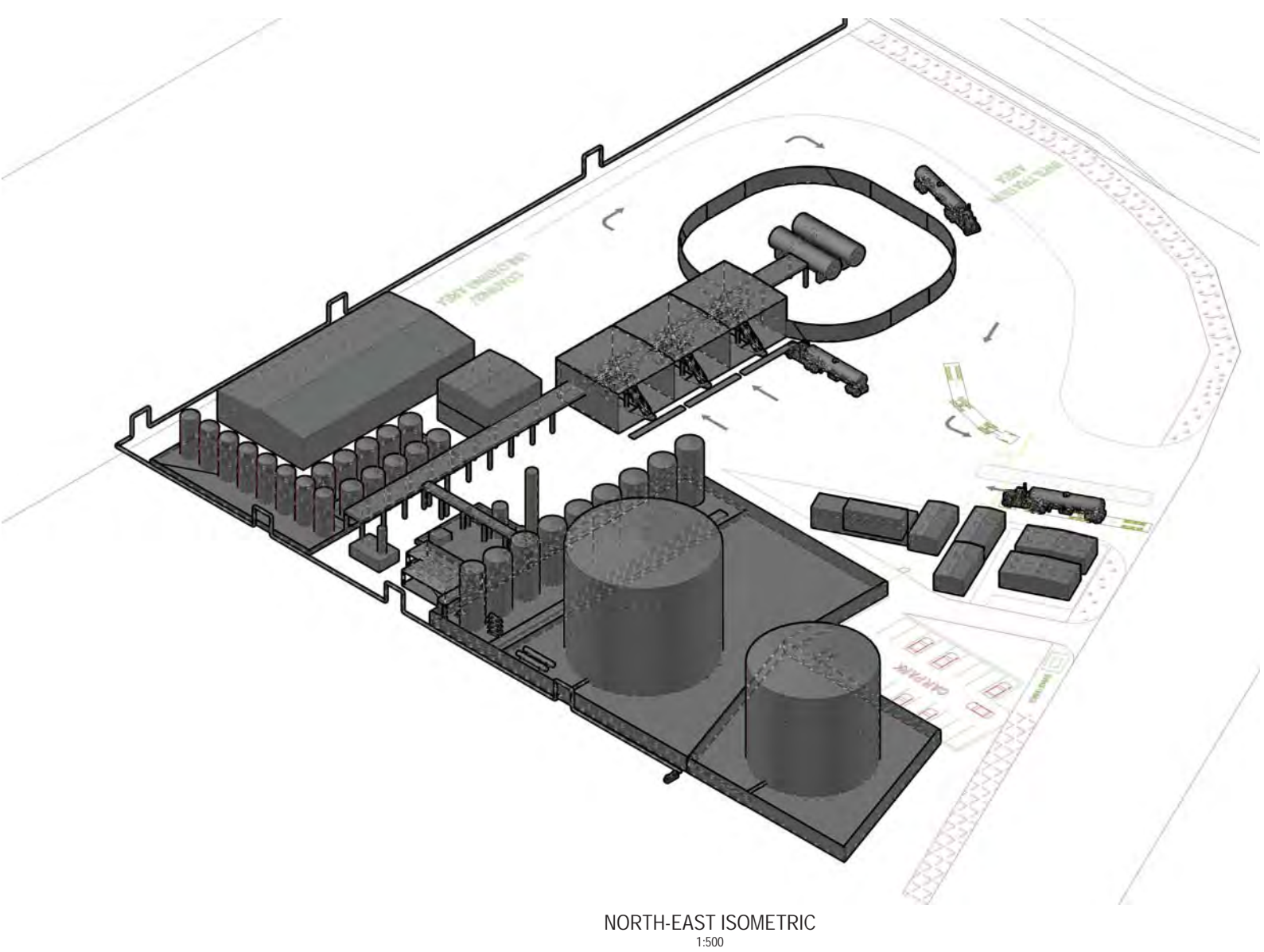
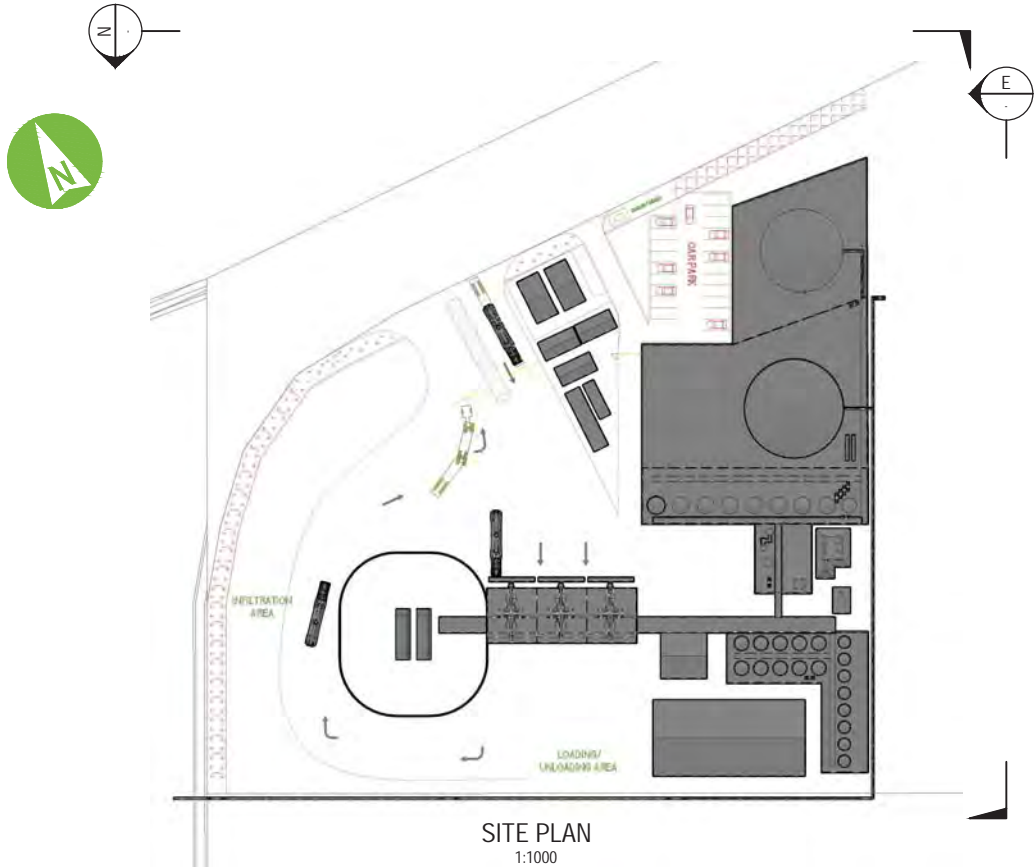
LEASE 1, LOT 9002 ON DP68876,
KWINANA BEACH ROAD, KWINANA

REV	DATE	REVISION DETAILS	APPROVED
A	29.04.16	ISSUED FOR DA	M. KERR
B	12.07.16	RE-ISSUED FOR DA	S. HOLM
C	16.08.16	ROAD CROSSINGS DIMENSIONED	M. KERR
D	23.08.16	RE-ISSUED FOR DA	M. KERR

SCALE	1:750	SIZE	A3
DRAWN	L. AXTEN-RICE		
DESIGNED	S. HOLM		
CHECKED	M. KERR		

PRELIMINARY NOT FOR CONSTRUCTION	
APPROVED	DATE 23.08.16
M. KERR	

PROJECT	KWINANA BITUMEN TERMINAL PROJECT SAMI BITUMEN					
TITLE	SITE PLAN FOR DA APPROVAL					
DRAWING No.	PROJECT No.	WBS	TYPE	DISC	NUMBER	REV
	245638	- 0000	- DRG	- 1A	- 0038	- D



LEASE 1, LOT 9002 ON DP68876,
KWINANA BEACH ROAD, KWINANA

REV	DATE	REVISION DETAILS	APPROVED	SCALE	SIZE	PRELIMINARY NOT FOR CONSTRUCTION	PROJECT	KWINANA BITUMEN TERMINAL PROJECT SAMI BITUMEN							
A	19.10.15	ISSUED FOR MASTER PLAN	V. WEBB	AS SHOWN	A1		APPROVED	TITLE	SITE OVERVIEW ALL STAGES						
B	20.10.15	RE-ISSUED FOR MASTER PLAN	V. WEBB	DRAWN											
C	27.04.16	ISSUED FOR DA	M. KERR	M. RANDELL											
D	23.08.16	RE-ISSUED FOR DA	M. KERR	DESIGNED											
				LAXTEN-RICE		M. KERR	DATE 23.08.16	DRAWING No.	PROJECT No.	WBS	TYPE	DISC	NUMBER	REV	
				CHECKED					245638	0000	DRG	LA	0022	D	
				J.PIETERSE											



Form 2 - Responsible Authority Report

(Regulation 17)

Property Location:	Lot 2003 Secret Harbour Boulevard and Lots 2010 & 2013 Oneida Road, Secret Harbour
Application Details:	Amendment to JDAP Development Approval for Additions and Alterations to Secret Harbour Shopping Centre
DAP Name:	Metro South-West JDAP
Applicant:	Rowe Group Pty Ltd
Owner:	Perpetual Limited
LG Reference:	DD020.2016.00000319.001
Responsible Authority:	City of Rockingham
Authorising Officer:	Bob Jeans, Director Planning & Development Services
Department of Planning File No:	DAP/14/00649
Report Date:	14 November 2016
Application Receipt Date:	1 September 2016
Application Process Days:	60 days
Attachment(s):	<ol style="list-style-type: none">1. Original JDAP Determination2. Second JDAP Determination3. Third JDAP Determination4. Fourth JDAP Determination5. Written Development Application Submission6. Development Plans7. Amended Site Plan (Drawing No.DA02 issue Q dated 27.10.2016)8. Intersection Concept Warnbro Sound Avenue and Oneida Road9. Traffic Justification for Intersection design10. Landscape Package11. Department of Planning Comments12. MRWA Comments September 201613. MRWA Comments February 2016

RECOMMENDATION:

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 date 01.09.2016 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the request for modifications to condition 14.
3. **Approve** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 date 01.09.2016 and accompanying plans:
 - Site Plan, Drawing No.DA02 issue Q dated 27.10.2016;

- Site Plan Car Park Shade Sales, Drawing No DA02.2 issue C, dated 30.08.2016;
- Entry Plan 1 - Townhall Square, Drawing No.DA03 Rev H, dated 30.08.2016;
- Entry Plan 2 - Drawing No.DA04 Rev F, dated 13.07.2015;
- Entry 3 Plan - Drawing No.DA04.1 Rev A, dated 13.07.2015;
- Entry 4 Plan, Drawing No.DA05 Rev G, dated 16.08.2016;
- Roof Plan, Drawing No.DA06 Rev H, dated 30.08.2016;
- Elevations, Drawing No.DA07 Rev H, dated 16.08.2016;
- Elevations, Drawing No.DA08 Rev I, dated 16.08.2016;
- Sections and Views, Drawing No.DA010 Rev G, dated 16.08.2016;
- Signage Plan External, Drawing No.DA011 Rev I, dated 16.08.2016;
- Signage External, Drawing No.DA012 Rev I, dated 16.08.2016; and
- Signage External, Drawing No.DA013 Rev I, dated 16.08.2016.

in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, subject to the approvals dated 18 February 2015, 12 October and 3 May 2016 and the following amended conditions 4 and 16 and additional condition 29:

4. Prior to occupation of the proposed development, engineering drawings and specifications and a full independent Road Safety Audit is to be completed for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue in accordance with Main Roads WA specifications, where applicable, and to the satisfaction of the City of Rockingham.

The intersection must only be upgraded to a signalised intersection should the applicant fail to demonstrate an alternative solution that is acceptable to the City of Rockingham and Main Roads WA.

16. Thirty-five (35) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant's expense.
29. Prior to issue of a Building Permit, plans and details for the proposed 1.2m high decorative screen must be submitted to and approved by the City of Rockingham. The screen must be installed prior to the occupation of the development and maintained in good condition for the duration of the development.

BACKGROUND:

Site Details:

Property Address:	Lot 2003 Secret Harbour Boulevard and Lots 2010 & 2013 Oneida Road, Secret Harbour
Zoning	MRS: Urban
	TPS: District Town Centre
Use Class:	Dry Cleaning Premises, Laundromat, Office, Restaurant, Shop
Strategy Policy:	
Development Scheme:	City of Rockingham Town Planning Scheme No.2
Lot Size:	Lot 2003 = 30,580m ² Lot 2010 = 27,493m ² Lot 2013 = 3,522m ²
Existing Land Use:	Lot 2003 = Shopping centre and petrol station Lot 2010 = vacant Lot 2013 = vacant
Value of Development:	\$30,000,000.00

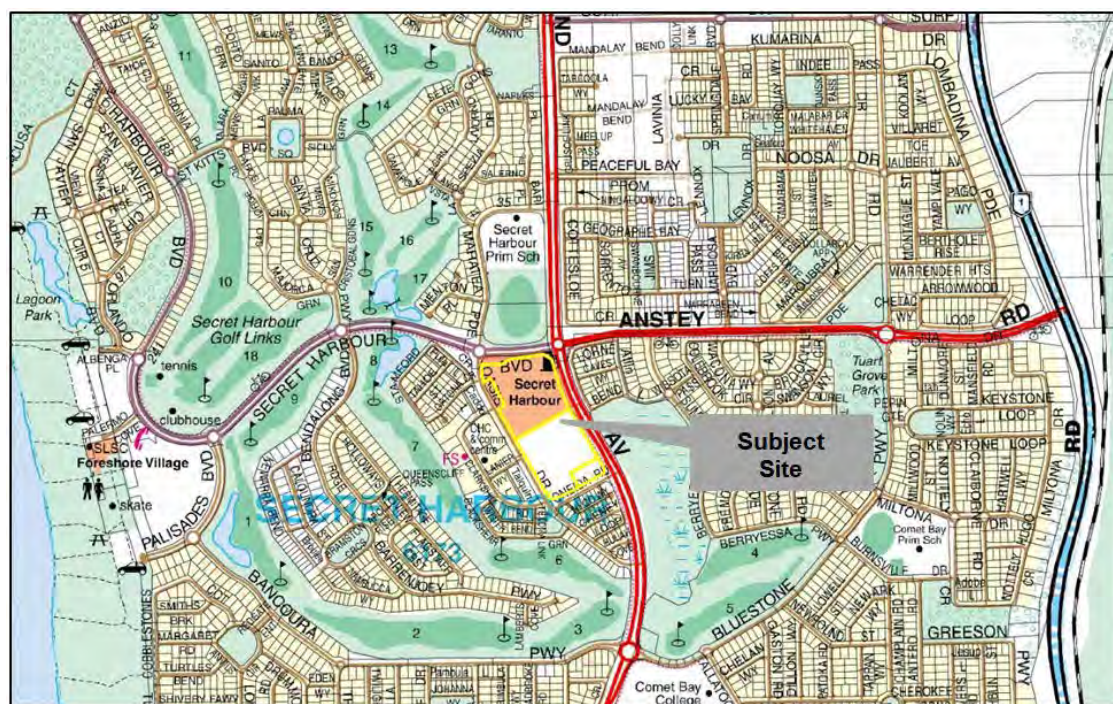


Figure 1 - Location Plan



Figure 2- Aerial Photo

History of Approvals:

The following outlines the history of Development Approvals on site:

- February 2005 - Development Approval issued - Stage 1 Shopping Centre
- September 2005 - Development Approval issued - Tavern and Drive Thru Bottle shop
- September 2006 - Subdivision Approval issued - to excise the Tavern from the Shopping Centre Site
- May 2007 - Development Approval issued - Service Station
- September 2007 - Development Approval issued - Two (2) pylon signs and associated signage (Caltex)
- October 2007 - Development Approval issued - revised Tavern design
- May 2009 - Modification to Development Approval issued - Alfresco Area of Tavern
- February 2015 - JDAP Development Approval issued - Extension to Secret Harbour Shopping Centre
- May 2015 - JDAP Development Approval issued - Fast Food Outlet (McDonalds)
- October 2015 - Modification to JDAP Development Approval issued - Extension to Secret Harbour Shopping Centre
- November 2015 - Modification to JDAP Development Approval (Form 2) issued - Fast Food Outlet (McDonalds)
- November 2015 - JDAP Development Approval issued - Shop (Liquor Store)

- January 2016 - Modification to JDAP Development Approval (Form 2) Refused - Extension to Secret Harbour Shopping Centre
- January 2016 - An application for review (appeal) was lodged with the State Administrative Tribunal (SAT) in relation to the refusal of the modified proposal including the proposed modified condition.
- May 2016 – Modification to JDAP Development Approval (Form 2) issued - Extension to Secret Harbour Shopping Centre (following invitation to reconsider decision from SAT).

Existing Site Improvements:

The existing Secret Harbour Shopping Centre is contained wholly within Lot 2003. It is a single storey building that contains 5,246m² of floor space. The Centre comprises one (1) supermarket (3,800m²), 1,620m² of specialty stores, and an associated car park containing 390 parking spaces.

A Caltex Service Station is located on the north eastern corner of Lot 2003.

The site has two (2) vehicular access points from Warnbro Sound Ave, one (1) from Secret Harbour Boulevard and two (2) from Oasis Drive.

The adjacent Lot 2002 contains the Whistling Kite Tavern and drive thru bottle shop. Site works for the Shopping Centre expansion commenced in February 2016.

A Fast Food Outlet (McDonalds) is located on Lots 2010 and 2013.

DETAILS: OUTLINE OF DEVELOPMENT APPLICATION

The application proposes to amend the JDAP Development Approval as outlined below and amending conditions 4, 14 and 16.

Modified Design

Oneida Road Entry/Exit

Existing on-street carparking bays adjacent to the intersection with Oneida Road are proposed to be removed (Figure 3).

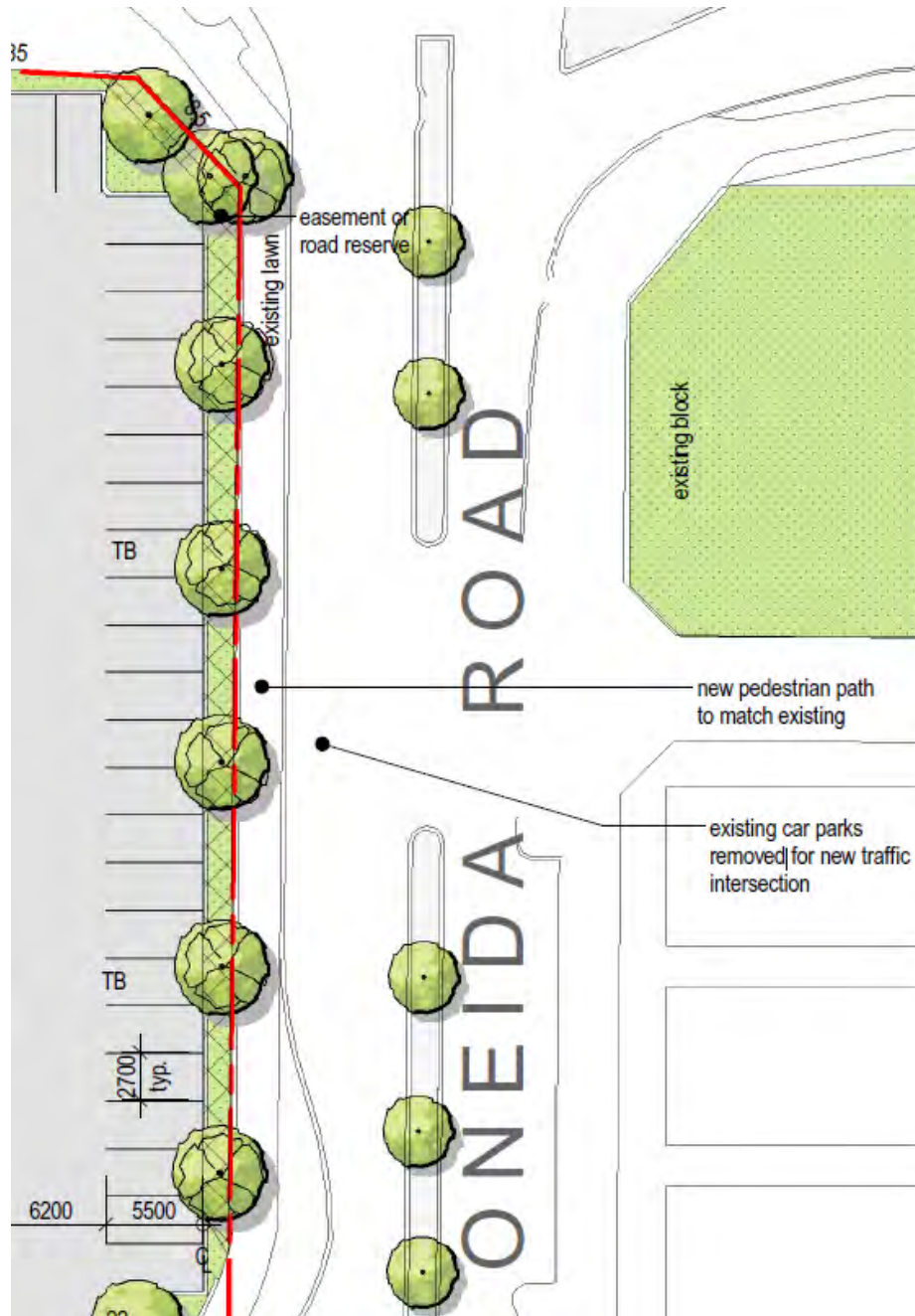


Figure 3 - On-street bays to be removed

Small Vehicle Bays

Four carparking bays are proposed to be designed as small vehicles bays to avoid conflict with service vehicles utilised the Coles loading dock (Figure 4).

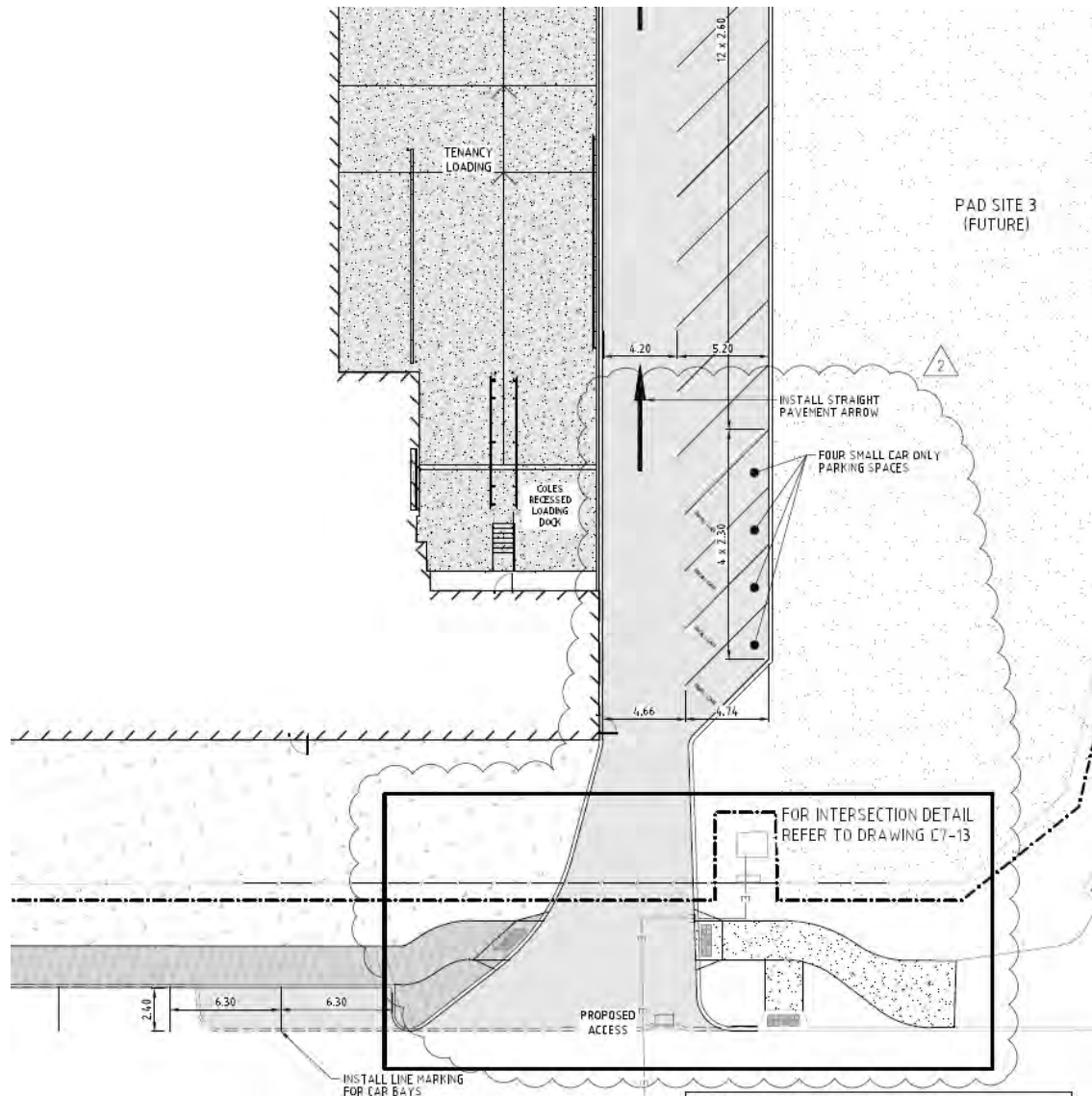


Figure 4 - Small Car Bays

ALDI Loading Dock Wall Height Increase and Signage

The wall height of the loading dock that fronts the main vehicle entrance from Warnbro Sound Avenue is proposed to be increased in height to provide additional screening of the loading bay (Figure 5). Four walls signs are proposed to be incorporated onto this feature screen wall.



Figure 5 - Additional Wall Height to Loading Bay and Signage

Expanded Canopy

The existing canopy over the post office boxes at the north east entrance to the centre is proposed to be extended to adequately cover the post office boxes.

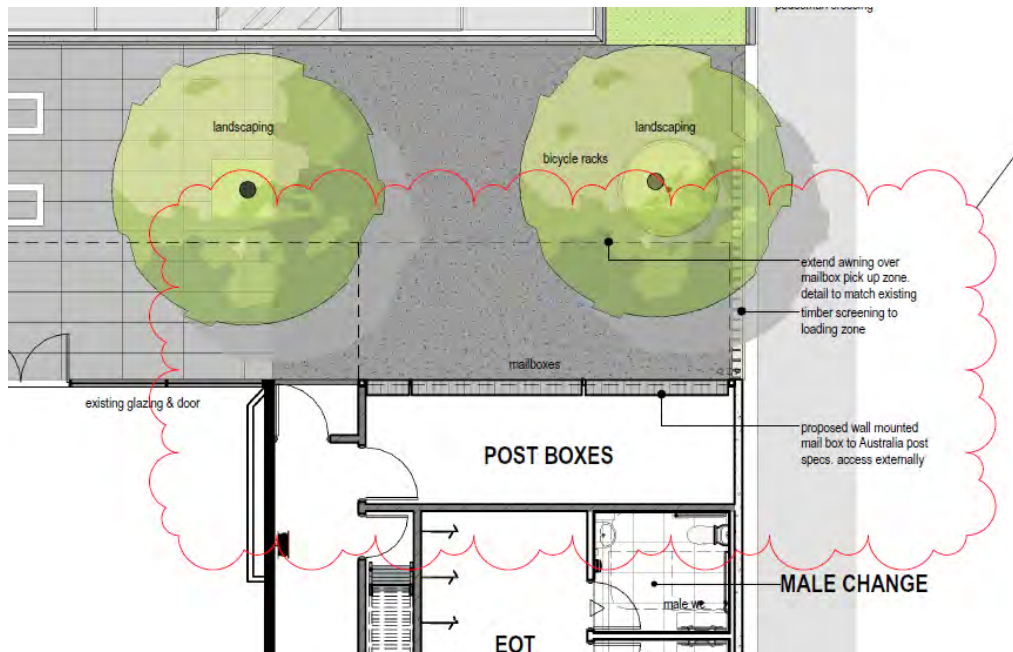


Figure 6 - Extended Canopy Cover

McDonald's Drive-Thru Screening

A 1.2m high metal screen and associated landscaping is proposed to be included along a portion of the boundary adjacent to Oneida Road in front of the drive-thru.



Figure 7 – Location of 1.2m McDonalds Screen

Landscaping

The application proposes the following changes to the approved landscaping plan:

- Entry 1 (Town Square):
 - Addition of play equipment for children;
 - Relocation of two (2) mature elm trees to be replaced by Palm Trees;
 - and
 - New brick paving.
- Entries 2, 3 & 4 to be amended to include feature paving, contemporary seating benches and associated soft landscaping;
- Provide planting along the kerb line north of the approved supermarket tenancy to discourage users from stepping directly to the parking bays from the footpath instead of using the pedestrian crossing;
- Parking Bays along Oasis Drive to be finished in black asphalt;
- The street verge of Warnbro Avenue as planting and trees in lieu of the approved as turf and trees; and
- Numerous areas being turfed in lieu of previously approved hardstand.

Modified Conditions

Condition 4 (Intersection Design)

The approved condition states:

“Prior to occupation of the proposed development, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.”

The applicant proposes to amend the condition to read:

“Prior to occupation of the proposed development, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to an intersection generally as proposed by KCTT plan C300 Rev A dated 25 December 2015, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.”

The proponent has submitted the plan at Figure 8 and Attachment 1 in support of the amended condition.

The modified intersection includes:

- A 235m long 3.5 metre wide acceleration lane along Warnbro Sound Avenue;
- The removal of the right in movement from Warnbro Sound Avenue to Oasis Drive; and
- The relocation of the existing median along Warnbro Sound Avenue.



Figure 8 – Proposed Intersection Design

Condition 14 (Landscaping Plan)

The approved condition states:

"A Landscaping 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, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;*
- (ii) Any lawns to be established;*
- (iii) Any natural landscape areas to be retained;*
- (iv) Those areas to be reticulated or irrigated; and*
- (v) The street setback area and all verge areas.*

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

The applicant proposes to amend the condition to read:

"Unless otherwise agreed, landscaping in accordance with the modified Landscaping Plan dated June 2016, must be completed prior to the occupation of the completed development, and must be maintained at all times to the satisfaction of the City of Rockingham."

The applicant submitted a revised landscape package in support of the modified condition.

Condition 16 (On Street Car Parking Bays)

The approved condition states:

"Thirty-eight (38) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant's expense."

The applicant proposes to amend the condition to read:

"Thirty-five (35) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant's expense."

LEGISLATION AND POLICY:

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 - Deemed Provision

Clause 67 - Matters to be considered by local government

Clause 67 outlines the matters to which the Local Government is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Planning Assessment.

Clause 77 - Amending or cancelling development approval

Clause 77 permits the Local Government to consider a modification to the approved development including:

- (b) *to amend or delete any condition to which the approval is subject;*
- (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*

City of Rockingham Town Planning Scheme No. 2 (TPS2)

Clause 4.5 - District Town Centre Zone

Objective

The modified proposal does not compromise the District Town Centre Zone's objective of achieving a 'main street' Town Centre, as outlined in Clause 4.5.1 of TPS2. The proposed modified design also complies with the relevant provision of the City's Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3), which are addressed below.

Clause 4.5.3 - Planning Principles

The Council is required to have due regard to the following planning principles in determining any development application. The relevant principles have been considered in relation to this application.

- (a) *be guided by the objectives of the Policies;*

Planning Policy 3.2.3 is considered below in the Local Policies Section.

- (b) *have due regard to the impact of the development on the establishment, quality and use of the public domain;*

The proposed modifications do not affect the ability of the development to provide for a main street outcome for Oasis Drive, which is sought by TPS2 and the PP3.2.3.

- (d) *have due regard to the principles and objectives of State Planning Policy 4.2: Activity Centres for Perth and Peel; and*

State Planning Policy 4.2: Activity Centres for Perth and Peel is considered below in the State Government Policies Section.

- (e) *consider the specific requirements of the policies established by the Policies for each of the use precincts within the Zone.*

Planning Policy 3.2.3 is considered below in the Local Policies Section.

Clause 5.3 - Control of Advertisements

Clause 5.3.1 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2 with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or

landscape significance and traffic safety, and the amenity of adjacent areas which may be affected. The proposed signage is discussed in detail in the Local Policy Section of the report.

The application proposes four wall signs on the Aldi loading dock feature screen wall. These signs are consistent with what is to be expected in an urban context and are therefore consistent with TPS2 objectives. The City approved a signage strategy under the existing Shopping Centre approval. The new signs will form part of an amended signage strategy.

State Government Policies

State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2)

The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

The proposed development has previously been assessed against the requirements of SPP4.2 and was found to comply.

The modifications the subject of this application does not affect the proposed developments ability to comply with SPP4.2.

Local Policies

Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3)

PP3.2.3 provides guidance on development of land within the Secret Harbour Town Centre.

Clause 3 - Policy Objectives

The objectives of PP3.2.3 are:

- (i) *To create a Town Centre which will be the primary social and commercial focus of the locality and surrounding district.*
- (ii) *To achieve an integrated townscape character that incorporates Main Street design principles.*
- (iii) *To create a built environment and landscape that will make a substantial contribution to the sense of community and identity of Secret Harbour.*
- (iv) *To achieve a contemporary, mixed use development by incorporating the best features of commercially successful townscapes.*
- (v) *To allow the Town Centre to grow in stages, whilst maintaining a 'sense of being' at every stage.*
- (vi) *To maintain flexibility to ensure that various land use combinations can be incorporated as demand emerges.*

The modified proposal is not considered to compromise the objectives of PP3.2.3.

Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)

The application seeks approval for four additional wall signs. An amended signage strategy has been submitted in support of the application.

Clause 3 - Objectives

The objectives of PP3.3.1 are:

- “(a) Ensure that advertisements are appropriate for their location;*
- (b) Minimise the proliferation of advertisements;*
- (c) Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;*
- (d) Protect the amenity of residential areas, townscape areas and areas of environmental significance;*
- (e) Protect the significance of heritage places or buildings;*
- (f) Ensure that advertisements are constructed with quality materials;*
- (g) Encourage advertisements located within the Rural or Special Rural Zone or in areas of environmental significance to be sympathetic with the natural environment in terms of materials and colours;*
- (h) Ensure advertisements are generally erected on land where the advertised business, sale of goods or service is being carried out; and*
- (i) Ensure that advertisements are maintained to a high standard.”*

The signs are considered to be consistent with the objectives of PP3.1.1. This is demonstrated in the specific assessment against the provisions of PP3.3.1 below.

Clause 4.3.1 - Signs on Buildings

The application proposes four signs on buildings. The signs are typical of what is to be expected for a development of this nature. As such, they are considered to comply with the objectives of PP3.3.1. The City approved a signage strategy as part of the original Shopping Centre approval. The new signs form part of the amended signage strategy.

CONSULTATION:

Public Consultation

As the amended development is consistent with the scale identified for the site by the Local Commercial Strategy, and is consistent with the IDP for Secret Harbour, advertising is not required.

Consultation with other Agencies or Consultants

Department of Planning (DoP)

The application was referred to the Department of Planning for comment as the site has direct access to Warnbro Sound Avenue (an Other Regional Road under the Metropolitan Region Scheme) and the proposed development has the potential to increase traffic flows by more than 100 vehicles per hour in peak period.

Department of Planning Comment:

"The Department of Planning has no objection to the modification of Condition 4 as outlined above and notes the following elements of the proposal:

- Upgrading of the Oneida Road and Warnbro Sound Avenue intersection is to incorporate a left turn deceleration lane on Oneida Road and an acceleration lane on Warnbro Sound Avenue. Submitted SIDRA analysis shows acceptable performance of this configuration to 2026 (give way controlled intersection, refer to Option B).*
- The reference to signalisation within Condition 4 is to be removed as per Main Roads WA advice.*
- The right-in movement from Warnbro Sound Avenue to Oasis Drive is to be decommissioned.*

City's Comment:

The DoP's comments are noted; although the City's technical assessment has shown significant shortcomings in the applicant's intersection design.

Main Roads WA (MRWA)

The application was referred to MRWA for comment as the approved development included a condition with the requirement for the provision of a signalised intersection.

MRWA Comment:

"Council will be ware that an 'Agreement in Principle' was prepared for this intersection in January 2015, in which six (6) design requirements were to be met. Design item c required double right turn lanes to be provided from Oneida Road onto Warnbro Sound Avenue. To date none of these conditions have been met.

Main Roads would be prepared to support a modified condition 4 as follows:

Prior to the occupation of the proposed development, engineering drawings and specifications are to be prepared for the modification of the intersection of Oneida Road and Warnbro Sound Avenue generally as proposed by KCTT plan C300 Rev A dated 22.12.2015, provided they are not for a traffic signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham."

City's Comment:

As the applicant has not demonstrated an acceptable alternative intersection design, the City has recommended a modified condition 4 which recognises that alternative solutions must be investigated before a signalise intersection is required. This is further explained in the Planning Assessment section of this report.

PLANNING ASSESSMENT:

Reconsideration of Conditions

Condition 4 (Intersection Design)

The application seeks to modify condition 4 to remove the term 'signalised' and instead refer to the submitted intersection design on the basis that Main Roads WA (MRWA) has advised that it will not support a signalised intersection in this location.

In January 2015, MRWA provided an 'Agreement in Principle' to a signalised intersection if certain requirements were met, including the installation of double right turn lanes from Oneida Road to Warnbro Sound Avenue. Due to these requirements not being met, MRWA did not support a signalised intersection. MRWA now considers that the installation of a signalised intersection should only occur as a last resort if no other intersection treatment is workable. It should be noted that a roundabout cannot be provided given there is insufficient area within the existing road reserve to provide a geometrically correct roundabout in this location.

The applicant has modelled the performance of the intersection of Warnbro Sound Avenue and Oneida Road based on the existing intersection configuration and an upgraded intersection configuration of a left turn deceleration lane on Warnbro Sound Avenue into Oneida Road and a right turn acceleration lane on Warnbro Sound Avenue south of Oneida Road. The applicant's report concludes that the provision of an acceleration lane will negate the need to further upgrade the intersection for at least 10 years, and there will be minimum impact on traffic by closing the right turn in at the intersection of Warnbro Sound Avenue and Oneida Drive.

The City has undertaken an independent traffic review of the proposed intersection upgrade and all data supporting the upgrade as provided in the applicant's report, a number of errors/omissions have been identified including:

- The length of the left turn pocket from Warnbro Sound Avenue into Oneida Road was incorrectly entered into the model;
- The length of the right turn acceleration lane from Oneida Road into Warnbro Sound Avenue was incorrectly entered in the model;
- No pedestrian data was applied to the Warnbro Sound Avenue which is considered important given the existence of bus stops on the eastern side;.
- Pedestrian movements were not shown as an opposing movement to any of the vehicular movements in the 'priorities' input;
- The Vehicle Movement Data Calibration input has been altered quite significantly (and over several different parameters) compared to the Standard Model Defaults;
- The Critical Gap and Follow-up Headway entered in Gap Acceptance differ from the model defaults;

- The traffic volumes have been obtained from the Secret Harbour Shopping Centre Expansion Transport Impact Assessment, Rev F, (July 2015) (the TIA), however, the TIA does not indicate the turning volumes of traffic at the subject intersection. Link volumes are given but it is not possible to verify if the turning volumes in the Signalised and Unsignalised Intersection Design and Research Aid (SIDRA) are accurate. Therefore the data is incomplete.
- The TIA does not show the existing traffic volumes other than Warnbro Sound Avenue to the north of the Anstey Road roundabout. These could be considerably different at the subject intersection and it is therefore not possible to verify if the total turning volumes provided in the SIDRA are accurate.

It is the City's view that as there are a number of errors/omissions in the supporting report which need to be addressed before a decision can be made on the final intersection design. The applicant has therefore failed to demonstrate that this intersection design should be approved. The City also has a number of road safety concerns with the proposed intersection design and requires a full independent Road Safety Audit to be undertaken before the intersection design can be considered. The City, however, is cognisant that MRWA will not support a signalised intersection at this location unless all other options have been exhausted. Therefore it is recommended that a modified condition 4 be applied as follows:

"Prior to occupation of the proposed development, engineering drawings and specifications and a full independent Road Safety Audit is to be completed for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue in accordance with Main Roads WA specifications, where applicable, and to the satisfaction of the City of Rockingham.

The intersection must only be upgraded to a signalised intersection should the applicant fail to demonstrate an alternative solution that is acceptable to the City of Rockingham and Main Roads WA."

Condition 14 (Landscaping Plan)

The applicant has submitted a landscaping package with this application to address requirements of existing condition 14. In doing so, it seeks to have the landscaping plans approved through the JDAP process and have condition 14 modified accordingly. The main elements of the new landscaping are:

- Providing a paved footpath in lieu of the poured concrete path used elsewhere in the centre;
- The addition of play equipment within the 'Town Square Entry 1' portion of the centre;
- The inclusion of temporary seating in the shape of a boat, donated by the Secret Harbour Surf Lifesaving Club;
- Relocation of two mature trees and replacement of existing trees;
- Provision of planting along the kerb line north of the approved supermarket tenancy to discourage users from stepping directly to the parking bays from the footpath instead of using the pedestrian crossing; and

- Provision of feature paving, contemporary seating benches and associated soft landscaping at four main entries.

The City assessed the submitted landscaping package and is generally supportive of its intent. There is, however, significant detail that needs to be addressed prior to the approval of the plans. The City has provided its comments to the applicant which has reviewed them and advised that they are prepared to deal with these matters under the existing landscaping condition. As such, it is recommended that the existing landscaping condition be maintained.

Condition 16 (On Street Car Parking Bays)

The Landscaping Plan approved under condition 14 requires the retention trees along Oasis Drive and the deletion of three on-street car parking bays. As such, the City supports the modification to condition 16 that reduces the number of on-street car parking bays by three.

Modified Design

Oneida Road Entry/Exit

The revised site plan removes the existing on-street carparking bays located adjacent to the intersection with Oneida Road, as requested by the City during its assessment of the proposed crossover location. As such, the proposed modified plan is supported.

Small Vehicle Bays

The City has no objection to the four bays being converted to small vehicle bays given that there is a surplus of car parking bays on the site and they are designated for staff usage.

ALDI Loading Dock Wall Height Increase and Signage

The City supports the increase in height to the wall adjacent the ALDI loading dock as it further screens the loading dock from view from Warnbro Sound Avenue. The signage in this location is also supported as demonstrated in the Policy section of this report.

Expanded Canopy

The City supports the expansion of the canopy as it is a logical extension to the canopy already proposed and provides continuous shelter to this portion of the building and the mail boxes.

1.2m High Metal Screen along Oneida Road

The purpose of this screen is to shield headlight glare, emitted by vehicles using the McDonald's Drive Thru, from the residential properties on the opposite of Oneida Road. Given that the screen is proposed to be residential in scale and will only be installed for a short portion of Oneida Road, the City considered that it is an acceptable proposal. A condition of approval is required so that the details of the screen must be approved by the City prior to an issue of a Building Permit for works associated with this approval.

CONCLUSION:

The proposed modifications to the design of the shopping centre are generally minor in nature and are supported by the City. The City, however, does not support the applicant's suggested condition 4.

It is acknowledged that the DoP is the responsible authority for Warnbro Sound Avenue and that MRWA is the approval authority for signalised intersections, and a modified condition 4 is therefore recommended which clarifies that the applicant must only provide a signalised intersection, once other alternatives have been tested.

The City does not support the modification to condition 14, despite a number of the proposed changes to the landscaping plan being supported. The applicant has, however, agreed to deal with outstanding landscaping items under the existing condition 14.

The City recommends the approval of the modified condition 16, given the removal of carparking bays is required to accommodate the City's request to retain significant street trees.

It is therefore recommended the SWJDAP approve the application subject to the approvals dated 18 February 2015, 12 October and 3 May 2016 with amended conditions 4 and 16 and additional condition 29.



LG Ref: 20.2014.00000411
DoP Ref: DAP/14/01055
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

Mr Greg Rowe
Rowe Group Pty Ltd
3/369 Newcastle Street
Northbridge WA 6003

Dear Mr Rowe

**Metro South-West JDAP – City of Rockingham – DAP Application
20.2014.00000411
Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road,
Secret Harbour
Extension to Mixed Use Development**

Thank you for your application and plans submitted to the City of Rockingham on 10 October 2014 for the above development at the above mentioned site.

This application was considered by the Metro South-West Joint Development Assessment Panel at its meeting held on 12 February 2015, where in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with Regulation 17 of the Development Assessment Panel Regulations 2011.

Also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any enquiries in respect to the conditions of approval please contact Ms Erika Barton at the City of Rockingham on (08) 9528 0305.

Yours sincerely

Sean O'Connor

DAP Secretariat

18/02/2015

Encl. DAP Determination Notice
Approved plans

Cc: Ms Erika Barton
City of Rockingham
erika.barton@rockingham.wa.gov.au





Planning and Development Act 2005

City of Rockingham Town Planning Scheme No.2

Metro South-West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Location: Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour

Description of proposed Development: Extension to Mixed Use Development

In accordance with Regulation 8 of the *Development Assessment Panels Regulations 2011*, the above application for planning approval was **granted** on 12 February 2015, subject to the following:

Approve DAP Application reference DP/12/01055 and accompanying plans (as amended in red):

- Ground Floor Plan, Drawing No. DA02, Issue H, dated 26.11.14;
- Oasis Drive Town Square Plan Entry 1, Drawing No. DA03, Issue D, dated 07.10.14;
- Oasis Drive Town Square Plan Entry 2, Drawing No. DA04, Issue D, dated 07.10.14;
- Entry Plan 4, Drawing No. DA05, Issue D, dated 07.10.14;
- Roof Plan, Drawing No. DA06, Issue D, dated 07.10.14;
- Elevations, Drawing No. DA07, Issue D, dated 07.10.14;
- Elevations, Drawing No. DA08, Issue F, dated 14.11.14
- Sections + Views, Drawing No. DA010, Issue D, dated 07.10.14;
- Signage External, Drawing No. DA013, issue E, dated 07.10.14;
- Proposed Signalised at the Oneida Road/Warnbro Sound Avenue Intersection, Issue B, Dated 11-12-2014

in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. The specialist tenancies marked as 'tenancies' on the plans are approved for use as: 'Dry Cleaning Premises', 'Laundromat', 'Office', 'Restaurant', and 'Shop' as defined by the City of Rockingham's Town Planning Scheme No.2.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and must be completed prior to occupation.





4. Prior to issue of a Building Permit, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham. The applicant is to contribute a proportionate cost of the required works.
5. Where the approved plans referenced in Condition No. 4 show that a portion of Lot 2013 is required for the construction of the intersection, then that portion must be ceded to the Crown for the purposes of a public road, free of cost, prior to occupation of the development.
6. Prior to issue of a Building Permit, arrangements being made with the City of Rockingham for the partial payment of the cost to engage a suitably qualified Quantity Surveyor/Engineer, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4.
7. Prior to any works occurring, arrangements being made with the City of Rockingham for the partial payment of the cost of the intersection works as advised by the Quantity Surveyor/Engineer referenced in Condition No. 6.
8. The proposed access street intersections with Warnbro Sound Avenue, Oneida Road and Oasis Drive must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development.
9. The Access Street Middle on Warnbro Sound Avenue must only provide for Left in/Left Out/Right in traffic movements from the site.
10. Unless otherwise agreed with the City of Rockingham on advice from the Department of Planning, the existing left-in/left-out access at Access Street North onto Warnbro Sound Avenue (adjacent to the petrol station) is to be modified or closed within 28 days of the expiry of the current lease for the petrol station, but no later than 30 March 2018, after which there is to be no more than six access or egress movements to Warnbro Sound Avenue.
11. The undeveloped area fronting Oasis Drive is to be landscaped and the blank walls of the building fronting Oasis Drive to be treated generally in accordance with the Elevations Plan, Drawing No.DA08, dated 14.11.2014, and to the City's satisfaction, prior to occupation of the development and maintained until that land is occupied by streetfront shops.
12. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
13. All stormwater generated by the development shall be designed to be contained of on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.
14. A Landscaping 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, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;





- (iii) Any natural landscape areas to be retained;
- (iv) Those areas to be reticulated or irrigated; and
- (v) The street setback area and all verge areas.

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

15. The carpark must:-

- (i) provide a minimum of 729 parking spaces;
- (ii) be designed in accordance with User Class 3A of the 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;
- (iii) include seventeen car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development; and
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

- 16. Thirty-eight (38) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant's expense.
- 17. A minimum of sixteen short-term bicycle parking spaces and ten long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to lodgement of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
- 18. Two secure hot-water showers (one male, one female), change room and clothing lockers must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.
- 19. 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) details of screening of the bins from view from the street;
- (iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
- (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- (vi) frequency of bin collections; and
- (vii) the bin storage area drainage details.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

- 20. A Loading and Service Management Plan be prepared to the satisfaction of the City of Rockingham prior to occupation of the development that addresses the access of service vehicles and operation of loading areas, including the timing of the use.
- 21. Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive.
- 22. An Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.
- 23. Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
- 24. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Oasis Drive, at all times.
- 25. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
- 26. The Pylon Sign must be reduced in height to a maximum overall height of 9.0m.
- 27. 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. The Pylon Sign is, however, approved as part of this application.





Advice Notes

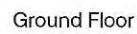
1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.
2. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham's Health Services in this regard.
3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
4. With respect to Condition 14, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. An Outdoor Eating Area Licence from the City's Health Services is required under the Activities in Public Places and Thoroughfares and Trading Local Laws 2001. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
7. The development (awnings) must comply with the *Street Verandahs Local Law* 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.
8. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power should be consulted prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.
9. With respect to Condition No.4, 6 and 7, the percentage shall be determined by an appointee from the institute of arbitration or the institute of engineers, in the event that the applicant and Council cannot agree on a percentage proportion of costs.
10. With respect to Condition No. 14 and 15, should staging of the development occur, the City is prepared to consider the staging of the landscaping and carparking accordingly.
11. With respect to Condition No. 20 the City of Rockingham will restrict access of service vehicles or operation of forklifts to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays unless the Loading and Service Management Plan demonstrates compliance with the Environmental Protection (Noise) Regulations 1997 outside of those hours.





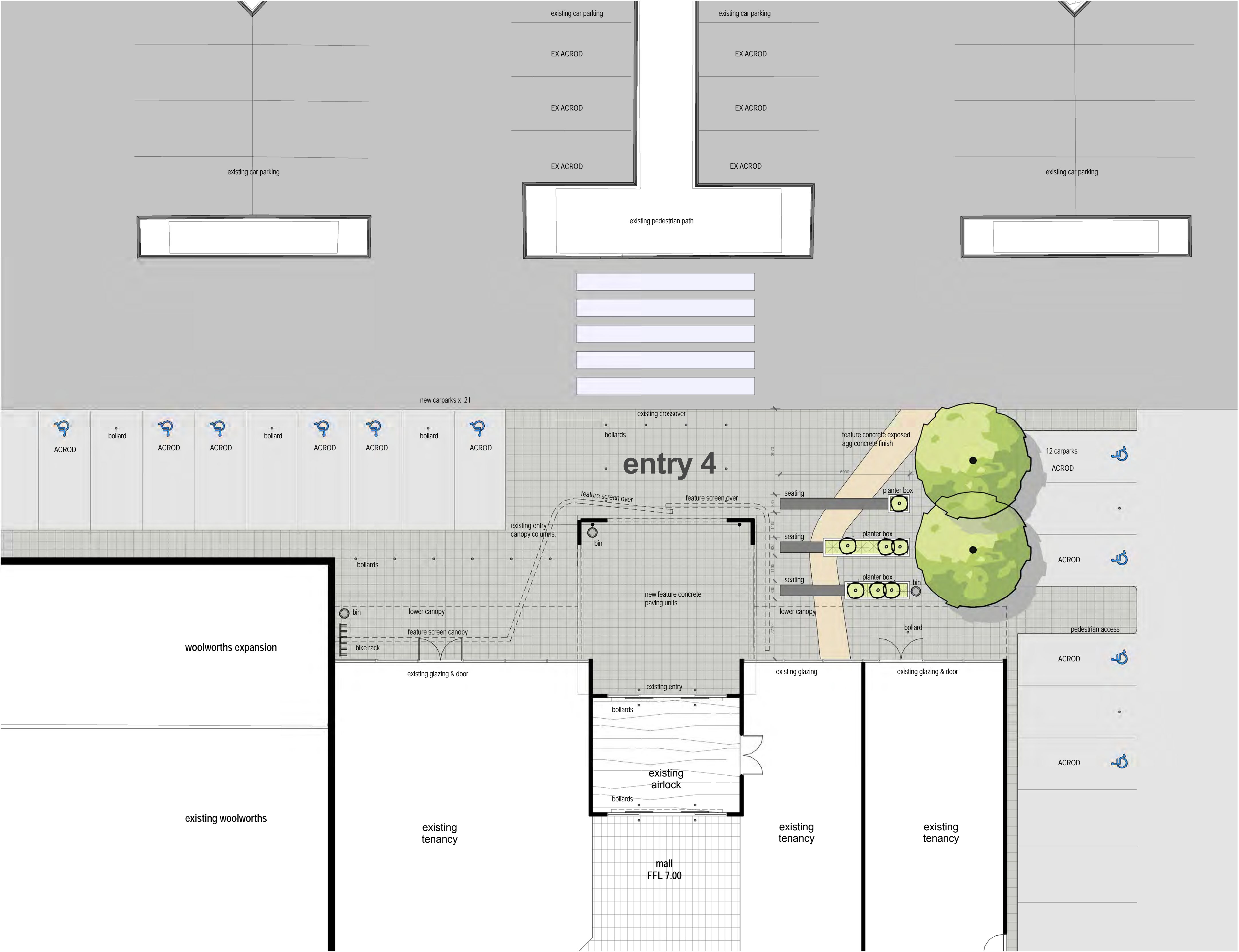
Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Development Assessment Panel Regulations 2011*.



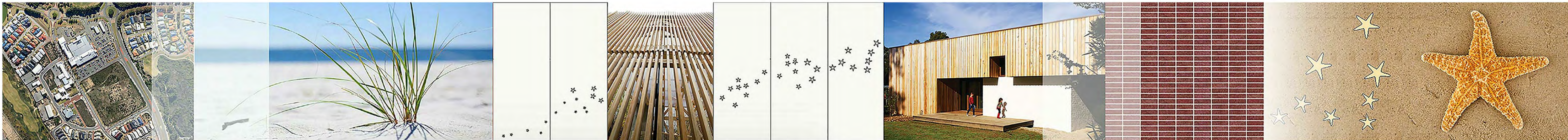




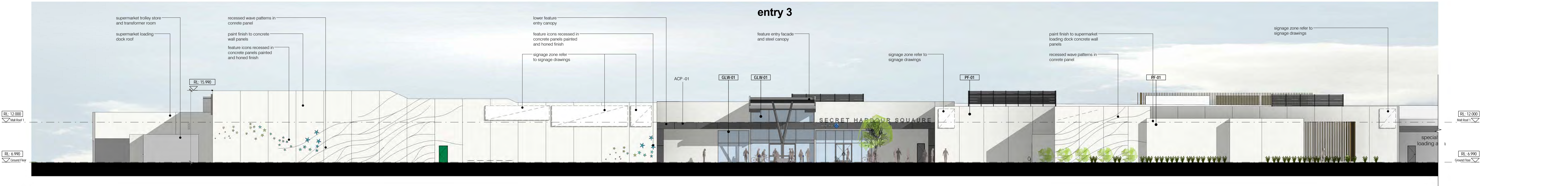




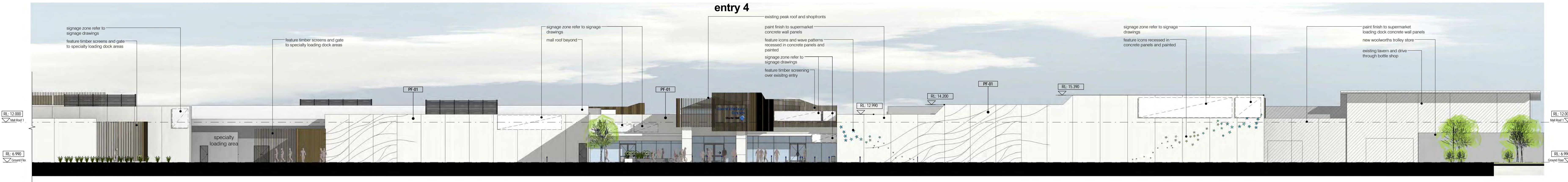




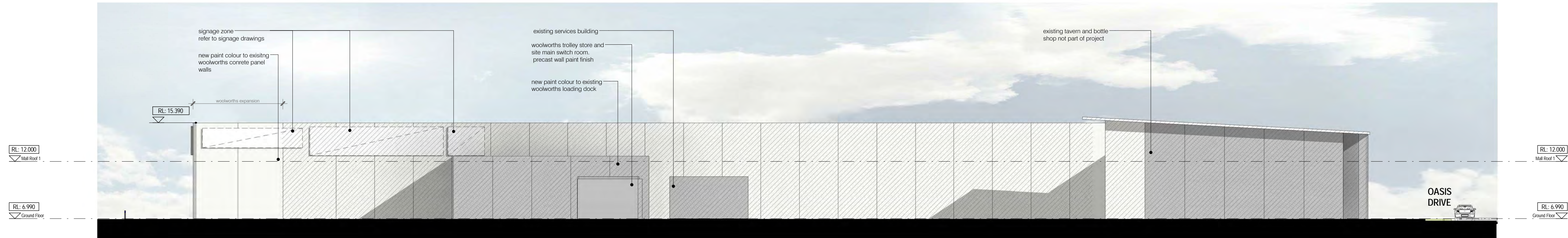
MATERIAL/COLOUR PALETTE



WARNBRO SOUND AVENUE - NORTH ELEVATION - A 1:200



WARNBRO SOUND AVENUE - NORTH ELEVATION - B 1:200

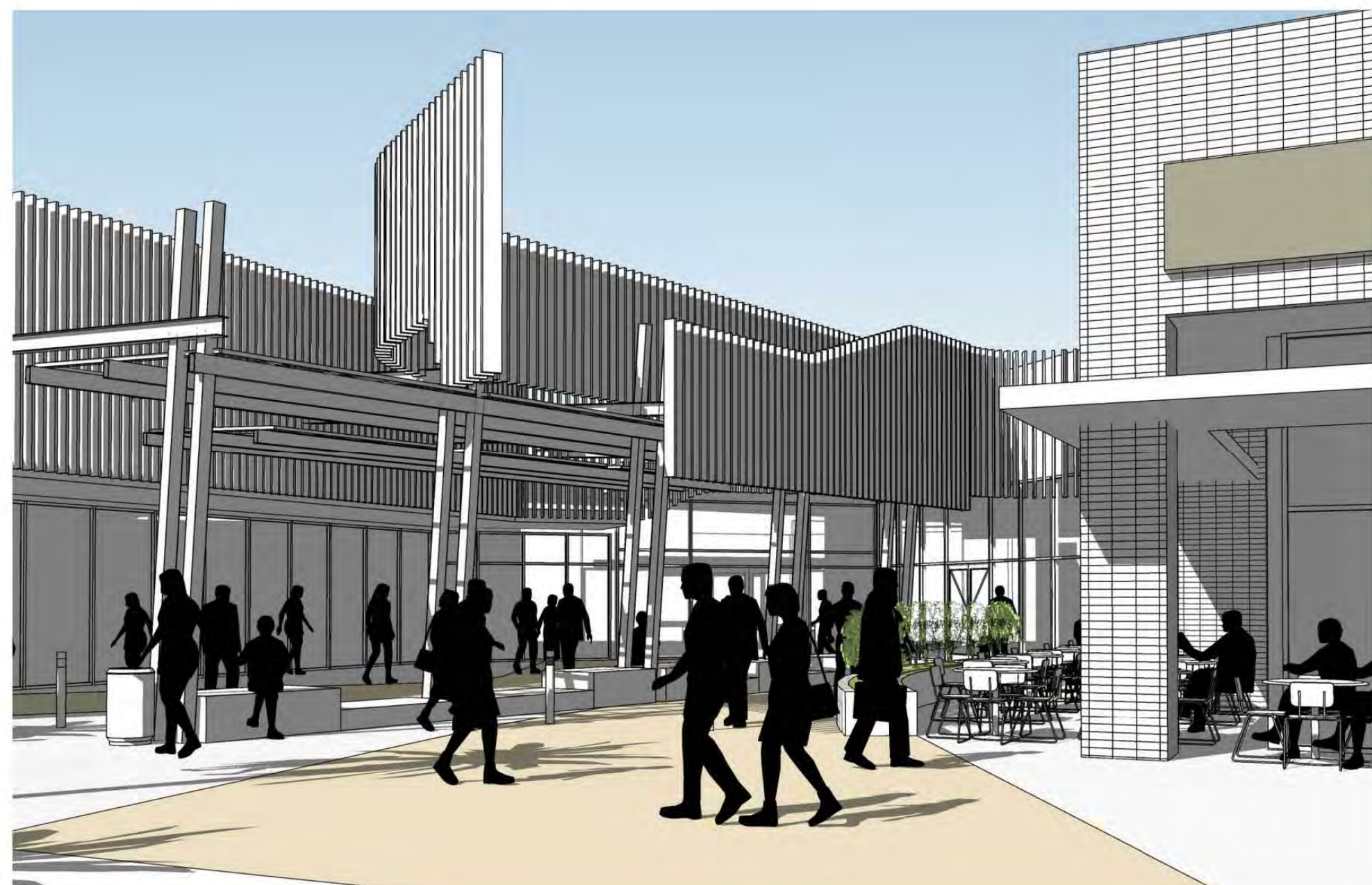


SECRET HARBOUR BOULEVARD - WEST ELEVATION 1:200





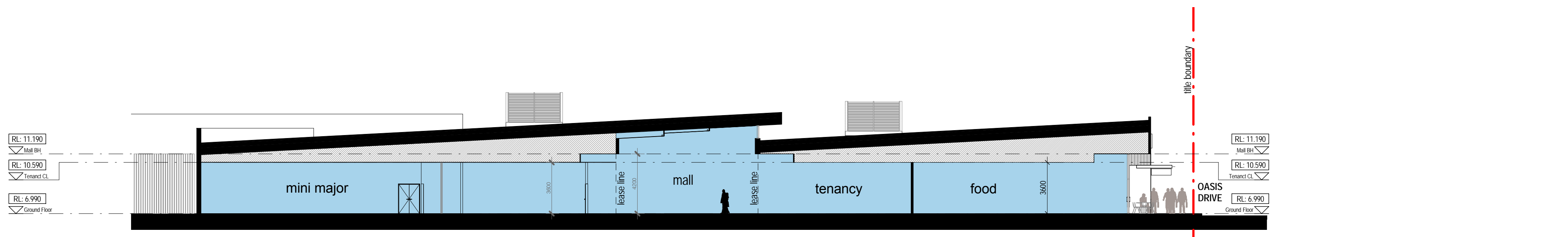
OASIS DRIVE- STREET VIEW



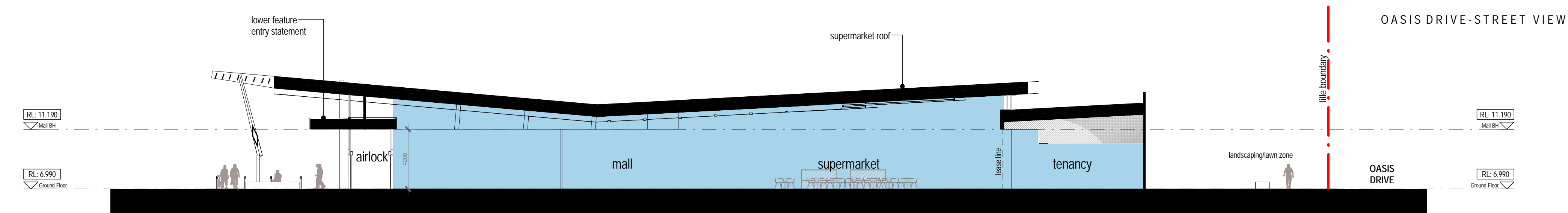
OASIS DRIVE-TOWN SQUARE



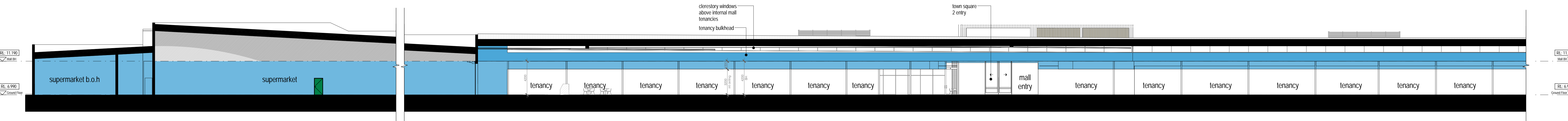
OASIS DRIVE-TOWN SQUARE



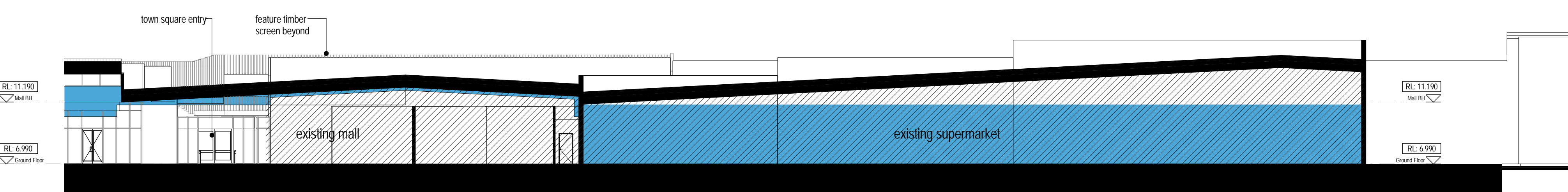
SECTION A-A 1:200



SECTION B-B 1:200



SECTION C-C 1:200



SECTION C-C cont 1:200




OASIS DRIVE-OASIS ENTRY2





DEVELOPMENT ASSESSMENT PANEL APPROVED 12 FEBRUARY 2015

PDS-008/15 - Attachment 10
NOTES:
1. ALL TRAFFIC POLES ARE 0.5m METRE OFFSET TO KERB

			PROJECT: Secret Harbour Shopping Centre Expansion	DRAWN BY:	Civil & Traffic Engineering Consultants 830B Beaufort Street, Inglewood WA 6052 PH: 08 9272 7770 WEB: www.kctt.com.au FTP: www.kctt.wetransfer.com	
B	11-12-2014	LOCATION OF TRAFFIC LIGHTS DETERMINED	TITLE: Proposed Signalised at the Oneida Road / Warnbro Sound Avenue Intersection	DJ.M.		
A	10-12-2014	ISSUED FOR REVIEW	DRAWING NUMBER: KC00258.000_S11			
NO	DATE	AMENDMENT				



LG Ref: 20.2014.411.2
DoP Ref: DAP/14/00649
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

Mr Sean Fairfoul
Rowe Group
Level 3, 369 Newcastle Street
Northbridge WA 6003

Dear Mr Fairfoul

**Metro South-West JDAP – City of Rockingham – DAP Application 20.2014.411.2
Lot 2003 (420) Secret Harbour Boulevard and Lots 2010 (6) and 2013 Oneida
Road
Extension to mixed use development**

Thank you for your application and plans submitted to the City of Rockingham on 22 July 2015 for the above development at the abovementioned site.

This application was considered by the Metro South-West Joint Development Assessment Panel at its meeting held on 2 October 2015, where in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Mr Greg Delahunty at the City of Rockingham on (08) 9258 0429.

Yours sincerely,

Sean O'Connor

DAP Secretariat

12/10/2015

Encl. DAP Determination Notice
Approved plans

Cc: Mr Greg Delahunty
City of Rockingham





Planning and Development Act 2005

City of Rockingham Town Planning Scheme No.2

Metro South-West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Location: Lot 2003 (420) Secret Harbour Boulevard and Lots 2010 (6) and 2013 Oneida Road

Description of proposed Development: Extension to mixed use development

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 2 October 2015, subject to the following:

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 22 July 2015 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 DAP/14/00649 as detailed on the DAP Form 2 date 22 July 2015 and accompanying plans in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Amended Conditions

4. Prior to occupation of the proposed development, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.
7. Prior to occupation of the proposed development, arrangements being made with the City of Rockingham for the full payment of the cost of the intersection works.
10. Unless otherwise agreed with the City of Rockingham on advice from the Department of Planning, the Access Street South on Warnbro Sound Avenue must only provide for left in traffic movements to the site.
15. The carpark must:-
 - (i) provide a minimum of 633 parking spaces;
 - (ii) be designed in accordance with Use Class 3A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Offstreet car parking* unless otherwise specified by this approval, prior to issue of a Building Permit;



- (iii) include seventeen car parking space(s) dedicated to people with disabilities designed in accordance with Australia/New Zealand Standard AS/NZS 2890,6:2009, Parking facilities, Part 6: Off-street carparking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access – New building work;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development; and
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.

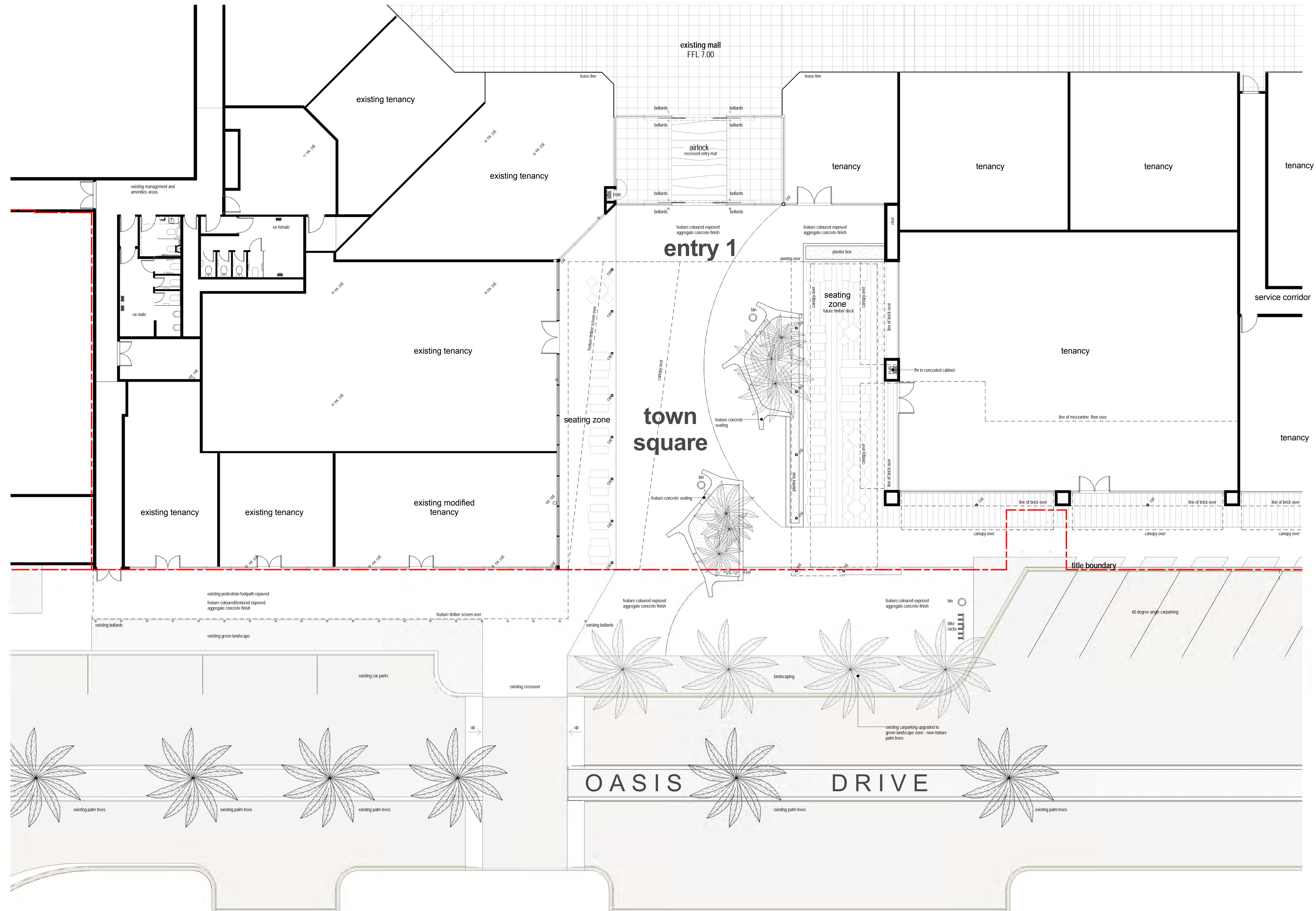
The car park must comply with the above requirements for the duration of the development.

Deleted Condition

6. Prior to issue of a Building Permit, arrangements being made with the City of Rockingham for the partial payment of the cost to engage a suitably qualified Quantity Surveyor/Engineer, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4.

All other conditions, footnotes and advice notes remain as per the DAPs' original decision dated 18 May 2015.

Where an approval has so lapsed, no development shall be carried out without further approval having first been 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 *Planning and Development (Development Assessment Panels) Regulations 2011*.



D.A. ISSUE		
no.	date	ISSUE / revision
A	12/07/10	ISSUE
B	16/07/10	ISSUE REVIEW
C	09/08/10	ISSUE REVIEW
D	07/10/10	ISSUE
E	15/01/11	ISSUE REVIEW ISSUE
F	12/07/15	ISSUE



Secret Harbour Expansion
420 Secret Harbour Boulevard,
Secret Harbour, W.A 6173

**Oasis Drive - Town Square Plan
Entry 1**



2013-074

DA03

scale @ B1 drawn
1 : 100 RM

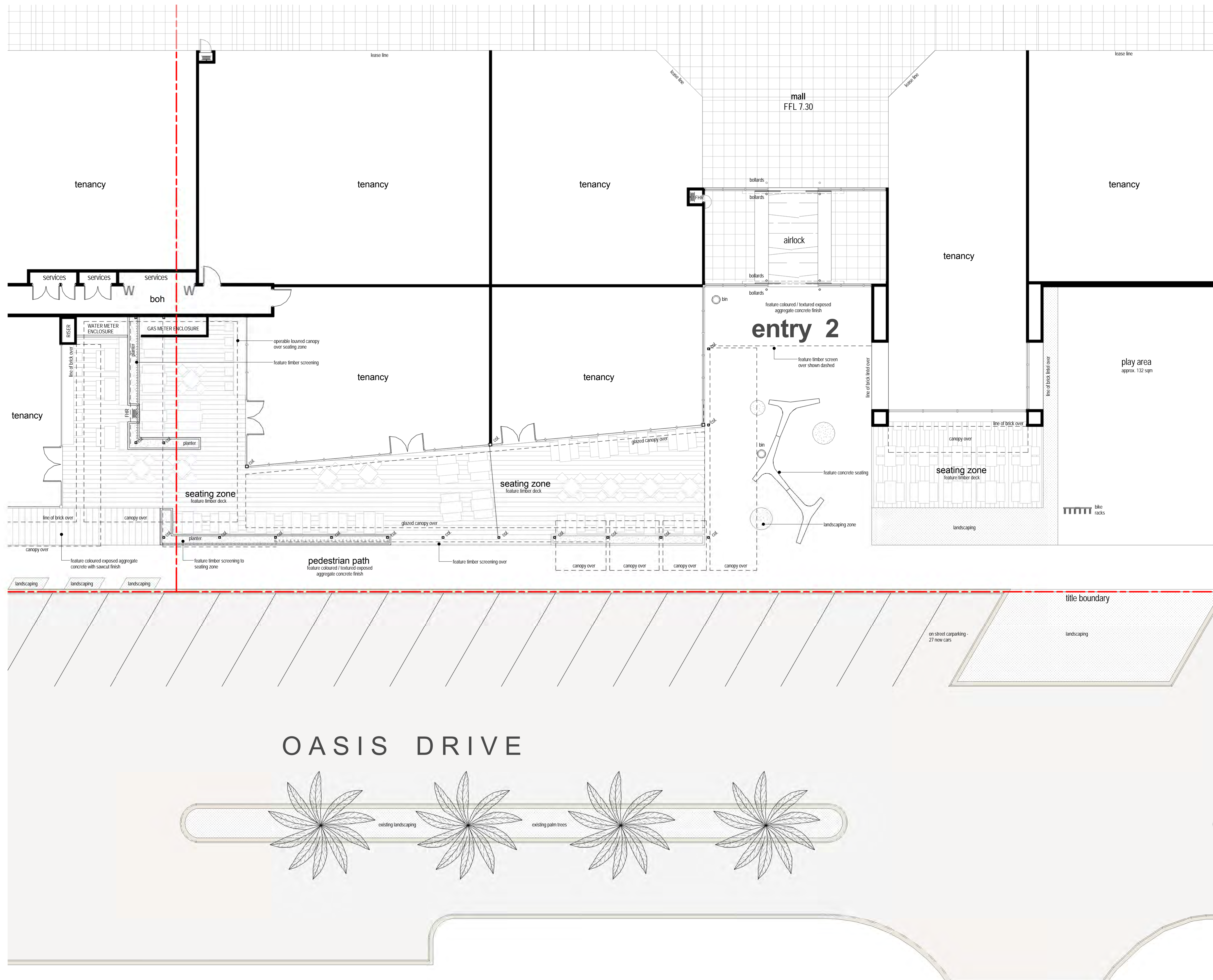
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MELBOURNE
SYDNEY
PERTH

1800 422 533



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D.A. ISSUE

job no. 2013-074 drawing no. DA04.1 A

author 1:100 Author

13/07/2015 4:56:16 PM

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project - address
Secret Harbour Expansion
420 Secret Harbour Boulevard,
Secret Harbour, W.A 6173

drawing title
ENTRY 3 PLAN

no. date
1 13/07/2015

ISSUE / revision
1

by
13/07/2015



D.A. ISSUE

job no.	drawing no.	issue
2013-074	DA05	F
	1:100	RM

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13/07/2015 4:57:54 PM

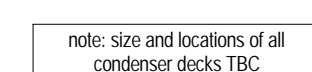
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A	10/01/14	ISSUE	RM
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E	10/01/14	ISSUE	RM
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Secret Harbour Expansion
420 Secret Harbour Boulevard,
Secret Harbour, W.A 6173

drawing title

ENTRY 4 PLAN

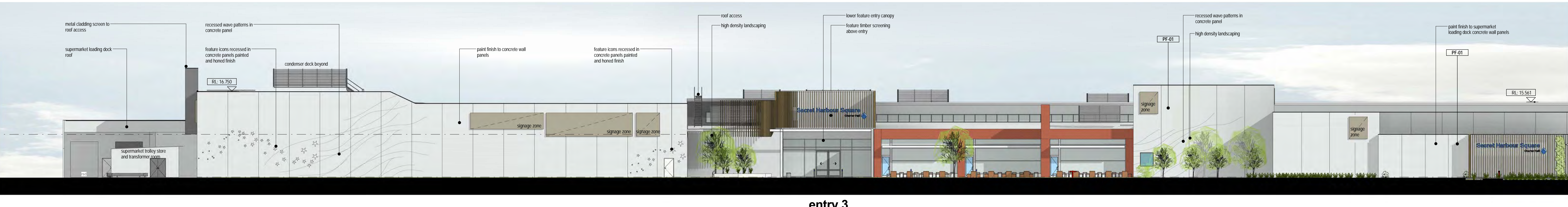


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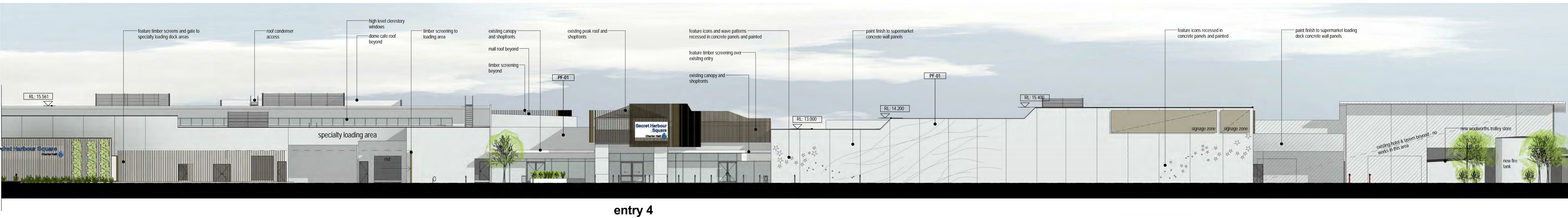
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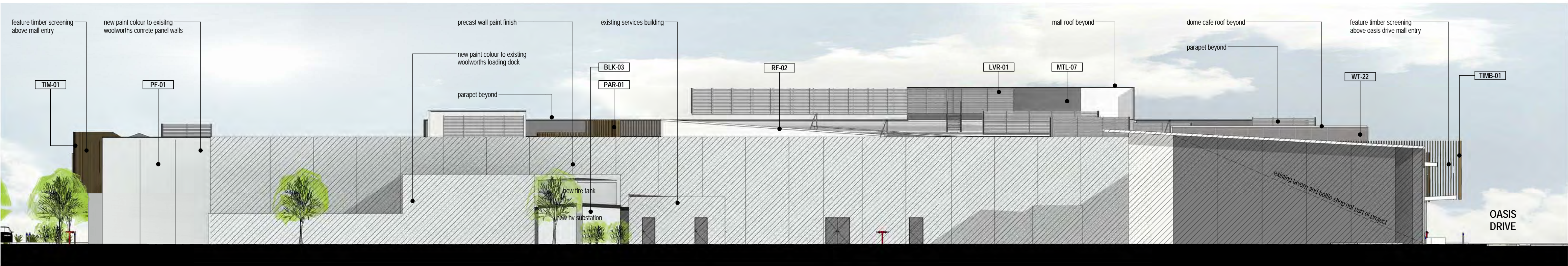
MATERIAL/COLOUR PALETTE



WARNBRO SOUND AVENUE - NORTH ELEVATION - A 1 : 200



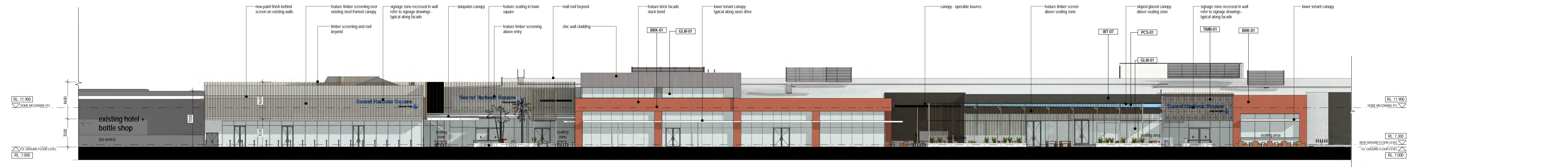
WARNBRO SOUND AVENUE - NORTH ELEVATION - B 1 : 200



SECRET HARBOUR BOULEVARD - WEST ELEVATION 1 : 200

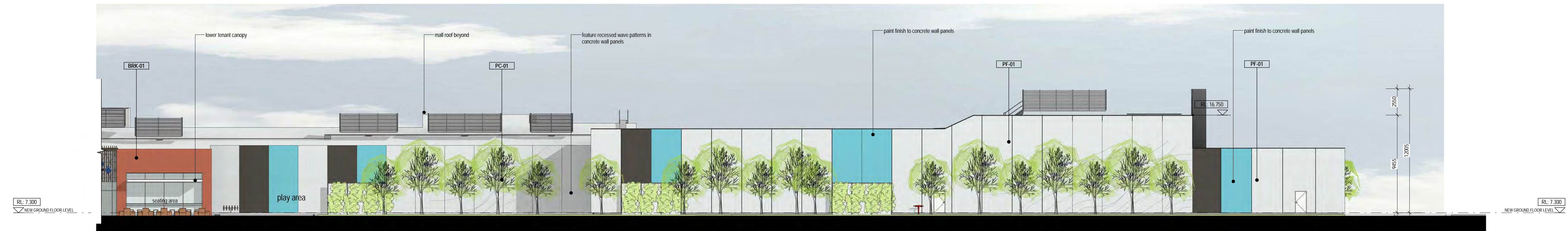


MATERIAL/COLOUR PALETTE

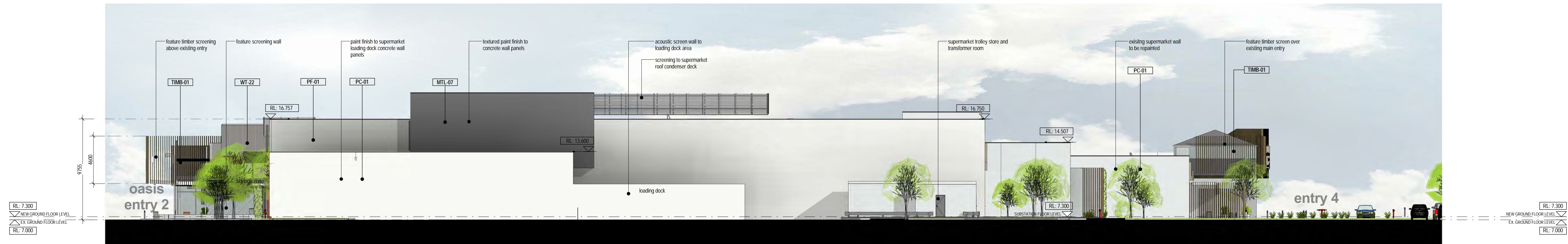


town square entry 1

OASIS DRIVE - SOUTH ELEVATION - A 1:200



OASIS DRIVE - SOUTH ELEVATION - B 1:200



ONEIDA ROAD - EAST ELEVATION 1:200



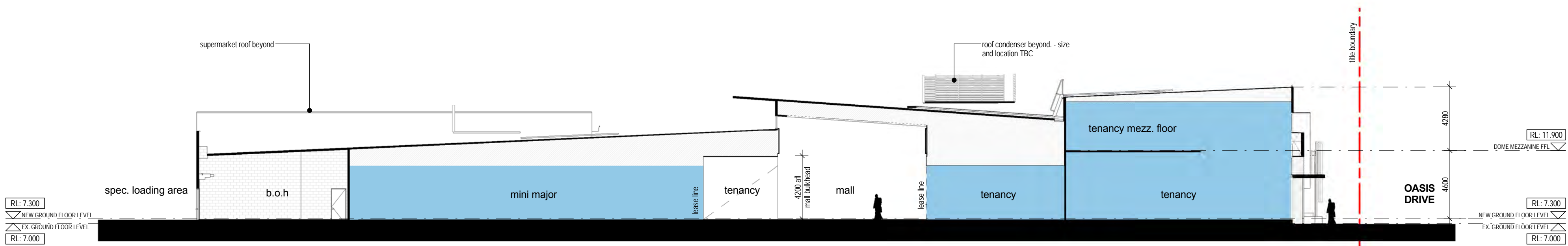
OASIS DRIVE - STREET VIEW



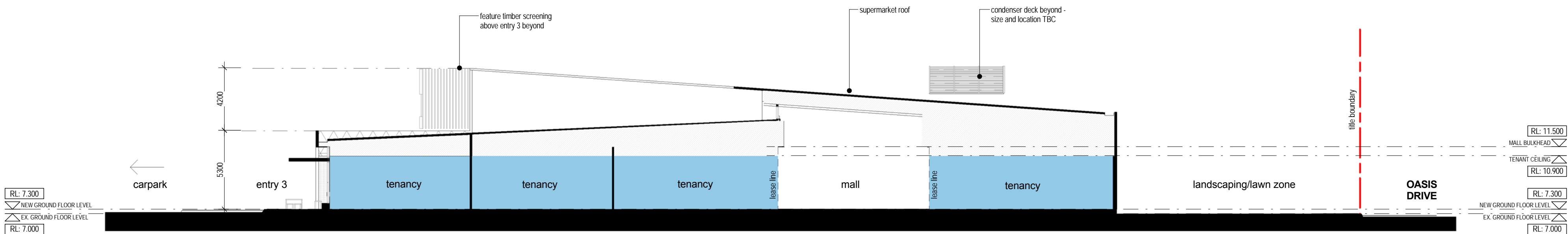
OASIS DRIVE - TOWN SQUARE



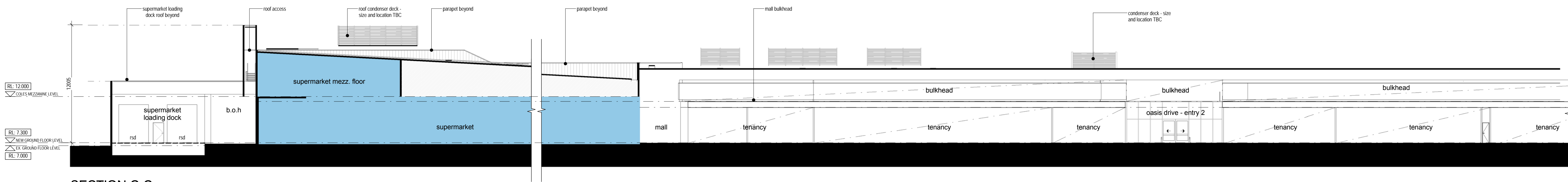
TOWN SQUARE - 12.30PM WINTER



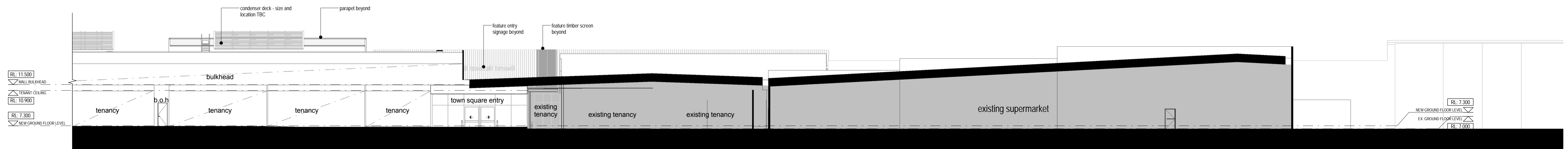
SECTION A-A



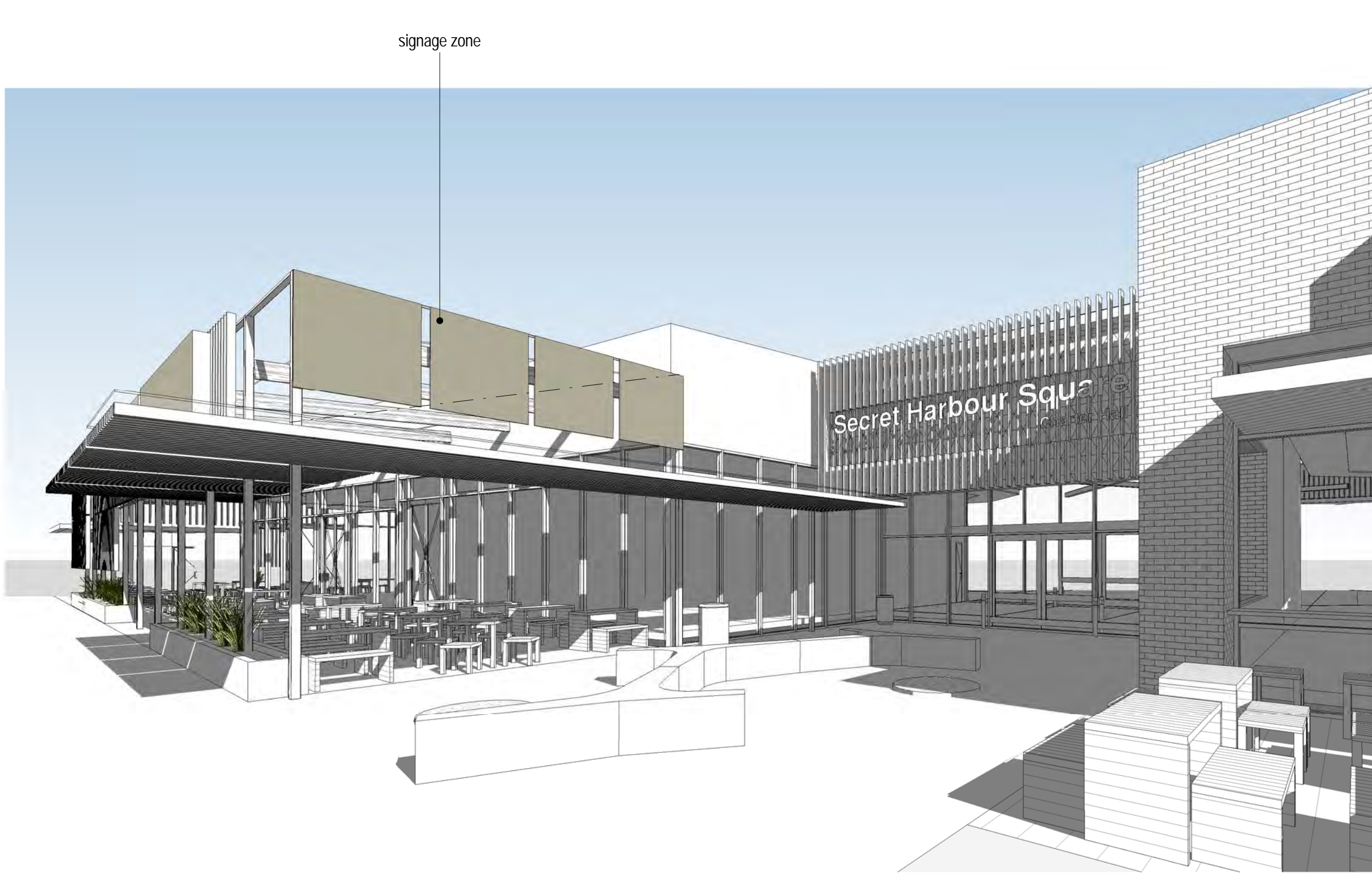
SECTION B-B



SECTION C-C



SECTION C-C cont



OASIS DRIVE - ENTRY 2



LG Ref: 20.2014.411.3
DoP Ref: DAP/14/00649
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

Mr Sean Fairfoul
Rowe Group
Level 3, 369 Newcastle Street
Northbridge WA 6003

Dear Mr Fairfoul

**Metro South-West JDAP – City of Rockingham – DAP Application 20.2014.411.3
Lot 2003 (420) Secret Harbour Boulevard and Lots 2010 (6) and 2013 Oneida
Road, Secret Harbour
Mixed Used Development – Gates Service Area and Review of Condition**

Thank you for your application and plans submitted to the City of Rockingham on 3 December 2015 for the above development at the abovementioned site.

This application was considered by the Metro South-West Joint Development Assessment Panel at its meeting held on 18 January 2016, where in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2, it was resolved to refuse the application as per the attached notice of determination.

Please be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the reasons for refusal, please contact Mr Greg Delahunty at the City of Rockingham on (08) 9528 0429.

Yours sincerely,

Dallas Downes

DAP Secretariat

21/01/2016

Encl. DAP Determination Notice
Refused Plans

Cc: Mr Greg Delahunty
City of Rockingham





Planning and Development Act 2005

City of Rockingham Town Planning Scheme No.2

Metro South-West Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Location: Lot 2003 (420) Secret Harbour Boulevard and Lots 2010 (6) and 2013 Oneida Road, Secret Harbour

Description of proposed Development: Mixed Used Development – Gates Service Area and Review of Condition

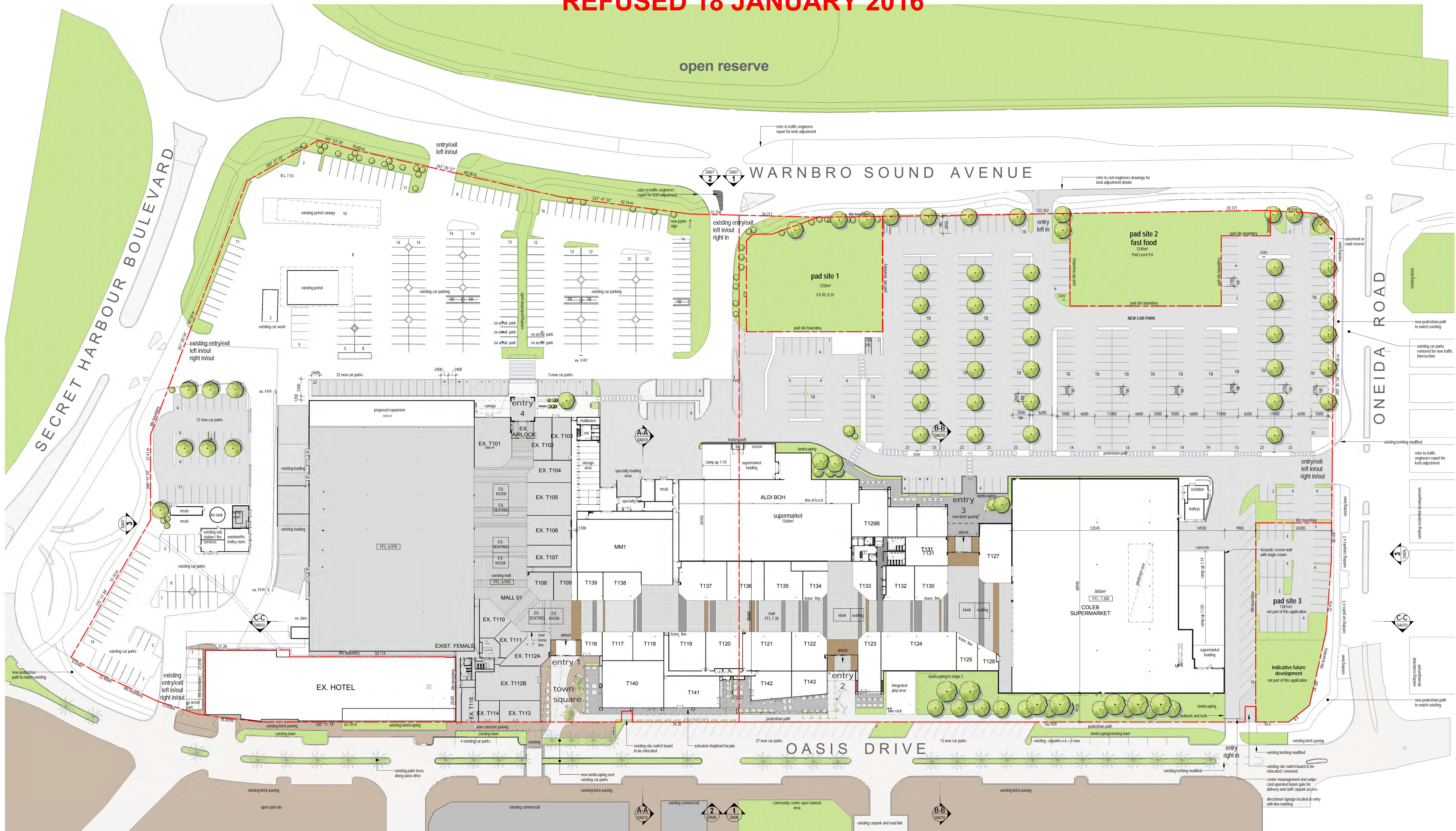
In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **refused** on 18 January 2016, subject to the following:

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 and accompanying plans:
 - Ground Floor Plan, Drawing No. DA02 Issue M, dated 28.10.15
 - Elevation Plan, Drawing No. DA08 Issue H, dated 28.10.15

in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Metropolitan Region Scheme, for the proposed minor amendment to the approved mixed use commercial development for the following reason:

- (a) The proposed development, which is inconsistent with City of Rockingham *Town Planning Scheme Number 2* and *Local Planning Policy No. 3.2.3 - Secret Harbour Town Centre*, will have an adverse impact on the function and amenity of the Oasis Drive Main Street and will result in safety issues for users of the wider road network.

DEVELOPMENT ASSESSMENT PANELS
REFUSED 18 JANUARY 2016



hatch denotes no works in existing area

Ground Floor 1:500

DEVELOPMENT ASSESSMENT PANELS
REFUSED 18 JANUARY 2016

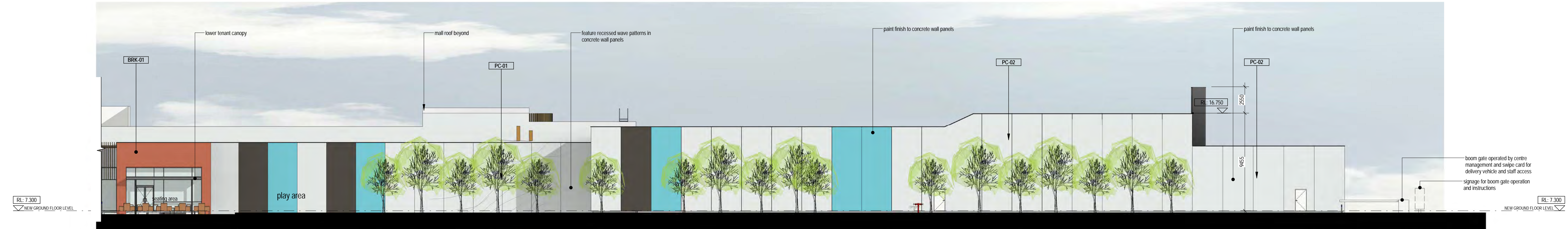


MATERIAL/COLOUR PALETTE



town square entry 1

OASIS DRIVE - SOUTH ELEVATION - A 1 : 200



OASIS DRIVE - SOUTH ELEVATION - B 1 : 200



ONEIDA ROAD - EAST ELEVATION 1 : 200



LG Ref: 20.2014.411.3
DoP Ref: DAP/14/00649
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

Mr Sean Fairfoul
Rowe Group
Level 3, 369 Newcastle Street
Northbridge WA 6003

Dear Mr Fairfoul

**Metro South-West JDAP – City of Rockingham – DAP Application 20.2014.411.3
Lot 2003 (420) Secret Harbour Boulevard and Lots 2010 (6) and 2013 Oneida
Road, Secret Harbour
Mixed Used Development – Gates Service Area and Review of Condition**

Thank you for your application and plans submitted to the City of Rockingham on 3 December 2015 for the above development at the abovementioned site.

This application was considered by the Metro South-West Joint Development Assessment Panel at its meeting held on 18 January 2016, where in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2, it was resolved to refuse the application as per the attached notice of determination.

Please be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the reasons for refusal, please contact Mr Greg Delahunty at the City of Rockingham on (08) 9528 0429.

Yours sincerely,

Dallas Downes

DAP Secretariat

21/01/2016

Encl. DAP Determination Notice
Refused Plans

Cc: Mr Greg Delahunty
City of Rockingham





Planning and Development Act 2005

City of Rockingham Town Planning Scheme No.2

Metro South-West Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Location: Lot 2003 (420) Secret Harbour Boulevard and Lots 2010 (6) and 2013 Oneida Road, Secret Harbour

Description of proposed Development: Mixed Used Development – Gates Service Area and Review of Condition

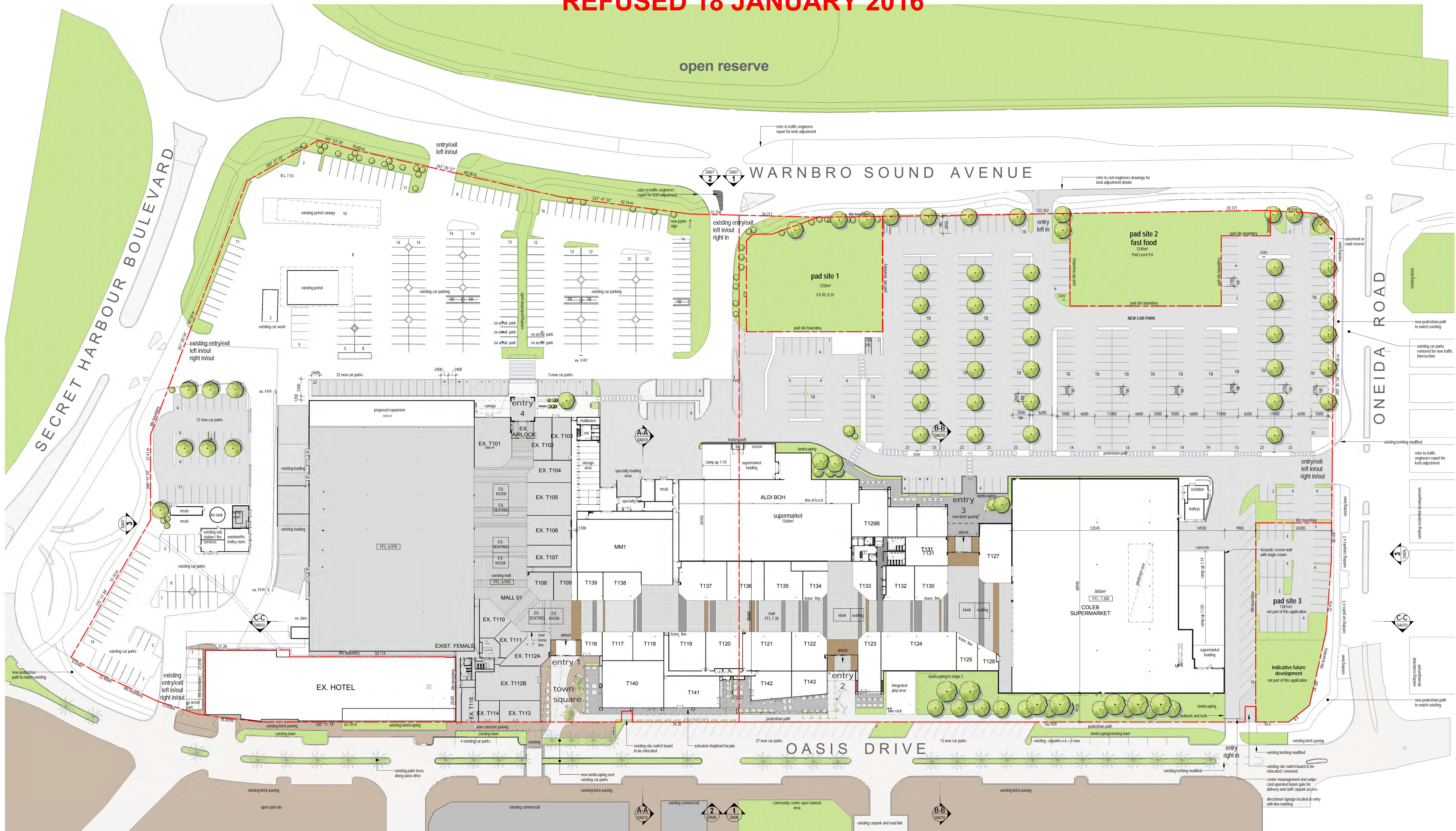
In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **refused** on 18 January 2016, subject to the following:

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 and accompanying plans:
 - Ground Floor Plan, Drawing No. DA02 Issue M, dated 28.10.15
 - Elevation Plan, Drawing No. DA08 Issue H, dated 28.10.15

in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Metropolitan Region Scheme, for the proposed minor amendment to the approved mixed use commercial development for the following reason:

- (a) The proposed development, which is inconsistent with City of Rockingham *Town Planning Scheme Number 2* and *Local Planning Policy No. 3.2.3 - Secret Harbour Town Centre*, will have an adverse impact on the function and amenity of the Oasis Drive Main Street and will result in safety issues for users of the wider road network.

DEVELOPMENT ASSESSMENT PANELS
REFUSED 18 JANUARY 2016



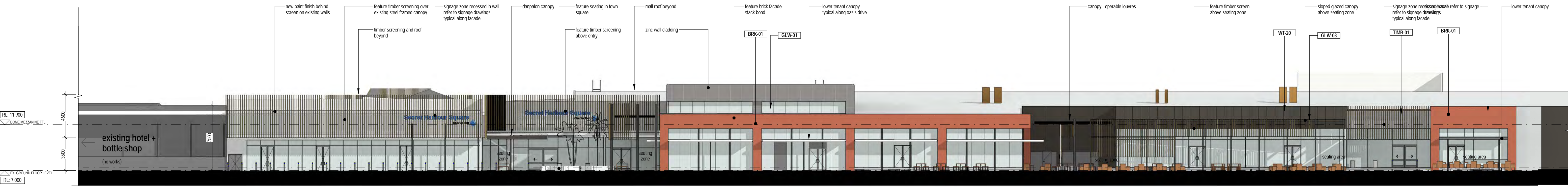
hatch denotes no works in existing area

Ground Floor 1:500

DEVELOPMENT ASSESSMENT PANELS
REFUSED 18 JANUARY 2016

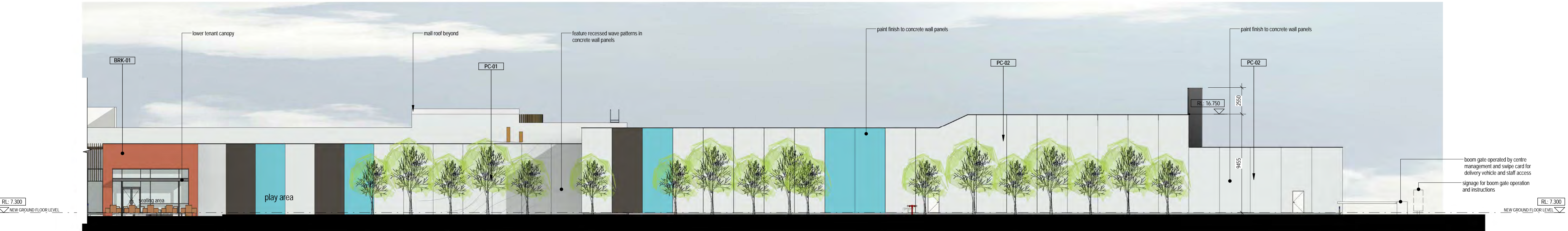


MATERIAL/COLOUR PALETTE



town square entry 1

OASIS DRIVE - SOUTH ELEVATION - A 1 : 200



OASIS DRIVE - SOUTH ELEVATION - B 1 : 200



ONEIDA ROAD - EAST ELEVATION 1 : 200



ROWEGROUP

Job Ref: 8056
20 July 2016

Chief Executive Officer
City of Rockingham
PO Box 2142,
Rockingham DC WA 6967

Attention: Greg Delahunty - Senior Planning Officer

Dear Sir

**DAP Form 2 Application – DAP Application 20.2014.00000411
Lot 2003 (420) Secret Harbour Boulevard, Lot 2010 (19) Oasis Drive & Lot
2013 (2) Oneida Road, Secret Harbour**

Rowe Group acts on behalf of Perpetual Limited, the land owner of Lot 2003 (420) Secret Harbour Boulevard, Lot 2010 (19) Oasis Drive & Lot 2013 (2) Oneida Road, Secret Harbour ('the subject site').

We have been requested by the landowner to prepare a DAP Form 2 Application which seeks to amend conditions 4, 14 and 16 of the Planning Approval. Furthermore, this application seeks the approval of some minor modifications to the existing approval.

Please find enclosed the following documentation:

- An Application to Commence Development Form signed by the land owner;
- A DAP Form 2 signed by the land owner;
- A cheque for the total sum of \$445 (being the applicable application fee for Determining an Application to amend or cancel Development Approval by the City of Rockingham ('City') and by DAP);
- Three (3) copies of the updated plans; and
- One (1) electronic copy of this Application with the amended site plan, updated traffic analysis and indicative intersection design.

Perth Office

L3, 369 Newcastle Street
Northbridge 6003
Western Australia

p: +618 9221 1991

f: +618 9221 1919

info@rowegroup.com.au

rowegroup.com.au

We request that the City of Rockingham recommend that the Joint Development Assessment Panel approve the request for the amendment of conditions 4, 14 and 16 for the following reasons:

Condition 4

Condition 4 states:

Prior to occupation of the proposed development, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.

We have been advised by Main Roads that a modified intersection design that includes a proposal to signalise the intersection at Oneida Road and Warnbro Sound Avenue cannot be justified and will not be approved. Given that Main Roads WA are the sole decision making authority in relation to the installation of traffic signals, the applicant is not able to comply with the condition.

It is also important to note that the original traffic modelling was based on a misunderstood instruction from the City which resulted in the modelling showing an increased number of vehicles heading north in the PM peak. This meant that the delay experienced by those vehicles attempting to turn right from Oneida Road into Warnbro Sound Avenue was increased. This anomaly has since been discovered, with the modelling updated to reflect the likely overall vehicle movements. This has then determined that the delay from Oneida Road has dropped to acceptable levels, thereby removing the requirement for traffic signals.

As such the requirement for traffic signals in this location cannot be supported by the modelling and the advice from Main Roads WA that traffic signals are not warranted is justified.

The landowner's traffic engineer has prepared an updated intersection upgrade concept (see attached). This includes the installation of an acceleration lane.

Given the above, Condition 4 should be modified as to remove the term "signalised" from the condition and to refer to the plan prepared by KCTT, stating as follows:

Prior to occupation of the proposed development, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a intersection generally as proposed by KCTT plan C300 Rev A dated 25 Dec 2015, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.

Condition 14

Condition 14 states:

A Landscaping 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, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;*
- (ii) Any lawns to be established;*
- (iii) Any natural landscape areas to be retained;*
- (iv) Those areas to be reticulated or irrigated; and*
- (v) The street setback area and all verge areas.*

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

As part of the preparation and endorsement of the landscaping plan, the City required that the paving along Oasis Drive to match the paving on the western side of Oasis Drive.

The landowner has reviewed the proposed uses on the centre side of Oasis Drive, which include a number of food and beverage tenancies, and wishes to amend the agreed paving type to reflect the different and specialised uses on the centre side of the street. The landowner is of the view that the outdoor dining areas should have a different look and feel than the regular paving used elsewhere within the centre. The remainder of Oasis Drive is proposed to match the remainder of the centre. Paving of this section, rather than a poured concrete path, will allow for flexibility and convenience of future proofing of the shopping centre whereby if additional services or other modifications are required it will be easier to lift and replace the paving.

Other amendments to the Landscape Plan dated June 2016 of the shopping centre include the following:

- The addition of play equipment for children within the 'Town Square Entry 1';
- Temporary seating in the shape of a boat donated by the Surf Club is proposed to be added in the 'Temporary Landscaping Stage 1';
- Relocation of two (2) mature trees; and
- Proposed planting on kerb line north of the approved supermarket tenancy in the centre of the site. This amendment will encourage users of the shopping centre to utilise the pedestrian crossing rather than stepping directly into the parking bays from the footpath abutting the supermarket.

Given the above, it is therefore appropriate that Condition 14 be amended so that it reflects the updated landscaping plan, which includes the modified paving, as follows:

Unless otherwise agreed, landscaping in accordance with the modified Landscaping Plan dated June 2016, must be completed prior to the occupation of the completed development, and must be maintained at all times to the satisfaction of the City of Rockingham.

Condition 16

Condition 16 states:

Thirty-eight (38) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant's expense.

As part of the approval of the landscaping plan, the City required the retention of a number of trees within the Oasis Road road reserve. As a result the number of on-street car parking spaces along Oasis Drive had to be reduced to thirty-five (35) as shown on the amended site plan. Given this requirement from the City it is appropriate that Condition 16 be amended so that it reflects the outcomes required as a result of the retention of the existing street trees as follows:

Thirty-five (35) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant's expense.

Minor amendment to plans

This application also seeks the approval for a number of minor modifications the approved plans (see attached). There are a number of very minor alterations to the plans, such as kerbing modifications, signage rationalisation, updated column positioning and modifications to some materials. The main changes are listed below:

Oneida Road Entry/Exit

The City required as part of the assessment of the detailed crossover plans that a total of three (3) parking bays adjacent to the intersection with Oneida Road be removed. These are reflected on the updated plans.

Small Vehicle Bays

As part of the manoeuvring of the service vehicles into the Coles loading dock, the first four (4) staff parking bays will be designated as small vehicle bays so as to ensure that no conflict with the service vehicles occurs.

ALDI Loading Dock Wall Height Increase

The wall height of the loading dock of the supermarket in the centre of the site, that fronts the main vehicular entrance from Warnbro Sound Avenue has been increased in height to provide extra screening of the loading bay. This will also accommodate relocated signage.

Expanded Canopy

The canopy over the post office boxes at the north eastern entrance has been extended to adequately cover the post office boxes.

McDonald's Drive-Thru Screening

Metal screening with a height of 1.2 metres is added with landscaping along a portion of the boundary adjacent to Oneida Road in front of the drive-thru exit. Additional landscaping is also provided. This is in accordance with an agreement with the adjoining landowners so as to limit light spill from vehicles exiting the drive-thru.

Requested Resolution

Proposed Resolution

That the Metro South West JDAP resolves to:

- 1. Accept that the DAP Application reference DAP/16/????? as detailed on the DAP Form 2 lodged 1 August 2016 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 DAP/16/????? as detailed on the DAP Form 2 lodged 1 August 2016 and accompanying plans in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:*

Amended Conditions

- 4. Prior to occupation of the proposed development, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a intersection*

generally as proposed by KCTT plan C300 Rev A dated 25 Dec 2015, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.

14. *Unless otherwise agreed, landscaping in accordance with the modified Landscaping Plan dated June 2016, must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.*
16. *Thirty-five (35) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant's expense.*

Should you require any further information or clarification in relation to this matter, please contact the undersigned on 9221 1991.

Yours faithfully,



Sean Fairfoul
Rowe Group