



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 12 February 2015; 1pm
Meeting Number: MSWJDAP/61
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Ian Birch (Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)
Cr Bart Houwen (Local Government Member, City of Cockburn)

Officers in attendance

Ms Erika Barton (City of Rockingham)
Mr Bob Jeans (City of Rockingham)
Mr Troy Cappellucci (City of Cockburn)

Local Government Minute Secretary

Mrs Sharon Peacock (City of Rockingham)

Applicants and Submitters

Mr Sean Fairfoul (Rowe Group)
Mr Will Green (Charter Hall)
Mr Colin Kleyweg (KCTT)
Mr Scott Jeffrey (Department of Finance)
Mr Joshua Gould (Department of Finance)
Mr Jason Pugh (New Energy Group)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 1:04 pm on 12 February 2015 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 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 meeting would not be recorded.

2. Apologies

Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West meeting No.59 held on 12 January 2015 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 member, Mr David Gray, declared an indirect pecuniary interest in item No.8.1 due to a Self-Managed Superannuation Fund of which he is a trustee owning shares in Woolworths and Wesfarmers.

Mr Gray left the Meeting at 1.07pm and returned at 2.35 pm

In accordance with section 6.3.1 of the Standing Orders 2012, the Deputy Presiding Member determined that the member listed above, who had disclosed an Indirect Pecuniary Interest, was not permitted to participate in the discussion or voting on the items.

7. Deputations and presentations

7.1 Mr Sean Fairfoul (Rowe Group) addressed the DAP for the application at Item No. 8.1. Mr Fairfoul was accompanied by Mr Will Green (Charter Hall) and Mr Colin Kleyweg (KCTT) who were available to field questions from the panel.

PROCEDURAL MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Richard Smith

That the application at Item No.9.2 be heard prior to the application at Item No.8.2.

The Procedural Motion was put and CARRIED UNANIMOUSLY.



8. Form 1 - Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour
Application Details:	Additions and Alterations to Secret Harbour District Shopping Centre
Applicant:	Greg Rowe Pty Ltd
Owner:	Perpetual Limited
Responsible authority:	City of Rockingham
DoP File No:	DP/12/01055

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Richard Smith

That the Metro South-West JDAP resolves to:

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

- Ground Floor Plan, Drawing No. DA02, Issue H, dated 26.11.14;
- Oasis Drive Town Square Plan Entry 1, Drawing No. DA03, Issue D, dated 07.10.14;
- Oasis Drive Town Square Plan Entry 2, Drawing No. DA04, Issue D, dated 07.10.14;
- Entry Plan 4, Drawing No. DA05, Issue D, dated 07.10.14;
- Roof Plan, Drawing No. DA06, Issue D, dated 07.10.14;
- Elevations, Drawing No. DA07, Issue D, dated 07.10.14;
- Elevations, Drawing No. DA08, Issue F, dated 14.11.14
- Sections + Views, Drawing No. DA010, Issue D, dated 07.10.14;
- Signage External, Drawing No. DA012, issue E, dated 07.10.14;
- Proposed Signalised at the Oneida Road/Warnbro Sound Avenue Intersection, Issue B, Dated 11-12-2014

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

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. The specialist tenancies marked as 'tenancies' on the plans are approved for use as: 'Dry Cleaning Premises', 'Laundromat', 'Office', 'Restaurant', and 'Shop' as defined by the City of Rockingham's Town Planning Scheme No.2.



3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and must be completed prior to occupation.
4. Prior to issue of a Building Permit, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.
5. Where the approved plans referenced in Condition No. 4 show that a portion of Lot 2013 is required for the construction of the intersection, then that portion must be ceded to the Crown for the purposes of a public road, free of cost, prior to occupation of the development.
6. Prior to issue of a Building Permit, arrangements being made with the City of Rockingham for the partial payment (89.5%) of the cost to engage a suitably qualified Quantity Surveyor, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4.
7. Prior to any works occurring, arrangements being made with the City of Rockingham for the partial payment (89.5%) of the cost of the intersection works as advised by the Quantity Surveyor referenced in Condition No. 6.
8. The proposed access street intersections with Warnbro Sound Avenue, Oneida Road and Oasis Drive must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development.
9. The Access Street Middle on Warnbro Sound Avenue must only provide for Left in/Left Out/Right in traffic movements from the site.
10. The Access Street South on Warnbro Sound Avenue must not be constructed unless and until the Access Street North on Warnbro Sound Avenue is removed, rehabilitated, paved and landscaped to the satisfaction of the City of Rockingham.
11. The undeveloped area fronting Oasis Drive is to be landscaped and the blank walls of the building fronting Oasis Drive to be treated generally in accordance with the Elevations Plan, Drawing No.DA08, dated 14.11.2014, and to the City's satisfaction, prior to occupation of the development and maintained until that land is occupied by streetfront shops.
12. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
13. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.
14. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;



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

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

15. The carpark must:-

- (i) provide a minimum of 729 parking spaces;
- (ii) be designed in accordance with User Class 3A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to issue of a Building Permit;
- (iii) include seventeen car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development; and
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

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

- 16. Thirty-eight (38) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development.
- 17. Sixteen short-term bicycle parking spaces and ten long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
- 18. Two secure hot-water showers (one male, one female), change room and clothing lockers must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.



19. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:-
- (i) the location of bin storage areas and bin collection areas;
 - (ii) details of screening of the bins from view from the street;
 - (iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
 - (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - (vi) frequency of bin collections; and
 - (v) the bin storage area drainage details.

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

20. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
21. Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive.
22. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:
- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.

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

23. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Oasis Drive, at all times.
24. 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.
25. The Pylon Sign must be reduced in height to a maximum overall height of 9.0m.
26. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to the issue of a Building Permit and implemented as such for the duration of the development. The Pylon Sign is, however, approved as part of this application.



Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.
2. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham's Health Services in this regard.
3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
4. With respect to Condition 15, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. An Outdoor Eating Area Licence from the City's Health Services is required under the Activities in Public Places and Thoroughfares and Trading Local Laws 2001. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
7. The development (awnings) must comply with the *Street Verandahs Local Law* 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.
8. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power should be consulted prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.

AMENDING MOTION

Moved by: Mr Ian Birch **Seconded by:** Cr Richard Smith

To amend Condition 4 to read:

4. *Prior to issue of a Building Permit, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham. The applicant is to contribute a proportionate cost of the required works.*



REASON: To ensure that that applicant contributes towards the cost of the required works.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Richard Smith

To amend Condition 6 to read:

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

REASON: Panel unwilling to determine the percentage payment to contribute towards the construction costs of the intersection given that this has been contested by the applicant. This will allow the opportunity for further negotiations to be held with the City to determine whether an agreement can be reached.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Richard Smith

To amend Condition 7 to read:

- 7. Prior to any works occurring, arrangements being made with the City of Rockingham for the partial payment of the cost of the intersection works as advised by the Quantity Surveyor/Engineer referenced in Condition No. 6.*

REASON: Panel unwilling to determine the percentage payment to contribute towards the construction costs of the intersection.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

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

To amend Condition 10 to read:

- 10. Unless otherwise agreed with the City of Rockingham on advice from the Department of Planning, the existing left-in/left-out access at Access Street North onto Warnbro Sound Avenue (adjacent to the petrol station) is to be modified or closed within 28 days of the expiry of the current lease for the petrol station, but no later than 30 March 2018, after which there is to be no more than six access or egress movements to Warnbro Sound Avenue.*



REASON: To provide a definite timeframe for the closure of this access in respect of the expiry of the current lease for the petrol station and to allow for the southern access to be installed prior to that time, which was noted as essential to development commencing

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Richard Smith

To amend Condition 16 to read:

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

REASON: To ensure that the construction of the on-street car parking spaces is at the applicants expense.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Cr Joy Stewart **Seconded by:** Mr Ian Birch

To amend Condition 17 to read:

17. *A minimum of sixteen short-term bicycle parking spaces and ten long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to lodgement of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.*

REASON: To establish a minimum requirement for bicycle parking spaces.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Richard Smith

To amend Condition 20 to read:

20. *A Loading and Service Management Plan be prepared to the satisfaction of the City of Rockingham prior to occupation of the development that addresses the*



access of service vehicles and operation of loading areas, including the timing of the use.

REASON: The applicant sought flexibility with respect to delivery times.

The Amending Motion was put and CARRIED 3/1.

For: Mr Rob Nicholson, Cr Richard Smith and Cr Joy Stewart
Against: Mr Ian Birch

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Joy Stewart

To amend Condition 22 to read:

22. *An Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:*
- (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;*
 - (ii) tonality, modulation and impulsiveness; and*
 - (iii) confirm the implementation of noise attenuation measures.*

REASON: The word 'Final' was deleted in front of the words 'Acoustic Assessment'.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Joy Stewart

To amend Advice Note 4 to read:

4. *With respect to Condition 14, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.*

REASON: To rectify incorrect Condition No. referred to in text; changed from '15' to '14'.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Joy Stewart

To include additional Advice Notes 9, 10 and 11 in respect to Condition No's. 4, 6, 7, 14, 15 and 20 to read:



9. *With respect to Condition No.4, 6 and 7, the percentage shall be determined by an appointee from the Institute of Arbitrators and Mediators, in the event that the applicant and the City of Rockingham cannot agree on a percentage proportion of costs.*
10. *With respect to Condition No. 14 and 15, should staging of the development occur, the City of Rockingham is prepared to consider the staging of the landscaping and carparking accordingly.*
11. *With respect to Condition No. 20 the City of Rockingham will restrict access of service vehicles or operation of forklifts to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays unless the Loading and Service Management Plan demonstrates compliance with the Environmental Protection (Noise) Regulations 1997 outside of those hours.*

REASON: To provide clarity on how to determine a fair apportionment of costs relating to traffic works between the City and the Applicant, to allow for pro rata landscaping and car parking, should the development be staged and to allow flexibility in operating hours, if regulations can be complied with

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

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

- Ground Floor Plan, Drawing No. DA02, Issue H, dated 26.11.14;
- Oasis Drive Town Square Plan Entry 1, Drawing No. DA03, Issue D, dated 07.10.14;
- Oasis Drive Town Square Plan Entry 2, Drawing No. DA04, Issue D, dated 07.10.14;
- Entry Plan 4, Drawing No. DA05, Issue D, dated 07.10.14;
- Roof Plan, Drawing No. DA06, Issue D, dated 07.10.14;
- Elevations, Drawing No. DA07, Issue D, dated 07.10.14;
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- Sections + Views, Drawing No. DA010, Issue D, dated 07.10.14;
- Signage External, Drawing No. DA012, issue E, dated 07.10.14;
- Proposed Signalised at the Oneida Road/Warnbro Sound Avenue Intersection, Issue B, Dated 11-12-2014

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



Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. The specialist tenancies marked as 'tenancies' on the plans are approved for use as: 'Dry Cleaning Premises', 'Laundromat', 'Office', 'Restaurant', and 'Shop' as defined by the City of Rockingham's Town Planning Scheme No.2.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and must be completed prior to occupation.
4. Prior to issue of a Building Permit, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham. The applicant is to contribute a proportionate cost of the required works.
5. Where the approved plans referenced in Condition No. 4 show that a portion of Lot 2013 is required for the construction of the intersection, then that portion must be ceded to the Crown for the purposes of a public road, free of cost, prior to occupation of the development.
6. Prior to issue of a Building Permit, arrangements being made with the City of Rockingham for the partial payment of the cost to engage a suitably qualified Quantity Surveyor/Engineer, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4.
7. Prior to any works occurring, arrangements being made with the City of Rockingham for the partial payment of the cost of the intersection works as advised by the Quantity Surveyor/Engineer referenced in Condition No. 6.
8. The proposed access street intersections with Warnbro Sound Avenue, Oneida Road and Oasis Drive must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development.
9. The Access Street Middle on Warnbro Sound Avenue must only provide for Left in/Left Out/Right in traffic movements from the site.
10. Unless otherwise agreed with the City of Rockingham on advice from the Department of Planning, the existing left-in/left-out access at Access Street North onto Warnbro Sound Avenue (adjacent to the petrol station) is to be modified or closed within 28 days of the expiry of the current lease for the petrol station, but no later than 30 March 2018, after which there is to be no more than six access or egress movements to Warnbro Sound Avenue.
11. The undeveloped area fronting Oasis Drive is to be landscaped and the blank walls of the building fronting Oasis Drive to be treated generally in accordance with the Elevations Plan, Drawing No.DA08, dated 14.11.2014, and to the City's satisfaction, prior to occupation of the development and maintained until that land is occupied by streetfront shops.



12. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
13. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.
14. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Any natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated; and
 - (v) The street setback area and all verge areas.

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

15. The carpark must:-
 - (i) provide a minimum of 729 parking spaces;
 - (ii) be designed in accordance with User Class 3A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to issue of a Building Permit;
 - (iii) include seventeen car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development; and
 - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

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



spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to lodgement of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

18. Two secure hot-water showers (one male, one female), change room and clothing lockers must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.
19. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:-
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) details of screening of the bins from view from the street;
 - (iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
 - (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - (vi) frequency of bin collections; and
 - (vii) the bin storage area drainage details.

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

20. A Loading and Service Management Plan be prepared to the satisfaction of the City of Rockingham prior to occupation of the development that addresses the access of service vehicles and operation of loading areas, including the timing of the use.
21. Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive.
22. An Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.
23. Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
24. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial,



interactive frontage is available to the development from Oasis Drive, at all times.

25. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
26. The Pylon Sign must be reduced in height to a maximum overall height of 9.0m.
27. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Permit and implemented as such for the duration of the development. The Pylon Sign is, however, approved as part of this application.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.
2. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham's Health Services in this regard.
3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
4. With respect to Condition 14, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. An Outdoor Eating Area Licence from the City's Health Services is required under the Activities in Public Places and Thoroughfares and Trading Local Laws 2001. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
7. The development (awnings) must comply with the *Street Verandahs Local Law* 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.
8. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power should be consulted prior to any works commencing at the above



site/development/property or if any alignments, easements or clearances are encroached or breached.

9. With respect to Condition No.4, 6 and 7, the percentage shall be determined by an appointee from the institute of arbitration or the institute of engineers, in the event that the applicant and Council cannot agree on a percentage proportion of costs.
10. With respect to Condition No. 14 and 15, should staging of the development occur, the City is prepared to consider the staging of the landscaping and carparking accordingly.
11. With respect to Condition No. 20 the City of Rockingham will restrict access of service vehicles or operation of forklifts to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays unless the Loading and Service Management Plan demonstrates compliance with the Environmental Protection (Noise) Regulations 1997 outside of those hours.

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



8.2 Property Location:	Lot 1 (No.26) Office Road, East Rockingham
Application Details:	Proposed Waste to Energy Facility Recycling & Gasification Plant
Applicant:	New Energy Corporation Pty Ltd
Owner:	Western Australian Land Authority (Landcorp)
Responsible authority:	City of Rockingham
DoP File No:	DAP/14/00530

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Richard Smith

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/14/00530 and accompanying plans ERH/000/PPL/001 Revision E, ERH/000/PPL/002 Revision F, ERH/000/PPL/003, ERH/000/PPL/004 Revision B, ERH/000/PPL/004 Revision D, ERH/000/PPL/005 Revision A in accordance with Clause 6.7.1(a) of the City of Rockingham Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. 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. All stormwater generated by the development shall be designed to be contained on-site 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.
4. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, 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 areas; and
 - (v) Bollard treatments in the verge area directly adjacent the subject site to prevent informal carparking;

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.



5. Grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, *Protection of trees on development sites*.
Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.
6. The carpark must:-
- (i) provide a minimum of 36 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, prior to applying for a Building Permit;
 - (iii) include one (1) car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development; and
 - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

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

7. Four (4) visitor car parking spaces must be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*, prior to applying for a Building Permit.

The visitor car parking spaces must be constructed, clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to occupation of the development, and must be retained and maintained in good condition at all times.

8. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
9. 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 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.

10. A bin storage area(s) 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.
11. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development
12. Prior to the commencement of development, the landowner/applicant shall prepare and implement as part of the development a pipeline risk management/protection plan to the satisfaction of the APA Group and approved by the City of Rockingham. The plan must detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with *Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region*, *Petroleum Pipelines Act 1969-70*, *Australian Standard 2885-2007* and *SAA HB105 - Guide to Pipeline Risk Assessment*.
13. A fire management plan prepared in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* is to be approved by the City of Rockingham prior to applying for a Building Permit. The approved fire management plan is to be implemented for the duration of the development.
14. Nineteen (19) long-term bicycle parking spaces 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 spaces must be constructed prior to occupation of the development.

15. Two (2) male and Two (2) female secure hot-water showers and change rooms must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, prior to applying for a Building Permit.

The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Richard Smith

To amend Condition 1 to read:

1. *This approval relates to the plans approved by the South West Joint Development Assessment Panel on the 12 February 2015.*

REASON: To specify the plans which are being approved.

The Amending Motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION

Moved by: Mr Ian Birch **Seconded by:** Cr Richard Smith

To delete Condition 6 (vi) and reinstate as a separate additional Condition No.15.

15. *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.*

REASON: the outdoor lighting condition should apply to all the land, not just the carpark.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

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

To delete Condition 9.

9. *A bin storage area(s) 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.*

REASON: To remove the requirement for a waste management plan for the proposed development which is a waste disposal facility

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

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

To amend Condition 12 to read:

12. *Prior to the commencement of development, the landowner/applicant shall prepare and implement as part of the development a pipeline risk management/protection plan to the specifications and requirements of the APA Group and to the satisfaction of the City of Rockingham. The plan must detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region, Petroleum Pipelines Act 1969-70, Australian Standard 2885-2007 and SAA HB105 - Guide to Pipeline Risk Assessment.*

REASON: To confirm that the pipeline risk management/protection plan is prepared to the satisfaction of the City of Rockingham.

The Amending Motion was put and CARRIED UNANIMOUSLY.



PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/14/00530 and accompanying plans ERH/000/PPL/001 Revision E, ERH/000/PPL/002 Revision F, ERH/000/PPL/003, ERH/000/PPL/004 Revision B, ERH/000/PPL/004 Revision D, ERH/000/PPL/005 Revision A in accordance with Clause 6.7.1(a) of the City of Rockingham Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This approval relates to the plans approved by the South West Joint Development Assessment Panel on the 12 February 2015.
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. All stormwater generated by the development shall be designed to be contained of on-site 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.
4. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, 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 areas; and
 - (v) Bollard treatments in the verge area directly adjacent the subject site to prevent informal carparking;

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.

5. Grasstree plants (XANTHORRHOACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, *Protection of trees on development sites*.

Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

6. The carpark must:-
 - (i) provide a minimum of 36 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, prior to applying for a Building Permit;
- (iii) include one (1) car parking space 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; and
- (v) have lighting installed, prior to the occupation of the development.

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

7. Four (4) visitor car parking spaces must be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*, prior to applying for a Building Permit.

The visitor car parking spaces must be constructed, clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to occupation of the development, and must be retained and maintained in good condition at all times.

8. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
9. A bin storage area(s) 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.
10. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development
11. Prior to the commencement of development, the landowner/applicant shall prepare and implement as part of the development a pipeline risk management/protection plan to the specifications and requirements of the APA Group and to the satisfaction of the City of Rockingham. The plan must detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with *Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region, Petroleum Pipelines Act 1969-70, Australian Standard 2885-2007* and *SAA HB105 - Guide to Pipeline Risk Assessment*.
12. A fire management plan prepared in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* is to be approved by the City of Rockingham prior to applying for a Building Permit. The approved fire management plan is to be implemented for the duration of the development.



13. Nineteen (19) long-term bicycle parking spaces 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 spaces must be constructed prior to occupation of the development.

14. Two (2) male and Two (2) female secure hot-water showers and change rooms must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, prior to applying for a Building Permit.

The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

15. 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.

Advice Notes

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. 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.
3. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
4. The development shall be compliant with the Department of Environment Regulation (DER) and Environmental Protection Authority (EPA) licence conditions at all times.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
6. The applicant is advised of the requirement to pay for or reimburse the APA Group for any expense involved in any physical protection works to the high pressure gas pipeline, including all pipeline coating repairs, required to mitigate any likelihood of damage to the high pressure gas pipeline, to a standard deemed necessary to ensure public safety due to any changes in use of the surrounding land.
7. With respect to Condition 4, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
8. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.

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



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

- 9.1 Property Location: Lot 804 Stillwater Drive, Baldivis WA 6171
Application Details: Proposed amendments to Conditions 9 and 10 of the previously issued approval for Rivergums Primary School
Applicant: Bateman Architects
Owner: Minister for Education
Responsible authority: Department of Finance (Building Management and Works)
DoP File No: DAP/14/00562

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Cr Joy Stewart

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00562 as detailed on the DAP Form 2 dated 30 September 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00562 as detailed on the DAP Form 2 dated 30 September 2014, in accordance with the provisions of the Metropolitan Region Scheme, for the proposed amendments to conditions of the approved public primary school at Lot 804 Stillwater Drive, Baldivis, subject to:

Amended Conditions

9. Detailed landscaping plans for the development site (incorporating vegetation species and sizes, pavement area and reticulation details) shall be prepared in consultation with the City of Rockingham and to the satisfaction of the Western Australian Planning Commission.
10. Landscaping as specified in the approved landscape plans shall be substantially commenced prior to the commencement of the 2016 school year, completed within six months of this date, and thereafter maintained to the satisfaction of the Western Australian Planning Commission.

All other conditions and requirements detailed on the previous approval dated 29 August 2014 shall remain unless altered by this application.

AMENDING MOTION

Moved by: Mr Ian Birch **Seconded by:** Cr Richard Smith

To delete the proposed amended Condition 9, so that the Condition as worded in the JDAP approval on 29 August 2014 is retained.

REASON To ensure that the adjoining verge areas are included and detailed in the landscaping plan.



The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00562 as detailed on the DAP Form 2 dated 30 September 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00562 as detailed on the DAP Form 2 dated 30 September 2014, in accordance with the provisions of the Metropolitan Region Scheme, for the proposed amendments to conditions of the approved public primary school at Lot 804 Stillwater Drive, Baldivis, subject to:

Amended Conditions

10. Landscaping as specified in the approved landscape plans shall be substantially commenced prior to the commencement of the 2016 school year, completed within six months of this date, and thereafter maintained to the satisfaction of the Western Australian Planning Commission.

All other conditions and requirements detailed on the previous approval dated 29 August 2014 shall remain unless altered by this application.

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

- | | | |
|------------|------------------------|---|
| 9.2 | Property Location: | 884 & 888 North Lake Road, Cockburn Central |
| | Application Details: | Modification to DAP13/009 – 77 Multiple dwellings with 5 ground floor commercial tenancies comprising 4 office units and 1 cafe |
| | Applicant: | Pindan Pty Ltd |
| | Owner: | Minister for Education |
| | Responsible authority: | City of Cockburn |
| | DoP File No: | DAP/14/017 and 5515359 & 5515360 |

REPORT RECOMMENDATION / PRIMARY MOTION

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

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DP/13/00789 as detailed on the DAP Form 2 dated 22 December 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DP/13/00789 as detailed on the DAP Form 2 dated 22 December 2014 and accompanying plans (plans A 100 to A 310 dated 23 December 2014) for the development of 77 multiple dwellings with 5 ground floor commercial tenancies comprising 4 office units and 1 café



at Nos. 884 & 888 North Lake Road, Cockburn Central, in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Amended Conditions

1. Modify condition 8 of the original approval issued by the Metro South-West JDAP dated 3 December 20143 (App Ref DP/13/00798) to be reworded as follows:

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 28 bicycle bays (20 for residents, 5 for visitors and 3 for the commercial component). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.

2. Modify condition 10 on the original approval issued by the Metro South-West JDAP dated 3 December 20143 (App Ref DP/13/00798) to be reworded as follows:

The approved ten (10) 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.

3. Modify condition 13 of the original approval issued by the Metro South-West JDAP dated 3 December 20143 (App Ref DP/13/00798) to be reworded as follows:

*Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. **This includes the use of the land and/or a tenancy. The approved development, in regards to the commercial tenancies has approval to be used for 'Office' (Units 1-4) and 'Café' (Unit 5) purposes only.** In the event it is proposed to change the use of one (1) or all of the tenancies, a further application needs to be made to the City for determination.*

Amended Advice Notes

1. Modify advice note 9 of the original approval issued by the Metro South-West JDAP dated 3 December 20143(App Ref DP/13/00798) to be reworded as follows:

The primary use of commercial units 1-4 is 'Office' defined under the City's Town Planning Scheme No. 3 as 'premises used for administration, clerical, technical, professional or other like business activities'.



2. Modify advice note 10 of the original approval issued by the Metro South-West JDAP dated 3 December 2014 (App Ref DP/13/00798) to be reworded as follows:

You are advised that this application, in regards to the commercial tenancies, has been approved on the basis of the following car parking allocations:

- Office (Units 1-4): 2 car bays; and
- Café (Unit 5): 11 car bays

New Advice Notes

1. All other conditions and requirements detailed in the previous approval issued by the Metro South-West JDAP dated 3 December 2013 (App Ref DP/13/00798) shall remain unless altered by this application.

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

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

There being no further business, the presiding member declared the meeting closed at 3:10.