



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Thursday, 5 December 2013; 2:30pm
Meeting Number: MSWJDAP/29
Meeting Venue: Department of Planning
140 William Street, Perth

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Rory O'Brien (A/Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Bart Houwen (Local Government Member, City of Cockburn) until 2.48pm.
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn) from 2.44 until 2.48pm
Cr Andrew Sullivan (Local Government Member, City of Fremantle) from 2.48pm until 2.55pm.
Cr Jon Strachan (Local Government Member, City of Fremantle) from 2.48pm until 2.55pm.
Cr Richard Smith (Local Government Member, City of Rockingham) from 2.55pm.

Officers in attendance

Mr Craig Shepherd, Development Assessment Panels
Ms Lee O'Donohue, Department of Planning
Mr Gary McGowan, Department of Planning
Ms Erika Barton, City of Rockingham
Mr Mike Ross, City of Rockingham
Mr Andrew Lefort, City of Cockburn
Mr Troy Cappelluci, City of Cockburn
Ms Chloe Johnston, City of Fremantle

Department of Planning Minute Secretary

Mr Luke Downes, Development Assessment Panels

Applicants and Submitters

Mr Justin Page, Whelans
Mr Tim Dawkins, Urbis
Ms Prue Cunningham, Stockland
Mr James Thompson, MacJones

Members of the Public

Nil



1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 2.30 pm on 5 December 2013 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

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

2. Apologies

Mr Ian Birch (Deputy Presiding Member)

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no.28 held on 20 November 2013 were noted by DAP members.

5. Disclosure of interests

Nil

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

7.1 Mr Justin Page (Whelans) presenting for the application at Item 8.1.
Mr Page answered questions from the panel.

7.2 Mr Mike Davis (TPG) presenting for the application at Item 9.1.
Mr David answered questions from the panel.

The presentation at Item 7.2 was heard prior to the application at Item 9.1



8. Form 1 - Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar
Application Details:	51 Multiple Dwellings and 6 Grouped Dwellings
Applicant:	Whelans (WA) Pty Ltd
Owner:	Ocean Road Infrastructure Pty Ltd
Responsible authority:	City of Cockburn
Report date:	18/11/2013
DoP File No:	DP/13/00773

Cr Reeve-Fowkes arrived at 2.44 pm

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Bart Houwen

Seconded by: Mr Rob Nicholson

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

Approve the Development Assessment Panel Application (DAP13/007) and accompanying plans (A1.01 to A1.09, A2.01 to A2.05 and A0.01) dated received 13 September 2013 for the development of 51 multiple dwellings and 6 grouped dwellings over Lot 9000 Ningham Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development. The details as agreed by the City are to be implemented in the development.
2. A detailed landscaping plan and lighting details of the subject site as part of this proposed staged development shall be submitted to the City's satisfaction prior to the lodgement of a Building Permit application. The plan agreed to by the City shall be implemented in the development.
3. Landscaping is to be established and reticulated in accordance with the approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
4. An acoustic report undertaken by a suitably qualified acoustic consultant demonstrating that the design of the development meets the following requirements: "the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning", will result in acceptable indoor noise levels and at least one outdoor living area exposed to noise which meets the criteria for outdoor living areas identified in Table 1 of the Policy;"



5. **Prior to the lodgement of a Building Permit with the City**, the Developer is to provide to the City with a report from a recognised acoustic consultant demonstrating that the design of the development and the location of plant within the development including air-conditioners and similar equipment will not result in noise emissions exceeding those set out in the Environmental Protection (Noise) Regulations 1997 (as amended) and the design of the development will result in acceptable indoor noise levels that meet the recommended design sound levels in table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors", particularly with regard to noise transmission between units and floors.
6. A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the Noise Report provided prior to the lodgement of a Building Permit with the City, have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the City must be provided prior to occupation of the development.
7. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development.
8. Arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
9. Provisions identified in the Waste Management Plan dated and approved by the City, dated received 22 November 2013, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
10. Bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 22 bicycle bays (17 for residents, 5 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
11. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City.
12. The approved residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bone fide visitors of the occupants of the dwellings the subject of this approval, in perpetuity and reflected as such on the strata plan for the development. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of



- the visitor car parking bays to any strata lot. Parking within such bays may be time restricted.
13. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
 14. All stormwater being contained and disposed of on-site to the satisfaction of the City.
 15. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
 16. The approved development must clearly display the street number/s.
 17. Car parking and access driveways shall be designed and constructed to comply AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
 18. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a building permit and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
 19. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
 20. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any work commencing onsite.
 21. **Prior to the lodgement of a Building Permit**, any excavation and earthworks necessary within the Spearwood Avenue road reserve will need to be approved by the City.
 22. The City is to initiate an MRS amendment to remove the Other Regional Roads (ORR) reservation from the affected portion of the subject site.
 23. **Prior to the lodgement of a Building Permit**, the City is to reach agreement with the applicant regarding the provision of a pedestrian path along the Spearwood Avenue frontage of the site (western side of Spearwood Avenue between Ninghan Lookout and Beeliar Drive).

Footnotes

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
2. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn



Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a building permit is required.

3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. With regard to Condition 11, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
5. With regards to condition 14, all stormwater drainage shall be designed in accordance with Australian Standard AS3500. In addition, it may be necessary for temporary drainage solutions to be provided in the interim until drainage areas are provided in public open space areas. It may be necessary for suitable arrangements to be provided which allow for the temporary solutions to be decommissioned in the future and connected to the ultimate drainage design.
6. In regards to condition 4, when considering acceptable strategies to minimise the potential impact of road traffic noise on the homes proposed within this area, the following hierarchy of controls should be considered:
 - Increased spatial separation between the houses and the road – eg the use of public open space as a buffer between, the location of service roads to ensure that properties do not 'back on' to the transport route etc;
 - Zoning mechanisms to limit where possible land use in close proximity to the road to non-noise sensitive land uses (i.e. non-residential);
 - The use of buildings as shields or similar acoustic design principals;
 - Noise barriers, walls and bunds – not really an acceptable solution on its own in this situation, as it requires complete visual obstruction between the road and the houses;
 - The use of quiet house design requirements – as with the wall or barrier, this is not an option that can be used on its own due to the impact on the houses and increased cost burden on the home owner.
7. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
8. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage



(Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.

9. In regards to condition 20, an Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication "Land development sites and impacts on air quality" (November 1996) The developer is further advised that the City's Health Service cannot approve bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
10. In regards to condition 21, please liaise with the City's Engineering Department.
11. In regards to condition 22, The City is to send the following information to WAPC Schemes, Strategies and Amendments – Attention to Anthony Muscara:
 - A brief explanation of the proposal;
 - Plans showing the affected portion of land; and
 - A preliminary design concept for the future intersection of Beelias Drive/Spearwood Avenue.
12. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.
13. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.

AMENDING MOTION

Moved by: Mr Rory O'Brien

Seconded by: Mr Rob Nicholson

To amend condition 4 to replace the words "at least one outdoor living area" with "communal open space area".

REASON: To provide clarity to the applicant as to the JDAP's expectations.

The Amending Motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION

Moved by: Mr Rory O'Brien

Seconded by: Cr Bart Houwen

To amend condition 8 to replace "Chief Executive Officer" with "City of Cockburn".

REASON: To provide clarity to the applicant as to the JDAP's expectations.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Rory O'Brien

To delete condition 17 and thus renumber remaining conditions and all references to related conditions as appropriate.

REASON: Deleted due to the condition containing wording of a similar nature to condition 11.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Cr Carol Reeve-Fowkes joined the meeting at 2.44 pm

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Rory O'Brien

To delete condition 22 and footnote 11 and thus renumber remaining conditions and footnotes, and all references to related conditions and footnotes as appropriate.

REASON: Not conditions of planning approval due to falling outside of the control of the applicant.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Rory O'Brien

To amend condition 23 to replace the words "the City is to reach agreement with the applicant" with "the applicant is to reach an agreement with the City".

REASON: To clarify the applicant's responsibility to approach the City with an agreement for the pedestrian pathway.

The Amending Motion was put and CARRIED UNANIMOUSLY.



PRIMARY MOTION (AS AMENDED)

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

Approve the Development Assessment Panel Application (DAP13/007) and accompanying plans (A1.01 to A1.09, A2.01 to A2.05 and A0.01) dated received 13 September 2013 for the development of 51 multiple dwellings and 6 grouped dwellings over Lot 9000 Ningham Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development. The details as agreed by the City are to be implemented in the development.
2. A detailed landscaping plan and lighting details of the subject site as part of this proposed staged development shall be submitted to the City's satisfaction prior to the lodgement of a Building Permit application. The plan agreed to by the City shall be implemented in the development.
3. Landscaping is to be established and reticulated in accordance with the approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
4. An acoustic report undertaken by a suitably qualified acoustic consultant demonstrating that the design of the development meets the following requirements: "the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning", will result in acceptable indoor noise levels and communal open space area exposed to noise which meets the criteria for outdoor living areas identified in Table 1 of the Policy;"
5. **Prior to the lodgement of a Building Permit with the City**, the Developer is to provide to the City with a report from a recognised acoustic consultant demonstrating that the design of the development and the location of plant within the development including air-conditioners and similar equipment will not result in noise emissions exceeding those set out in the Environmental Protection (Noise) Regulations 1997 (as amended) and the design of the development will result in acceptable indoor noise levels that meet the recommended design sound levels in table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors", particularly with regard to noise transmission between units and floors.
6. A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the Noise Report



- provided prior to the lodgement of a Building Permit with the City, have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the City must be provided prior to occupation of the development.
7. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development.
 8. Arrangements being made to the satisfaction of the City of Cockburn for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
 9. Provisions identified in the Waste Management Plan dated and approved by the City, dated received 22 November 2013, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
 10. Bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 22 bicycle bays (17 for residents, 5 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
 11. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City.
 12. The approved residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bone fide visitors of the occupants of the dwellings the subject of this approval, in perpetuity and reflected as such on the strata plan for the development. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor car parking bays to any strata lot. Parking within such bays may be time restricted.
 13. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
 14. All stormwater being contained and disposed of on-site to the satisfaction of the City.
 15. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
 16. The approved development must clearly display the street number/s.



17. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a building permit and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
18. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
19. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any work commencing onsite.
20. **Prior to the lodgement of a Building Permit**, any excavation and earthworks necessary within the Spearwood Avenue road reserve will need to be approved by the City.
21. **Prior to the lodgement of a Building Permit**, the applicant is to reach an agreement with the City regarding the provision of a pedestrian path along the Spearwood Avenue frontage of the site (western side of Spearwood Avenue between Ninghan Lookout and Beeliar Drive).

Footnotes

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
2. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a building permit is required.
3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. With regard to Condition 11, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
5. With regards to condition 14, all stormwater drainage shall be designed in accordance with Australian Standard AS3500. In addition, it may be necessary for temporary drainage solutions to be provided in the interim until drainage areas are provided in public open space areas. It may be necessary for suitable arrangements to be provided which allow for the temporary solutions to be decommissioned in the future and connected to the ultimate drainage design.



6. In regards to condition 4, when considering acceptable strategies to minimise the potential impact of road traffic noise on the homes proposed within this area, the following hierarchy of controls should be considered:
 - Increased spatial separation between the houses and the road – eg the use of public open space as a buffer between, the location of service roads to ensure that properties do not ‘back on’ to the transport route etc;
 - Zoning mechanisms to limit where possible land use in close proximity to the road to non-noise sensitive land uses (i.e. non-residential);
 - The use of buildings as shields or similar acoustic design principals;
 - Noise barriers, walls and bunds – not really an acceptable solution on its own in this situation, as it requires complete visual obstruction between the road and the houses;
 - The use of quiet house design requirements – as with the wall or barrier, this is not an option that can be used on its own due to the impact on the houses and increased cost burden on the home owner.
7. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: ‘Control of the Obtrusive of Outdoor Lighting’.
8. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 “The use of mechanical ventilation for acceptable indoor air quality” and the City of Cockburn Health Local Laws 2000.
9. In regards to condition 19, an Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication “Land development sites and impacts on air quality” (November 1996) The developer is further advised that the City’s Health Service cannot approve bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
10. In regards to condition 20, please liaise with the City’s Engineering Department.
11. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.
12. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the



applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.

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

Cr Bart Houwen and Cr Carol Reeve-Fowkes departed the meeting at 2.48 pm

Cr Andrew Sullivan and Cr Jon Strachan entered the meeting at 2.48 pm

8.2 Property Location: Lots 2029 and 2031 (No. 47) Mews Road, Fremantle.
Application Details: Additions and alterations to existing building and partial change of use to Tavern 'restricted'
Applicant: Bathers Beach Property Group
Owner: Minister for Transport
Responsible authority: Western Australian Planning Commission.
Report date: 26 November 2013
DoP File No: DP/13/00826

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Jon Strachan

That the South West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP80005/13 and accompanying plans Drawing No. A1.01 Rev A, A1.02 Rev A, A1.03 Rev A, A1.04 Rev A, A1.05 Rev A and associated images stamp dated 11 October 2011, in accordance with (Clause 30) of the Metropolitan Region Scheme, subject to the following conditions:

CONDITIONS

1. Additional details of the following being provided prior to the issue of a Building Permit to the specification of the City of Fremantle to the satisfaction of the Western Australian Planning Commission,
 - i. Details of the upper floor enclosure; and
 - ii. Details of materials, colours and textures.
2. The proposed development is to comply in all respects with the submitted plans received on the 11 October 2013 and stamped accordingly.
3. All storm water discharge shall be contained and disposed of on-site to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.
4. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness 12 mm or "double glazed" utilising laminated or toughened safety glass of minimum thickness 6 mm. The windows/openings



shall be installed to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.

5. All air conditioning systems shall provide internal central located 'shut down' points and associated procedures for emergency use and shall be installed to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.
6. Any signage permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective; retro-reflective or fluorescent materials in its design structure.

ADVICE

1. With regard to Condition 1, the applicant is advised that the City of Fremantle wishes to assess the upper enclosure to ensure that it can be read as lighter and more transparent feature so as to achieve the design intent of the original concept presented to the Design Advisory Committee.
2. With regard to Conditions 4 and 5, the applicant should refer to the requirements set out within City of Fremantle Policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines.

AMENDING MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Jon Strachan

To add advice note 3 as follows:

"The applicant is reminded of the obligation to obtain separate approval from the Minister for Lands for development over civic spaces."

REASON: To provide clarity to the applicant over their obligations for development within civic spaces.

**The Amending Motion was put and CARRIED UNANIMOUSLY.
PRIMARY MOTION (AS AMENDED)**

That the South West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP80005/13 and accompanying plans Drawing No. A1.01 Rev A, A1.02 Rev A, A1.03 Rev A, A1.04 Rev A, A1.05 Rev A and associated images stamp dated 11 October 2011, in accordance with (Clause 30) of the Metropolitan Region Scheme, subject to the following conditions:

CONDITIONS

1. Additional details of the following being provided prior to the issue of a Building Permit to the specification of the City of Fremantle to the satisfaction of the Western Australian Planning Commission,
 - i. Details of the upper floor enclosure; and



- ii. Details of materials, colours and textures.
2. The proposed development is to comply in all respects with the submitted plans received on the 11 October 2013 and stamped accordingly.
3. All storm water discharge shall be contained and disposed of on-site to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.
4. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness 12 mm or "double glazed" utilising laminated or toughened safety glass of minimum thickness 6 mm. The windows/openings shall be installed to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.
5. All air conditioning systems shall provide internal central located 'shut down' points and associated procedures for emergency use and shall be installed to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.
6. Any signage permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective; retro-reflective or fluorescent materials in its design structure.

ADVICE

1. With regard to Condition 1, the applicant is advised that the City of Fremantle wishes to assess the upper enclosure to ensure that it can be read as lighter and more transparent feature so as to achieve the design intent of the original concept presented to the Design Advisory Committee.
2. With regard to Conditions 4 and 5, the applicant should refer to the requirements set out within City of Fremantle Policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines.
3. The applicant is reminded of the obligation to obtain separate approval from the Minister for Lands for development over civic spaces.

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

Cr Andrew Sullivan and Cr Jon Strachan departed the meeting at 2.55 pm

Cr Richard Smith entered the meeting at 2.55 pm



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

9.1 Property Location:	434 Safety Bay Road Pty Ltd
Application Details:	Four Storey Mixed Use Development
Applicant:	TPG Town Planning and Urban Design
Owner:	434 Safety Bay Road Pty Ltd
Responsible authority:	City of Rockingham
Report date:	26th November 2013
DoP File No:	DP/12/00130

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Richard Smith

Seconded by: Mr Rob Nicholson

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

1. Accept that the DAP application reference 12/00130 as detailed on the DAP Form 2 dated 4th October 2013 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference 12/00130 as detailed on the DAP Form 2 dated 4th October 2013 and accompanying plans Ref: A1.01, A1.02, A1.03.1, A1.03.2, A1.04, A1.05, A1.06, A1.07, A3.01, A3.02, A4.01, in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Subclause 30(1) of the Metropolitan Region Scheme, for the proposed minor amendment to the approved Four Storey Mixed Use Development at Lot 100 (No.434) Safety Bay Road Safety Bay, subject to the following amended conditions, and additional conditions. All other conditions and advice notes on the Planning Approval remain.

Amended Conditions

- (a) Deletion of Condition No.1
- (b) Amending Condition No.2 as follows:
 - “2. *Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon the commencement of development.*”
- (c) Amending Condition No.4 as follows:
 - “4. *A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to applying for a Building Permit. Works on the approved Landscaping Plan must be undertaken prior to occupation and be maintained at all times.*



(d) Amending Condition No.5 as follows:

"5. The carpark must:

- (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit.*
- (ii) include two car parking spaces dedicated to people with disability and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Car parking for people with disabilities;*
- (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and*
- (iv) have lighting installed in the basement, prior to applying for an occupancy permit."*

(e) Amending Condition No.6 as follows:

"6. Nine on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior applying for a Building Permit, and constructed prior to applying for an occupancy permit."

(f) Amending Condition No.7 as follows:

"7. Forty-nine long term bicycle parking spaces and 8 short term bicycle parking space must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit. The bicycle parking facilities and end of trip facilities must be constructed prior to applying for an occupancy permit, and be maintained for the duration of the development."

(g) Delete Condition No.9.

(h) Amending Condition No.10 as follows:

"10. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Malibu Road and Safety Bay Road."

(i) Amending Condition No.11 as follows:

"11. Entries and window frontages of all Commercial tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Malibu Road, at all times."



(j) Amending Condition No.12 as follows:

“12 Street Awnings shall be provided to Malibu Road across the full width of the proposed building at a minimum of 2.5m wide and minimum clearance of 3.2m above the footpath, with light being provided under the street awning.”

(k) Deletion of Condition No.13

(l) Deletion of Condition No.14

(m) Deletion of Condition No.15

(n) Deletion of Condition No.17

(o) Amending Condition No.18 as follows:

“18. The balconies of Units 11, 24 and 36 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of adjacent survey strata lots (WAPC Ref: 66-12) within 7.5m of the balconies, prior to applying for a Building Permit.”

(p) Amending Condition No.19 as follows:

“19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.”

(q) Amending Condition No. 20 as follows:

“20. A Waste Management Plan shall be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:

- (i) the location of bin storage areas and bin collection areas;*
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;*
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and*
- (iv) frequency of bin collections.*

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

(r) Deletion of Condition No.21

(s) Amending Condition No.22 as follows:



"22. An Acoustic Report must be prepared:

- a) prior to applying for a Building Permit, demonstrating how all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997. Development must only be carried out in accordance with the Acoustic Report approved by the City of Rockingham's Health Services; and*
- b) prior to applying for an occupancy permit, demonstrating how the completed development complies with the Environmental Protection (Noise) Regulations 1997. In the event that remediation works are required, such works must be implemented and maintained for the duration of the development."*

(t) Amending Condition No.23 as follows:

"23. All service areas and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction, prior to applying for a Building Permit."

(u) Deletion of Condition No.24.

(v) Amending Condition No.25 as follows:

"25. The development must be designed to incorporate a rear service door access for commercial tenancies Nos. 2 and 3 to access the service corridor, to facilitate direct access to the bin store."

(w) Amending Condition No.26 as follows:

"26. A car parking space allocation plan being provided to the satisfaction of the City of Rockingham, prior to applying for a Building Permit, which designates the allocation of the approved parking spaces to the various approved uses. Such plan shall apply for the duration of the development. The required residential visitor parking spaces shall be clearly delineated as such on-site in common ownership and available for use by bona-fide visitors of the occupants of the dwellings the subject of this approval for the duration of the development. All commercial car parking bays must also be delineated as such on-site and be available for customer and staff parking during all operating hours of the commercial tenancies. "

New Conditions

27. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.



28. The 14 Short Stay Accommodation Units must only be used for Short Stay Accommodation and not as Multiple Dwellings (permanent accommodation).
29. The above conditions amend the previous Approval dated 3rd May 2012.

Amended Advice Notes

- (a) Deleting Advice Note (a)
- (b) Amending Advice Note (b) as follows:
 - “(b) A Sign Permit under the City of Rockingham Signs, Hoardings and Bill Posting By-law 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.”*
- (c) Amending Advice Note (d) as follows:
 - “(d) The applicant is reminded of the need to obtain approval for the encroachments over the street under the Local Government (Miscellaneous Provisions) Act 1960; contact the City’s Building Services for more information. The applicant and owner should liaise with the City of Rockingham’s Building Services and the Department of Lands in this regard.”*
- (d) Deleting Advice Note (e)
- (e) Deleting Advice Note (g)
- (f) Deleting Advice Note (h)

New 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. With respect to Condition No.4, the applicant should liaise with the City of Rockingham’s Parks Services to confirm requirements for the upgrading of the street setback area and provision of on-street parking along Malibu Road
3. The applicant is advised that exhaust facilities associated with any future proposed restaurant must be provided in accordance with Australian Standard AS1668.2 – 2002. The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with “state of the art” filtration and odour suppression devices.
4. A separate approval from the City of Rockingham’s Health Services is required under the Food Act 2008 and Food Safety Standards, should any food premises be proposed to occupy the commercial tenancies. The applicant should liaise with the City’s Health Services in this regard.



5. In relation to Condition No.22 the Final Acoustic Report must include the following information:
- 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;
 - tonality, modulation and impulsiveness;
 - confirm the implementation of noise attenuation measures.

AMENDING MOTION

Moved by: Cr Richard Smith

Seconded by: Mr Rob Nicholson

To amend clause e), condition 6, to add the words "within the Malibu Road reserve" after "Nine on-street car parking spaces".

REASON: To provide certainty and clarity of the planning conditions.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Cr Richard Smith

Seconded by: Mr Rob Nicholson

To amend clause o), condition 18, to include the words "as identified on the approved plans" after the phrase "The balconies of Units 11, 24 and 36".

REASON: To provide certainty and clarity of the planning conditions.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rory O'Brien

Seconded by: Mr Rob Nicholson

To delete condition 28 and renumber remaining conditions as appropriate.

REASON: Conflicts with condition 16.

The Amending Motion was put and CARRIED UNANIMOUSLY.



PRIMARY MOTION (AS AMENDED)

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

1. Accept that the DAP application reference 12/00130 as detailed on the DAP Form 2 dated 4th October 2013 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference 12/00130 as detailed on the DAP Form 2 dated 4th October 2013 and accompanying plans Ref: A1.01, A1.02, A1.03.1, A1.03.2, A1.04, A1.05, A1.06, A1.07, A3.01, A3.02, A4.01, in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Subclause 30(1) of the Metropolitan Region Scheme, for the proposed minor amendment to the approved Four Storey Mixed Use Development at Lot 100 (No.434) Safety Bay Road Safety Bay, subject to the following amended conditions, and additional conditions. All other conditions and advice notes on the Planning Approval remain.

Amended Conditions

- (a) Deletion of Condition No.1
- (b) Amending Condition No.2 as follows:
 - "2. *Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon the commencement of development.*"
- (c) Amending Condition No.4 as follows:
 - "4. *A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to applying for a Building Permit. Works on the approved Landscaping Plan must be undertaken prior to occupation and be maintained at all times.*
- (d) Amending Condition No.5 as follows:
 - "5. *The carpark must:*
 - (i) *be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit.*
 - (ii) *include two car parking spaces dedicated to people with disability and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Car parking for people with disabilities;*



- (iii) *be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and*
- (iv) *have lighting installed in the basement, prior to applying for an occupancy permit.”*
- (e) Amending Condition No.6 as follows:
- “6. Nine on-street car parking spaces within the Malibu Road reserve shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior applying for a Building Permit, and constructed prior to applying for an occupancy permit.”*
- (f) Amending Condition No.7 as follows:
- “7. Forty-nine long term bicycle parking spaces and 8 short term bicycle parking space must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit. The bicycle parking facilities and end of trip facilities must be constructed prior to applying for an occupancy permit, and be maintained for the duration of the development.”*
- (g) Delete Condition No.9.
- (h) Amending Condition No.10 as follows:
- “10. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Malibu Road and Safety Bay Road.”*
- (i) Amending Condition No.11 as follows:
- “11. Entries and window frontages of all Commercial tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Malibu Road, at all times.”*
- (j) Amending Condition No.12 as follows:
- “12 Street Awnings shall be provided to Malibu Road across the full width of the proposed building at a minimum of 2.5m wide and minimum clearance of 3.2m above the footpath, with light being provided under the street awning.”*
- (k) Deletion of Condition No.13
- (l) Deletion of Condition No.14
- (m) Deletion of Condition No.15



(n) Deletion of Condition No.17

(o) Amending Condition No.18 as follows:

“18. The balconies of Units 11, 24 and 36 as identified on the approved plans shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of adjacent survey strata lots (WAPC Ref: 66-12) within 7.5m of the balconies, prior to applying for a Building Permit.”

(p) Amending Condition No.19 as follows:

“19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.”

(q) Amending Condition No. 20 as follows:

“20. A Waste Management Plan shall be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:

- (i) the location of bin storage areas and bin collection areas;*
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;*
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and*
- (iv) frequency of bin collections.*

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

(r) Deletion of Condition No.21

(s) Amending Condition No.22 as follows:

“22. An Acoustic Report must be prepared:

- a) prior to applying for a Building Permit, demonstrating how all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997. Development must only be carried out in accordance with the Acoustic Report approved by the City of Rockingham’s Health Services; and*



- b) *prior to applying for an occupancy permit, demonstrating how the completed development complies with the Environmental Protection (Noise) Regulations 1997. In the event that remediation works are required, such works must be implemented and maintained for the duration of the development.”*
- (t) Amending Condition No.23 as follows:
- “23. All service areas and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction, prior to applying for a Building Permit.”*
- (u) Deletion of Condition No.24.
- (v) Amending Condition No.25 as follows:
- “25. The development must be designed to incorporate a rear service door access for commercial tenancies Nos. 2 and 3 to access the service corridor, to facilitate direct access to the bin store.”*
- (w) Amending Condition No.26 as follows:
- “26. A car parking space allocation plan being provided to the satisfaction of the City of Rockingham, prior to applying for a Building Permit, which designates the allocation of the approved parking spaces to the various approved uses. Such plan shall apply for the duration of the development. The required residential visitor parking spaces shall be clearly delineated as such on-site in common ownership and available for use by bona-fide visitors of the occupants of the dwellings the subject of this approval for the duration of the development. All commercial car parking bays must also be delineated as such on-site and be available for customer and staff parking during all operating hours of the commercial tenancies. “*

New Conditions

27. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
28. The above conditions amend the previous Approval dated 3rd May 2012.

Amended Advice Notes

- (a) Deleting Advice Note (a)
- (b) Amending Advice Note (b) as follows:



“(b) *A Sign Permit under the City of Rockingham Signs, Hoardings and Bill Posting By-law 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.*”

(c) Amending Advice Note (d) as follows:

“(d) *The applicant is reminded of the need to obtain approval for the encroachments over the street under the Local Government (Miscellaneous Provisions) Act 1960; contact the City’s Building Services for more information. The applicant and owner should liaise with the City of Rockingham’s Building Services and the Department of Lands in this regard.*”

(d) Deleting Advice Note (e)

(e) Deleting Advice Note (g)

(f) Deleting Advice Note (h)

New 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. With respect to Condition No.4, the applicant should liaise with the City of Rockingham’s Parks Services to confirm requirements for the upgrading of the street setback area and provision of on-street parking along Malibu Road
3. The applicant is advised that exhaust facilities associated with any future proposed restaurant must be provided in accordance with Australian Standard AS1668.2 – 2002. The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with “state of the art” filtration and odour suppression devices.
4. A separate approval from the City of Rockingham’s Health Services is required under the Food Act 2008 and Food Safety Standards, should any food premises be proposed to occupy the commercial tenancies. The applicant should liaise with the City’s Health Services in this regard.
5. In relation to Condition No.22 the Final Acoustic Report must include the following information:
 - 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;
 - tonality, modulation and impulsiveness;
 - confirm the implementation of noise attenuation measures.

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



10. Appeals to the State Administrative Tribunal

10.1	Property Location:	Lots 1 and 9084 Safety Bay Road, Baldivis
	Application Details:	Reconsideration of DAP Planning Approval for Additions and Alterations to Baldivis District Shopping Centre
	Applicant:	Stockland Development Pty Ltd C/- Urbis
	Owner:	Stockland WA (Estates) Pty Ltd
	Responsible authority:	City of Rockingham
	Report date:	4th November 2013
	DoP File No:	DP/12/01276

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Richard Smith

Seconded by: Mr Rob Nicholson

That the Metro South West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 287 of 2013, resolves to:

Reconsider its decision dated 8th March 2013 and **approve** DAP Application reference 20.2012.00000290 and accompanying plans Site Plan (Drawing No. DA0101-C), Ground Floor Plan (Drawing No. DA0102-B), Level 1 Carpark Plan (Drawing No. DA0103-B), Building 5 Floor Plans (Drawing No. DA0104-A), Elevations Sheet 1 (Drawing No. DA0201-C), Elevations Sheet 2 (Drawing No. DA0202-C), Elevations Sheet 3 (Drawing No. DA0203-C), Sections Sheet 1 (Drawing No. DA0301-C), Perspective Sheet 1 (Drawing No. DA0501-B), and Perspective Sheet 2 (Drawing No. DA0502-B) dated 12 April 2013 in accordance with Clause 6.7 of the City of Rockingham District Planning Scheme No.2 and the Metropolitan Region Scheme, subject to the following amended conditions and condition 28 relating to road widening. All other conditions and advice notes on the Planning Approval (as amended on 29 July 2013) remain.

Amended Conditions:

- The 31 staff car parking spaces located on the northern side of the development are only permitted to remain and be used for parking until Mennock Approach is constructed. Once Mennock Approach is constructed, the staff car parking spaces must cease to be used for any parking.
- The car parking and access easement documentation in favour of Lots 7 & 8 Mennock Approach is to be updated to reflect the revised car parking layout. The easement documentation is to reflect no less than the number of car bays currently provided.
- Mennock Approach is to be constructed between Nairn Drive and Settlers Avenue in accordance with engineering drawings and specifications submitted for approval of the City of Rockingham. The land required to construct Mennock Approach between Nairn Drive and Settlers Avenue is to be vested in the Crown as a public road under section 152 of the *Planning and Development Act 2005*, and such land is to be ceded free of cost without payment of compensation, prior to applying for an Occupancy Permit.



12. Deleted
19. A Noise Management Plan must be prepared for the operation of all service vehicles and forklifts in association with the Baldivis Shopping Centre. The Noise Management Plan is to demonstrate that all vehicles can operate and are to be operated in accordance with the Environmental Protection (Noise) Regulations 1997. The Noise Management Plan shall be submitted to and approved by the City of Rockingham prior to any application for an Occupancy Permit being lodged.

Service deliveries and the operation of forklifts must only be carried out or undertaken in accordance with the approved Noise Management Plan, for the duration of the development.

28. The 43m² of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road, is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to applying for an occupancy permit.

Advice Note

- ii. In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.
- xiii. All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.

AMENDING MOTION

Moved by: Cr Richard Smith

Seconded by: Mr Rory O'Brien

To amend condition 9 to replace "Mennock Approach" with "Settlers Avenue".

REASON: Correction of property address.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro South West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 287 of 2013, resolves to:

Reconsider its decision dated 8th March 2013 and **approve** DAP Application reference 20.2012.00000290 and accompanying plans Site Plan (Drawing No.



DA0101-C), Ground Floor Plan (Drawing No. DA0102-B), Level 1 Carpark Plan (Drawing No. DA0103-B), Building 5 Floor Plans (Drawing No. DA0104-A), Elevations Sheet 1 (Drawing No. DA0201-C), Elevations Sheet 2 (Drawing No. DA0202-C), Elevations Sheet 3 (Drawing No. DA0203-C), Sections Sheet 1 (Drawing No. DA0301-C), Perspective Sheet 1 (Drawing No. DA0501-B), and Perspective Sheet 2 (Drawing No. DA0502-B) dated 12 April 2013 in accordance with Clause 6.7 of the City of Rockingham District Planning Scheme No.2 and the Metropolitan Region Scheme, subject to the following amended conditions and condition 28 relating to road widening. All other conditions and advice notes on the Planning Approval (as amended on 29 July 2013) remain.

Amended Conditions:

2. The 31 staff car parking spaces located on the northern side of the development are only permitted to remain and be used for parking until Mennock Approach is constructed. Once Mennock Approach is constructed, the staff car parking spaces must cease to be used for any parking.
9. The car parking and access easement documentation in favour of Lots 7 & 8 Settlers Avenue is to be updated to reflect the revised car parking layout. The easement documentation is to reflect no less than the number of car bays currently provided.
11. Mennock Approach is to be constructed between Nairn Drive and Settlers Avenue in accordance with engineering drawings and specifications submitted for approval of the City of Rockingham. The land required to construct Mennock Approach between Nairn Drive and Settlers Avenue is to be vested in the Crown as a public road under section 152 of the *Planning and Development Act 2005*, and such land is to be ceded free of cost without payment of compensation, prior to applying for an Occupancy Permit.
12. Deleted
19. A Noise Management Plan must be prepared for the operation of all service vehicles and forklifts in association with the Baldivis Shopping Centre. The Noise Management Plan is to demonstrate that all vehicles can operate and are to be operated in accordance with the Environmental Protection (Noise) Regulations 1997. The Noise Management Plan shall be submitted to and approved by the City of Rockingham prior to any application for an Occupancy Permit being lodged.

Service deliveries and the operation of forklifts must only be carried out or undertaken in accordance with the approved Noise Management Plan, for the duration of the development.
28. The 43m² of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road, is to be vested in the Crown as a public road under section 152 of the *Planning and Development Act 2005*, and such land is to be ceded free of cost without payment of compensation, prior to applying for an occupancy permit.



Advice Note

- ii. In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.
- xiii. All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.

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

11. Meeting Close

There being no further business, the presiding member declared the meeting closed at 3.20 pm.

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