



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

**Meeting Date and Time:** Friday, 8 July 2016; 9.00am  
**Meeting Number:** MSWJDAP/ 108  
**Meeting Venue:** City of Mandurah  
3 Peel Street, Mandurah

### **Attendance**

#### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Stacey Towne (Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Caroline Knight (Local Government Member, City of Mandurah)  
Cr Chris Elliott (Local Government Member, City of Rockingham)  
Cr Kelly McManus (Local Government Member, City of Rockingham)  
Cr Dennis Wood (Local Government Member, City of Kwinana)

#### **Officers in attendance**

Mr Ben Dreckow (City of Mandurah)  
Mr Aaron Lucas (City of Mandurah)  
Ms Donna Shaw (City of Rockingham)  
Mr Greg Delahunty (City of Rockingham)  
Mr Mike Ross (City of Rockingham)  
Mr Neels Pretorius (City of Rockingham)  
Mr Brenton Scambler (City of Kwinana)  
Ms Jessica Birbeck (City of Kwinana)

#### **Local Government Minute Secretary**

Ms Kyl Betteridge (City of Mandurah)

#### **Applicants and Submitters**

Mr Marc Re (Planning Solutions)  
Mr Leon Calvetti (Caltex)  
Mr Behnam Bordbar (Transcore)  
Mr Kris Kennedy (Aigle Royal Developments)  
Ms Colleen Thompson (GHD)  
Mr Matt Raymond (TPG)  
Ms Lisa Engelbrecht (MGA Town Planners)  
Mr Alex McGlue (Lavan Legal)

#### **Members of the Public**

Additional members with an interest in the applications were present at the meeting.



## 1. Declaration of Opening

The Presiding Member, Mr Ian Birch declared the meeting open at 9:00am on 8 July 2016 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

## 2. Apologies

Cr Darren Lee (Local Government Member, City of Mandurah)  
Cr Ruth Alexander (Local Government Member, City of Kwinana)

## 3. Members on Leave of absence

Nil

## 4. Noting of minutes

Minutes of the Metro South-West JDAP meeting No.107 held on 27 June 2016 were noted by DAP members.

## 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of interests

Panel members, Mr Rob Nicholson and Ms Stacey Towne, each declared a direct pecuniary interest in item 9.1. Mr Rob Nicholson and Ms Stacey Towne both hold Wesfarmers shares. The application at Item 9.1 involves a Coles supermarket which falls under Wesfarmers. Mr Nicholson also holds Woolworths shares which is also involved in this application.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who have disclosed a Pecuniary Interest, were not permitted to participate in the discussion or voting on the items.

## 7. Deputations and presentations

7.1 Mr Marc Re (Planning Solutions), Mr Leon Calvetti (Caltex) and Mr Behnam Bordbar (Transcore) addressed the DAP for the application at Item 8.1. Mr Behnam Bordbar answered questions from the panel.

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

7.2 Ms Lisa Engelbrecht (MGA Town Planners) addressed the DAP for the application at Item 8.2. Mr Greg Delahunty answered questions from the panel.

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



**7.3** Mr Alex McGlue (Lavan Legal) addressed the DAP for the application at Item 9.1.

**7.4** Mr Kris Kennedy (Aigle Royal Developments) addressed the DAP for the application at Item 9.1.

***The presentations at Item 7.3 and 7.4 were heard prior to the application at Item 9.1***

## **PROCEDURAL MOTION**

**Moved by:** Mr Rob Nicholson      **Seconded by:** Ms Stacey Towne

That the applications at Item No. 9.3 and 9.4 be heard prior to the application at Item No. 7.1

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

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

<b>8.1</b> Property Location:	Lot 50 Mandurah Road MEADOW SPRINGS
Application Details:	Proposed Service Station Redevelopment
Applicant:	Planning Solutions
Owner:	Stoneway Enterprises PTY LTD
Responsible authority:	City of Mandurah
DoP File No:	DAP/16/01018

## **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Caroline Knight      **Seconded by:** Ms Stacey Towne

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

**Approve** DAP Application reference DA and accompanying plans (**55599-A100 rev C, 55599-200 rev B, 55599-A201 rev B, 55599-A202 rev B, 55533-A310 rev A, 55533-A311 rev A, 55533-A312 rev A, 55599-L100 rev C, 55533-S110 rev A, 55533-S111 rev A, 55599 – S334 rev A** in accordance with clause 68 (2) Schedule 2 of the Planning and Development (Local Planning Scheme ) Regulations (2015) and parts 7 and 8 of the Peel 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 development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan (s) unless otherwise



approved by the City of Mandurah including the following modifications indicated on the plans in red ink:

- (a) The 'Truck Canopy' being deleted from the plans;
  - (b) The 'Street Promo Sign' being deleted from the plans; and
  - (c) The 'Proposed I.D. Sign' being modified such that no part of the sign is higher than six metres above the natural ground level immediately below it.
3. The existing access / crossovers to Mandurah Road to be upgraded, designed and constructed to the specifications and satisfaction of the City of Mandurah in consultation with Main Roads WA including kerbing the within the access / crossovers to Mandurah Road and along the Mandurah Road frontage between the access crossovers and adjacent to the left turn slip lane to the north including provision for drainage as required.
  4. The existing bollards in the road verge shall be removed and the road verge reinstated to the satisfaction of the City of Mandurah in consultation with Main Roads WA following upgrading of the access/ crossovers to Mandurah Road.
  5. All stormwater drainage to be retained on site.
  6. Prior to the commencement of the use, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, drained, kerbed, marked (including loading and disabled bays), and thereafter maintained to the specification and satisfaction of the City of Mandurah.
  7. All uncovered car parking bays shall comply with Australian Standards AS2890.
  8. Prior to construction a geotechnical report is to be provided to the satisfaction of the City of Mandurah certifying that the land is physically capable of the proposed development.
  9. Window signage, glazing and imagery are limited to 25% of the total glass area of the elevation for the entire development unless otherwise approved by the City of Mandurah.
  10. Security, building, signage and carpark lighting must be located, designed and installed to prevent excess light spillage from the development. Reference should be made to AS4282 *Control of the obtrusive effects of outdoor lighting* and other relevant lighting standards.
  11. The premises shall be drained such that contaminated stormwater is retained on the premises.
  12. Prior to commencement of the use, a landscape management plan, including the provision of a minimum of five limestone tolerant medium sized trees, shall be prepared and approved by the City of Mandurah (including upgrading of the adjacent verge) and thereafter implemented to the City's satisfaction.



## Advice Notes

1. The concentration of total oil and grease (hexane soluble) in waters discharged from the premises shall not exceed 5 milligrams per litre.
2. All above ground hydrocarbon storage facilities shall be bonded with impervious bunds having as a minimum capacity of 110 per cent of the hydrocarbon store capacity. Storage shall comply with the requirements of the Dangerous Goods Regulations 1992.
3. The applicant is advised that prior to commencement of the use an application for a food registration must be submitted to the City of Mandurah.
4. The applicant is advised to contact the City of Mandurah for assistance in the selection of limestone hardy medium sized trees.

## AMENDING MOTION

**Moved by:** Ms Stacey Towne      **Seconded by:** Mr Rob Nicholson

- (i) To delete Condition 2(a) and amend Condition 2(c) (now 2(b)) so as to read as follows:

*“The ‘Proposed I.D sign’ being modified such that no part of the sign is higher than **7.5 metres** above the natural ground level immediately below it”*

- (ii) To amend the preamble to include plans **55599-A320 rev A and 55599-A321 rev A**, referencing the Truck Canopy into the resolution so it reads;

*“**Approve DAP Application reference DA and accompanying plans (55599-A100 rev C, 55599-200 rev B, 55599-A201 rev B, 55599-A202 rev B, 55533-A310 rev A, 55533-A311 rev A, 55533-A312 rev A, 55599-L100 rev C, 55533-S110 rev A, 55533-S111 rev A, 55599 – S334 rev A, 55599-A320 rev A, 55599-A321 rev A)...**”*

**REASON:** (i) The majority of the panel was prepared to approve the sign at a height of 7.5m in this instance as it was believed to be appropriate to the high traffic volume and high speed nature of the Mandurah Road; that the proposal involves consolidation of signage on the property; and the height does not exceed an existing approved sign on the subject property.

(ii) The majority of the panel approved the construction of the truck canopy as it accepted the applicant’s submission that it was the safest and most functionally effective location and did not consider there to be a sufficient planning reason to refuse this proposal. There was no certainty or evidence presented to substantiate any possible future impacts to the adjoining property. It was also noted that EPA regulation usually requires a 200m buffer between the service station use and other sensitive land uses which would mitigate any possible future adverse impacts. In addition WAPC consideration of the modification of the Lakelands West Outline Development Plan should also take the adjoining land use into account.



**The Amending Motion was put and CARRIED (3/1).**

For: Mr Ian Birch,  
Ms Stacey Towne  
Mr Rob Nicholson  
Against: Cr Caroline Knight.

**PRIMARY MOTION (AS AMENDED)**

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

***Approve DAP Application reference DA and accompanying plans (55599-A100 rev C, 55599-200 rev B, 55599-A201 rev B, 55599-A202 rev B, 55533-A310 rev A, 55533-A311 rev A, 55533-A312 rev A, 55599-L100 rev C, 55533-S110 rev A, 55533-S111 rev A, 55599 – S334 rev A, 55599-A320 rev A, 55599-A321 rev A)*** in accordance with clause 68 (2) Schedule 2 of the Planning and Development (Local Planning Scheme ) Regulations (2015) and parts 7 and 8 of the Peel 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 development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan (s) unless otherwise approved by the City of Mandurah including the following modifications indicated on the plans in red ink:
  - (a) The 'street promo sign' being deleted from the plans; and
  - (b) The 'Proposed I.D. Sign' being modified such that no part of the sign is higher than 7.5 metres above the natural ground level immediately below it.
3. The existing access / crossovers to Mandurah Road to be upgraded, designed and constructed to the specifications and satisfaction of the City of Mandurah in consultation with Main Roads WA including kerbing the within the access / crossovers to Mandurah Road and along the Mandurah Road frontage between the access crossovers and adjacent to the left turn slip lane to the north including provision for drainage as required.
4. The existing bollards in the road verge shall be removed and the road verge reinstated to the satisfaction of the City of Mandurah in consultation with Main Roads WA following upgrading of the access/ crossovers to Mandurah Road.
5. All stormwater drainage to be retained on site.
6. Prior to the commencement of the use, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, drained, kerbed, marked (including loading and disabled bays), and thereafter maintained to the specification and satisfaction of the City of Mandurah.
7. All uncovered car parking bays shall comply with Australian Standards AS2890.



8. Prior to construction a geotechnical report is to be provided to the satisfaction of the City of Mandurah certifying that the land is physically capable of the proposed development.
9. Window signage, glazing and imagery are limited to 25% of the total glass area of the elevation for the entire development unless otherwise approved by the City of Mandurah.
10. Security, building, signage and carpark lighting must be located, designed and installed to prevent excess light spillage from the development. Reference should be made to AS4282 *Control of the obtrusive effects of outdoor lighting* and other relevant lighting standards.
11. The premises shall be drained such that contaminated stormwater is retained on the premises.
12. Prior to commencement of the use, a landscape management plan, including the provision of a minimum of five limestone tolerant medium sized trees, shall be prepared and approved by the City of Mandurah (including upgrading of the adjacent verge) and thereafter implemented to the City's satisfaction.

#### **Advice Notes**

1. The concentration of total oil and grease (hexane soluble) in waters discharged from the premises shall not exceed 5 milligrams per litre.
2. All above ground hydrocarbon storage facilities shall be bonded with impervious bunds having as a minimum capacity of 110 per cent of the hydrocarbon store capacity. Storage shall comply with the requirements of the Dangerous Goods Regulations 1992.
3. The applicant is advised that prior to commencement of the use an application for a food registration must be submitted to the City of Mandurah.
4. The applicant is advised to contact the City of Mandurah for assistance in the selection of limestone hardy medium sized trees.

**The Primary Motion (as amended) was put and CARRIED (3/1).**

For: Mr Ian Birch,  
Ms Stacey Towne  
Mr Rob Nicholson  
Against: Cr Caroline Knight.



**8.2** Property Location: Lot 10 (No.731) Eighty Road, Baldivis  
Application Details: Additions to Educational Establishment  
Applicant: Mother Teresa Catholic College C/O MGA Town  
Planners  
Owner: Roman Catholic Archbishop of Perth  
Responsible authority: City of Rockingham  
DoP File No: DAP/16/00995

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Chris Elliott      **Seconded by:** Cr Kelly McManus

*With the agreement of the mover and seconder, Condition 8 and 9 were amended as follows:*

- 8 - *“Prior to applying for a Building Permit, be designed in accordance with User Class 2 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.”*
- 9 - *“Prior to applying for a Building Permit, detailed plans and specifications must be submitted to and approved by the City of Rockingham for on-street car parking spaces within the Eighty Road road reserve. The carparking spaces must be designed in accordance with Clause 2.2 and 2.4(a) of Australian Standard AS 2890.5-1993, Parking facilities, Part 5: On-Street parking, approved by the City of Rockingham and constructed prior to occupation of the development.”*

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/16/00995 and accompanying plans:

- Feature Survey Plan, Reference 15710-1F, Dated 12.11.2015;
- Site Plan, Drawing No.DD1.01 Rev A, Dated 05.02.2016;
- Ground Floor Design Development Plan, Drawing No.DD2.01 Rev A, Dated 05.02.2016;
- First Floor Design Development Plan, Drawing No.DD2.02 Rev A, Dated 05.02.2016;
- Elevations Learning Block Stage 3 Plan, Drawing No.DD3.01 Rev A, Dated 14.12.2015;
- Elevations Learning Block Plan, Drawing No.DD03.02 Rev A, Dated 14.12.2015;
- Elevations Learning Block Plan, Drawing No.DD3.03 Rev A, Dated 14.12.2015;
- Elevations Admin Plan, Drawing No.DD3.04 Rev A, Dated 14.12.2015;
- Elevations Library & Science Plan, Drawing No.DD3.05 Rev A, Dated 14.12.2015;
- Elevations Library & Science Plan, Drawing No.DD3.06 Rev A, Dated 14.12.2015;
- Sections Learning Block Plan, Drawing No.DD4.01 Rev A, Dated 14.12.2015;
- Sections Library & Science, Admin Plan, Drawing No.DD4.02 Rev A, Dated 14.12.2015;
- Mother Teresa Catholic College – Stage 3 Bushfire Management Plan Version 1.1, prepared by RUC Fire, Dated May 2016; and





- Mother Teresa Catholic College – Stage 3 Bushfire Emergency Evacuation Plan Version A3, prepared by RUIC Fire, Dated May 2016;

In accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period 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. Prior to applying for a Building Permit, detailed plans and specifications must be submitted to and approved by the City of Rockingham for the proposed crossovers to Eighty Road, to ensure that that there is no conflict with the approved access and egress points of the adjacent Parkland Heights Estate.  
The crossovers must be constructed in accordance with the approved plans prior to occupation of the development.
3. All trees within the Eighty Road Road reserve must be retained and not be removed, to the satisfaction of the City of Rockingham.
4. Prior to occupation of the development, a footpath must be provided for the full length of the development area adjacent Eighty Road and connecting to the existing footpath network on Eighty Road, to the satisfaction of the City of Rockingham.
5. 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.
6. Prior to applying for a Building Permit, all stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified engineer. The design shall be implemented and maintained for the duration of the development.
7. Prior to applying for a Building Permit, a Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham:
  - (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 and areas to be mulched;
  - (iii) Any natural landscape areas to be retained;
  - (iv) Include one mature Tuart tree (*Eucalyptus Gomphocephala*); and
  - (iv) Those areas to be reticulated or irrigated;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.
8. Prior to applying for a Building Permit, be designed in accordance with User Class 2 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.



9. Prior to applying for a Building Permit, detailed plans and specifications must be submitted to and approved by the City of Rockingham for on-street car parking spaces within the Eighty Road road reserve. The carparking spaces must be designed in accordance with Clause 2.2 and 2.4(a) of Australian Standard AS 2890.5-1993, Parking facilities, Part 5: On-Street parking, approved by the City of Rockingham and constructed prior to occupation of the development.
10. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City:
- (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 and maintained at all times.

11. Prior to the occupation of the development, the private driveway as shown on Figure 1C of the Mother Teresa Catholic College – Stage 3 Bushfire Management Plan prepared by RUIC Fire dated May 2016, must be constructed in accordance with the following requirements:
- (i) minimum trafficable surface of 4 metres;
  - (ii) minimum horizontal clearance of 6 metres;
  - (iii) minimum vertical clearance of 4.5 metres;
  - (iv) maximum grade over <50 metres of 1 in 10;
  - (v) minimum weight capacity of 15 tonnes;
  - (vi) maximum crossfall of 1 in 33;
  - (vii) curves minimum inner radius of 8.5 metres;
  - (viii) turn around area for 3.4 fire appliance as shown on the plan;
  - (ix) passing bays located every 200 metres, having a minimum length of 20 metres and minimum width of 2 metres; and
  - (x) all weather surface (i.e.compacted gravel, limestone or sealed)

The private driveway must be maintained in accordance with these requirements and in a good and safe condition at all times for the duration of the development

12. Prior to occupation, the development must be connected to a reticulated water supply in accordance with the specifications of the Water Corporation.
- At all times, the reticulated water supply must be maintained in accordance with those requirements and in working condition.
13. In accordance with the approved Mother Teresa Catholic College – Stage 3 Bushfire Management Plan Version 1.1, prepared by RUIC Fire, dated May 2016, the buildings must designed and constructed to BAL-12.5 of *Australian Standard AS3959: Construction of Buildings in Bushfire-Prone Areas*, to achieve adequate hazard separation in accordance with the *Guidelines for*



*Planning in Bushfire Prone Areas 2015*, and maintained as such at all times to the satisfaction of the City of Rockingham.

14. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in Figure 1C of the Mother Teresa Catholic College – Stage 3 Bushfire Management Plan prepared by RUC Fire dated May 2016, must be installed on the site in accordance with the following requirements:
- (i) maximum fine fuel load of 2 tonnes per hectare;
  - (ii) Trees crowns a minimum of 10m apart, not located within 2 metres of a building or overhanging a building, and no dead material within the trees crown or on the bole;
  - (iii) Shrubs not located within 2 metres of a building;
  - (iv) Fences and sheds are to be constructed of non-combustible material; and
  - (v) Sheds must not contain flammable materials

The APZ must be maintained in accordance with these requirements and in a good and safe condition at all times.

15. Prior to applying for a Building Permit, a plan must be submitted to and approved by the City of Rockingham to determine the vegetation to be cleared and retained within the Asset Protection Zone. The plan is to be based on an accurate survey showing the location and canopy spread of the vegetation. The vegetation to be retained and removed is to be determined at a site inspection attended by City Officers.

Any vegetation removed from within the Asset Protection Zone is to be in accordance with the approved plan.

#### **Advice Notes**

1. With respect to the landscaping plan, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
2. The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.
3. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant should liaise with the City's Engineering Services in this regard.
4. A Permit to Take Water for the use of groundwater may need to be obtained; the applicant should liaise with the Department of Water in this regard.
5. It is recommended the applicant provide sufficient bicycle parking bays to service the number of students and staff of the development.
6. With respect to condition 7, the applicant is advised that a market garden is operating on Lots 4 and 5 Sixty Eight Road, Baldivis, which is likely to have odour, dust and air quality impacts on the proposed development. Planting of



vegetation on the southern boundary of the lot is recommended to mitigate potential spray drift impacts associated with the market garden.

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

*Due to their direct pecuniary interest in Item 9.1, Mr Rob Nicholson and Ms Stacey Towne left the meeting at 10:25am*

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

- 9.1** Property Location: Lot 1 Mandurah Road, Karnup  
Application Details: Amendment to Development Approval for the proposed Singleton East Neighbourhood Centre (a service station, a medical centre, a consulting room and 12 shops, including a pharmacy, a super market and 10 specialty shops)
- Applicant: Aigle Royal Developments  
Owner: ARP No 3 Pty Ltd  
Responsible authority: City of Rockingham  
DoP File No: DP/13/00706

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Nil

**Seconded by:** Nil

That the Metro South-West JDAP resolves to:

- 1. Approve** that the DAP Application reference DAP/13/00706 as detailed on the DAP Form 2 dated 10 May 2016 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- 2. Approve** that the DAP Application reference DAP/13/706 and accompanying plans:
  - Feature Survey Plan, Reference 15710-1F, Dated 12.11.2015;
  - Site Plan, Drawing No.DA02 Rev M, Dated 2.6.2016;
  - Elevations, Drawing No.DA03 Rev E, Dated 9.5.2016;
  - Sections, Drawing No.DA04 Rev D, Dated 29.4.2016;
  - Pad Site 1, Drawing No.DA06 Rev B, Dated 29.4.2016;

in accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

**Conditions**

- 1.** The specialty shops are approved as Shops. A further Development Approval is required should they be proposed to be used for any other purpose.



2. The development must be carried out in accordance with the Fire Management Plan, prepared by Bushfire Safety Consulting Pty Ltd, dated 30 April 2014, to the satisfaction of the City of Rockingham.
3. The land owner is responsible for the full cost of any works required to retrofit the local street network and site to facilitate the manoeuvring required for a 19m articulated vehicle to access the loading dock of the supermarket when the left in access from Mandurah Road is closed. Prior to any works commencing on the retrofitting works, the design for the retrofitting works shall be approved by the City of Rockingham, and all works completed to the satisfaction of the City of Rockingham prior to the left in access road being closed.
4. 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.
5. All stormwater generated by the development shall be designed to be contained of onsite, be consistent with the approved Urban Water Management Plan, and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
6. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham, prior to applying for 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;
  - (v) Verge Treatments;
  - (vi) Details of water supply;
  - (vii) Compliance with the approved Detailed Area Plan; and
  - (viii) Pavement treatment and landscaping of the Verdigris Road main street

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.
7. The carpark must:
  - (i) provide a minimum of 399 parking spaces;



- (ii) 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 including details on threshold treatments on the internal access way from Road 1 and Road 25, prior to applying for a Building Permit;
- (ii) include nine 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;
- (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; and
- (vii) provide for one tree per eight car bays.

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

8. Twenty short-term bicycle parking spaces and twelve 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 applying for 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.
9. Four secure hot-water showers, change room and clothing lockers must be provided for the development. They must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City of Rockingham prior to applying for 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.
10. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham, 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 and maintained at all times.

11. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
12. The loading dock must be screened in accordance with plans submitted to the City of Rockingham for approval, prior to applying for a Building Permit. The screening must be constructed prior to occupation of the development and be retained and maintained in good condition at all times.
13. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be approved by the City of Rockingham prior to applying for a Building Permit.

All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

14. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City of Rockingham, 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. Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

15. 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 of Rockingham, prior to applying for a Building Permit and implemented as such for the duration of the development.
16. Entries and window frontages of ground floor tenancies facing the Redwood Avenue, Verdigris Road and the internal access street 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 at all times.



These tenancies must provide an active frontage that incorporates shopfronts with a minimum of 66% of the ground floor street frontage as transparent glazing that allows visual connectivity between the inside and outside of the building, at all times.

17. Public or customer access for the Medical Centre and the tenancies fronting Verdigris Road building must be provided from Verdigris Road.
18. 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.
19. Prior to the occupation of the development, the owner must lodge a Section 70A Notification on Lot 806, pursuant to the Transfer of Land Act 1893 (as amended), advising of a factor or hazard affecting the enjoyment of the land. This notification shall read as follows:  
  
*"The proposed access from Mandurah Road into the southern area of the development will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes. Please contact Main Roads for further information regarding timing of any upgrade."*
20. A barrier/fence must be constructed on the boundary of Lot 806, fronting the Mandurah Road reservation, to prevent unprotected pedestrian movements across Mandurah Road. This barrier must be constructed prior to occupation of the development and designed to City of Rockingham specifications for fencing.
21. No footpath is approved south of the proposed bus stop on Mandurah Road.
22. Earthworks must not encroach onto the Mandurah Road reservation.
23. Any damage done to the existing verge and its vegetation within the Mandurah Road reservation must be made good.
24. The Tenancy 1 building elevation on the corner of Redwood Avenue and Verdigris Road must be amended prior to applying for a Building Permit, to include an architectural response to the corner, in accordance with the approved Singleton Village Neighbourhood Activity Centre Detailed Area Plan, to the satisfaction of the City of Rockingham.

#### **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 Development 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 of Rockingham Building Services in this regard.
4. With respect to Condition 6, the applicant and owner should liaise with the City of Rockingham's Land and Development Infrastructure Team to confirm requirements for landscaping plans.
5. All works in the road reserve (apart from Mandurah Road), 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 Land and Development Infrastructure Team in this regard.
6. The left in access from Mandurah Road will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes.

The project for the widening of Mandurah Road is not in Main Roads 4-year forward estimated construction program and any project not listed is considered long term. Please be aware that timing information is subject to change and Main Roads assumes no liability whatsoever for the information provided.

7. The applicant shall be required to complete an application for working with the Mandurah Road reservation, this application can be found by following the below link:  
<https://www.mainroads.wa.gov.au/OurRoads/Pages/WorksOnMainRoads.aspx>
8. The site is within the Stakehill Groundwater Area, and any abstraction other than for domestic or stock purposes is prohibited unless licensed by the Department of Water. The Department also notes that the Stakehill Groundwater Area has reached its allocation limit and as such there is no guarantee that a request for allocation will be provided.

## **PROCEDURAL MOTION**

**Moved by:** Cr Chris Elliott      **Seconded by:** Cr Kelly McManus

That the Metro South-West JDAP resolves to defer DAP Application reference DP/13/00706 to a further DAP meeting held on or before 5 September 2016 to allow the City and applicant to clarify conditions 7, 16, 17 and 19.

**REASON: The DAP determined that a deferral would be beneficial for the applicant to resolve the above issues.**

**The Procedural Motion was put and CARRIED (2 /1).**

For: Cr Chris Elliott  
Cr Kelly McManus  
Against: Mr Ian Birch



*Mr Rob Nicholson and Ms Stacey Towne returned to the meeting at 10:58am.*

<b>9.2</b> Property Location:	Lot 100 (432-434) Safety Bay Rd, Safety Bay
Application Details:	4 storey mixed use development
Applicant:	TPG Town Planning Urban Design & Heritage
Owner:	434 Safety Bay Road Pty Ltd
Responsible authority:	City of Rockingham
DoP File No:	DP/12/00130

## **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Kelly McManus

That the Metro 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 30 May 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 12/00130 as detailed on the DAP Form 2 dated 30th May 2016 and accompanying plans Ref: Stage 2 Site Plan (A1.01), Basement Floor Plan (A1.02), Ground Floor Plan (A1.03.1), Pool Area Ground Floor Plan (A1.03.2), Level 1 Plan (A1.04), Level 2 Plan (A1.05), Level 3 Plan (A1.06), Roof Plan (A1.07), Elevations (A3.01), Elevations (A3.02), Section (A4.01), in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following conditions and advice notes:

### **Conditions**

1. 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.
2. 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.
3. 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.
4. The carpark must:



- (i) be designed for 137 car bays 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.
5. 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.
6. 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.
7. Disused crossovers shall be removed and the verge, footpath, kerbing and landscaping must be reinstated, prior to the occupation of the development.
8. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Malibu Road and Safety Bay Road.
9. Entries and window frontages of all Commercial tenancies shall not be covered, closed or screened off (including by means of shutters, dark tinting, 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.
10. 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.
11. All Multiple Dwellings are approved for both permanent and Short Stay Accommodation.
12. 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.

13. 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.
14. 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 the development.
15. An Acoustic Report which demonstrates that all mechanic services associated with the proposed development and any other noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be approved by the City of Rockingham prior to applying for a Building permit.
16. All service areas and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from the 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.
17. 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.
18. 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.
19. This decision constitutes development 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.



### Advice Notes

- (a) The 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 Development Approval must be submitted to the City of Rockingham.
- (b) With respect to condition No.3, 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.
- (c) 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.
- (d) 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.
- (e) In relation to Condition No.15 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.
- (f) 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.
- (g) The applicant is reminded of the need to obtain approval from the Executive Director of Public Health at the Department of Health prior to the installation of the pools and spa; contact the City of Rockingham's Health Services for more information.
- (h) 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.
- (i) In relation to condition 6, the bicycle parking shall be designed with the following:



- The doorway to the basement bicycle compound shall have a minimum width of 1.5m; and
  - Bicycle parking spaces in the Malibu Road verge shall be setback at least 0.6m from the on-street car parking spaces.
- (j) The applicant is encouraged to consider the inclusion of an electrical outlet to charge and park gophers within the carpark basement.

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

**9.3** Property Location: Lot 9002 Kwinana Beach Road and Lot 1003  
Patterson Road, Kwinana Beach  
Application Details: Proposed General Industry – Bitumen  
Storage and Distribution Facility  
Applicant: TPG Town Planning Urban Design & Heritage  
(on behalf of development operator Puma  
Energy)  
Owner: WA Land Authority – LandCorp  
Responsible authority: City of Kwinana  
DoP File No: DAP/14/00677

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

**Moved by:** Mr Rob Nicholson                      **Seconded by:** Cr Dennis Wood

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference DAP/14/00677 as detailed on the DAP Form 2 dated 18 May 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/14/00677 as detailed on the DAP Form 2 dated 18 May 2016 and accompanying plans 6167-L-0001-DA9, 6167-A-0001-DA2, 6167-L-0003-DA5, 6167-L-0004-DA6, 6167-L-0005-DA5, 6167-Y-0001-DA 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 and Distribution Facility and Fuel Depot on Lot 9002 Kwinana Beach Road and Lot 1003 Patterson Road, Kwinana Beach, subject to the conditions and advice notes of the 18 August 2015 approval.

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



- 9.4** 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

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

**Moved by:** Cr Dennis Wood

**Seconded by:** Mr Rob Nicholson

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 17 May 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 17 May 2016 and accompanying plans CIV – 001 – Rev E, LAY – 045 – Rev A, CIV – 002 – Rev C, LAY – 028 – Rev B, and LAY – 022 – Rev C 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 13 January 2016 approval.

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

#### **10. Appeals to the State Administrative Tribunal**

Nil

#### **11. General Business / Meeting Close**

The Presiding Member reminded the meeting that 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.

There being no further business, the Presiding Member declared the meeting closed at 11:12am.