



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 2 October 2015; 10:00am
Meeting Number: MSWJDAP/80
Meeting Venue: City of Rockingham
Civic Boulevard,
Rockingham

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Mr Christopher Antill (Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)
Deputy Mayor Dennis Wood (Local Government Member, City of Kwinana)
Cr Sherilyn Wood (Local Government Member, City of Kwinana)

Officers in attendance

Mr Bob Jeans (City of Rockingham)
Ms Erika Dawson (City of Rockingham)
Mr Greg Delahunty (City of Rockingham)
Mr Adam Prestage (City of Kwinana)
Mr Brenton Scambler (City of Kwinana)
Mr Simon Agnello (DAPs Secretariat)

Local Government Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Leo Longman (Accredit Building Surveying)
Mr Arno Staub (Staub Family Pty Ltd)
Mr Ross Underwood (Planning Solutions)
Mr Benham Bordbar (Transcore)
Mr Marc Re (Planning Solutions)
Mr Dennis Delaney (Caltex Australia Petroleum)
Mr Sean Fairfoul (Rowe Group)
Mr Greg Rowe (Rowe Group)
Mr James Dann (Charter Hall)
Ms Marina Kleyweg (Rowe Group)

Mr Ian Birch
Presiding Member, Metro South-West JDAP



Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr Ian Birch declared the meeting open at 10:02am on 2 October 2015 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

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

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

2. Apologies

Nil

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting No.79 held on the 16 September were noted by DAP members.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of interests

Nil

7. Deputations and presentations

7.1 Mr Marc Re (Planning Solutions) addressed the DAP for the application at Item No.8.2.

7.2 Mr Benham Bordbar (Transcore) addressed the DAP for the application at Item No.8.2.

The presentation at Item 7.1 and 7.2 was heard prior to the application at Item No.8.2



- 7.3** Mr Ross Underwood (Planning Solutions) addressed the DAP for the application at Item No.8.1.
- 7.4** Mr Leo Longman (Accredit Building Surveying) addressed the DAP for the application at Item No.8.1.
- 7.5** Mr Arno Staub (Staub Family Pty Ltd) addressed the DAP for the application at Item No.8.1.

The presentation at Item 7.3, 7.4 and 7.5 was heard prior to the application at Item No.8.1

- 7.6** Mr Sean Fairfoul, Mr Greg Rowe, Mr James Dann (Charter Hall) and Ms Marina Kleyweg (Rowe Group) addressed the DAP for the application at Item No.9.1.

The presentation at Item 7.6 was heard prior to the application at Item No.9.1

A handwritten signature in black ink, appearing to read 'Ian Birch'.



8. Form 1 - Responsible Authority Reports – DAP Applications

PROCEDURAL MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Mr Christopher Antill

That the application at Item No. 8.2 be heard prior to the application at Item No. 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

8.1 Property Location: Lot 159 Minden Lane, Baldivis
Application Details: Proposed 2 and 3 Storey Commercial
Development
Applicant: Tony Watson, MW Urban
Owner: Staub Family Pty Ltd
Responsible authority: City of Rockingham
DoP File No: DAP/14/00631

REPORT RECOMMENDATION/PRIMARY MOTION

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

That the Metro South West JDAP resolves to:

Refuse DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 and accompanying Site and Ground Floor Plan (Drawing No.SK.12 Rev J), First Floor Plan (Drawing No.SK.13 Rev J), Second Floor Plan (Drawing No.SK.14 Rev J) and Elevation and Section Plans (Drawing No.SK.15 Rev I), dated 8 June 2015 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:

- (a) The proposed development fails to make adequate provision for car parking, including parking for people with a disability, as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.
- (b) The proposed development is not considered to be compatible with its setting, as required by clause 6.6 (i) of TPS2.
- (c) Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles, as required by clause 6.6 (q) of TPS2.
- (d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.



- (f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (h) A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.
- (i) The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan.
- (j) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (k) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
- (l) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.
- (m) Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (n) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (o) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (p) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.
- (q) The proposed development fails to provide an unimpeded path of access 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*.

The Report Recommendation/Primary Motion was put and CARRIED (4/1)

For: Mr Ian Birch
Mr Christopher Antill
Cr Richard Smith
Cr Joy Stewart

Against: Mr Robert Nicholson

Mr Ian Birch
Presiding Member, Metro South-West JDAP



8.2 Property Location:	Lot 500 Mandurah Road, Kwinana Beach
Application Details:	Proposed Petrol Station
Applicant:	Jesse Dunbar, Planning Solutions
Owner:	Desmond Anthony Swarts and Darren Bradley Geurts
Responsible authority:	City of Kwinana
DoP File No:	DAP/15/00845

REPORT RECOMMENDATION/PRIMARY MOTION

Moved by: Cr Sherilyn Wood **Seconded by:** Mr Robert Nicholson

That the Metro South West JDAP resolves to:

Approve DAP Application reference DAP/15/00845 and accompanying plans A100 Rev D; A107 Rev C, A109 Rev C; A200 Rev B; A201 Rev A; A202 Rev A; A310 Rev A; A311 Rev A; A312 Rev A; A320 Rev A; A321 Rev A; L100 Rev C; S100 Rev C; S110 Rev A; S111 Rev A; S112 Rev A in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
3. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the site to the satisfaction of the City of Kwinana.
4. The land owner shall ensure the provision of a minimum of twelve (12) parking bays in accordance with Australian Standard AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
5. All vehicle parking to be accommodated within the boundaries of the subject lot.
6. A minimum of 397m² square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
7. The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.



8. An application for construction and installation of the nutrient retentive effluent disposal system shall be submitted with associated fees and plans for approval by City of Kwinana Environmental Health Manager prior to lodgement of a building permit.
9. The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
10. The development shall comply with the ventilation requirements of the Australian Standard 1668 & Sewerage (Lighting, Ventilation and Construction) Regulations 1971 requirements for the classifications of building use.
11. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages.
12. The proposed pylon sign shall be relocated to allow for the retention of existing tuart tree. Amended plans and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.
13. Permanent signage as shown on the plans shall be professionally designed, constructed, finished, installed and maintained thereafter, being kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
14. The signs shall not to be constructed of reflective materials, glass, paper, cardboard, cloth or other readily combustible material or have a light of such intensity as to cause annoyance to the public or be a traffic hazard.
15. No other signage to be erected other than signs exempted from Council Planning Approval pursuant to Clause 6.17.3 of the Town Planning Scheme No. 2.
16. All Signage and car parking bays within the "Other Regional Road" reserve are approved on a temporary basis. In the event of the Mandurah Road/Wellard Road intersection being upgraded all signage and car bays shall be relocated outside of the "Other Regional Road" reserve within the property boundaries.
17. All future activities or changes of use of the petrol filling station shall receive Council's Planning approval prior to undertaking of works or occupancy.
18. The 'Proposed Ingress' only crossover and driveway in the north west corner of the lot shall not extend over the boundary into the neighbouring lot. An amended plan and details, redesigning the crossover and driveway to be wholly within the development site shall be submitted for approval, to the satisfaction of the City of Kwinana, within 60 days of this approval.
19. Within the north bound carriageway of Mandurah Road, the existing traffic lane is to be widened to the west, to accommodate a right turn pocket into the proposed truck ingress crossover on Mandurah Road and enable north bound traffic to pass on the left and continue north, unobstructed. An amended plan and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.



20. The proposed truck ingress crossover from Mandurah Road is located over existing junction pit lids and side entry pit lid. These are to be converted to heavy duty trafficable gatic lids, and a new grated gully pit and lid to be constructed forward of the existing side entry pit and piped into the existing side entry pit liner. All lids to be adjusted to suit crossover levels. An amended plan and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.
21. Measures put in place, approved by the City of Kwinana and Main Roads WA, for pavement markings on Wellard Road to ensure crossover exits from the site onto Wellard Road are not obstructed by vehicles during the operation of the rail crossing boom gates. Amended plan and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.
22. The applicant shall provide details and specification of crossovers construction which are to be constructed of concrete, and details of pram ramps/pedestrian crossing points for existing footpaths where crossovers dissect the footpath. An amended plan and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.
23. The applicant shall provide an amended traffic assessment report addressing the Public Transport Authority's request for no right hand turns into the Petrol Filling Station from Wellard Road and the potential for vehicles queuing back over the level crossing and visibility in the vicinity of the level crossing for trucks using the truck egress and turning left onto Wellard Road. Further traffic modelling and details shall be provided within an amended traffic assessment report and shall be provided to the City of Kwinana within 60 days of this approval.
24. The applicant shall provide a stormwater drainage plan for the site demonstrating how stormwater will be contained and disposed of on site in accordance with the City of Kwinana's requirement of providing 1m³ soakwell capacity for every 45m² sealed or roofed area. An amended plan and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.
25. The applicant shall provide details of sealing/pavement to parking and traffic areas of the site. An amended plan and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.
26. The proposed modifications to the existing drainage basin/easement in the north east corner of the site shall allow for the provision of a 3m wide access track around the top of the basin.
27. The applicant shall ensure the proposed food business complies with the Food Act 2008, Food Regulations 2009 and Australian Food Standards Code. The applicant shall submit an application for notification/ registration of fixed food business and application for approval to construct to the City of Kwinana prior to lodgement of a building permit.
28. All contaminated waste must be disposed of appropriately at an approved Department of Environmental Regulation approved facility.



29. Bin storage area to be fitted with adequate ventilation, hose connection and graded floors to an industrial floor waste in accordance with the City of Kwinana Refuse Local Law.
30. The land owner shall install appropriate interpretive signage within the development identifying and acknowledging the site's historical use as the "East Rockingham School Site" as defined in the City of Kwinana Municipal Heritage Inventory, to the satisfaction of the City of Kwinana. Details of the interpretive signage shall be submitted for approval to the City of Kwinana prior to the lodgement of a building permit application.

Advice to Applicant

- 1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 3 The applicant is required to apply to the Department of Mines and Petroleum for a Dangerous Goods Site Licence.
- 4 The applicant is advised that this is not a building permit the City of Kwinana issues to enable construction to commence. A building permit is a separate Council requirements and construction cannot be commenced until a building permit is obtained.
- 5 The applicant is further advised that this is not a sign licence the City of Kwinana issues to enable construction to commence. A sign licence is a separate Council requirement and construction cannot be commenced until a sign licence is obtained.

AMENDING MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Cr Sherilyn Wood

To amend Conditions 12, 18, 20, 21, 22, 24, 25 and 27 to read as follows:

12. The proposed pylon sign shall be relocated to allow for the retention of existing tuart tree. Amended plans and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
18. The 'Proposed Ingress' only crossover and driveway in the north west corner of the lot shall not extend over the boundary into the neighbouring lot. An amended plan and details, redesigning the crossover and driveway to be wholly within the development site shall be submitted for approval, to the satisfaction of the City of Kwinana, prior to lodgement of a building permit application.



20. The proposed truck ingress crossover from Mandurah Road is located over existing junction pit lids and side entry pit lid. These are to be converted to heavy duty trafficable gatic lids, and a new grated gully pit and lid to be constructed forward of the existing side entry pit and piped into the existing side entry pit liner. All lids to be adjusted to suit crossover levels. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
21. Measures put in place, approved by the City of Kwinana and Main Roads WA, for pavement markings on Wellard Road to ensure crossover exits from the site onto Wellard Road are not obstructed by vehicles during the operation of the rail crossing boom gates. Amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
22. The applicant shall provide details and specification of crossovers construction which are to be constructed of concrete, and details of pram ramps/pedestrian crossing points for existing footpaths where crossovers dissect the footpath. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
24. The applicant shall provide a stormwater drainage plan for the site demonstrating how stormwater will be contained and disposed of on site in accordance with the City of Kwinana's requirement of providing 1m³ soakwell capacity for every 45m² sealed or roofed area. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
25. The applicant shall provide details of sealing/pavement to parking and traffic areas of the site. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
27. The applicant shall ensure the proposed food business complies with the Food Act 2008, Food Regulations 2009 and Australian Food Standards Code. The applicant shall submit an application for notification/ registration of fixed food business and application for approval to construct to the City of Kwinana prior to lodgement of a building permit.

REASON: To replace “within 60 days of this approval” with “prior to lodgement of a building permit”, to allow the applicant to programme the required tasks as part of the preparation of working drawings.

The Amending Motion was put and CARRIED UNANIMOUSLY



AMENDING MOTION

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

To amend the Report Recommendation to read as follows:

Approve DAP Application reference DAP/15/00845 and accompanying plans A100 Rev D; A107 Rev C, A109 Rev C; A200 Rev B; A201 Rev A; A202 Rev A; A310 Rev A; A311 Rev A; A312 Rev A; A320 Rev A; A321 Rev A; L100 Rev C; S100 Rev C; S110 Rev A; S111 Rev A; S112 Rev A in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2 and Clause 30(a) of the Metropolitan Region Scheme, subject to the following conditions

REASON: To include reference to Clause 30(a) of the Metropolitan Region Scheme.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION

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

To delete Condition 17 and renumber Conditions accordingly.

REASON: Condition 17 is repeating Advice Note 1

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Cr Sherilyn Wood

To delete Advice Note 2 and renumber accordingly.

REASON: The Advice Note is included in the preamble of the DAP Approval decision letter

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Cr Sherilyn Wood

To amend Condition 12 to read as follows:

12. The proposed pylon sign shall be relocated to allow for the retention and protection of existing tuart tree. Amended plans and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.

REASON: To include the words 'and protection' of existing tuart tree.

The Amending Motion was put and CARRIED UNANIMOUSLY

Mr Ian Birch
Presiding Member, Metro South-West JDAP



REPORT RECOMMENDATION/PRIMARY MOTION (AS AMENDED)

That the Metro South West JDAP resolves to:

Approve DAP Application reference DAP/15/00845 and accompanying plans A100 Rev D; A107 Rev C, A109 Rev C; A200 Rev B; A201 Rev A; A202 Rev A; A310 Rev A; A311 Rev A; A312 Rev A; A320 Rev A; A321 Rev A; L100 Rev C; S100 Rev C; S110 Rev A; S111 Rev A; S112 Rev A in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2 and Clause 30(a) 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 two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
3. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the site to the satisfaction of the City of Kwinana.
4. The land owner shall ensure the provision of a minimum of twelve (12) parking bays in accordance with Australian Standard AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
5. All vehicle parking to be accommodated within the boundaries of the subject lot.
6. A minimum of 397m² square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
7. The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.
8. An application for construction and installation of the nutrient retentive effluent disposal system shall be submitted with associated fees and plans for approval by City of Kwinana Environmental Health Manager prior to lodgement of a building permit.
9. The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
10. The development shall comply with the ventilation requirements of the Australian Standard 1668 & Sewerage (Lighting, Ventilation and Construction) Regulations 1971 requirements for the classifications of building use.



11. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages.
12. The proposed pylon sign shall be relocated to allow for the retention and protection of existing tuart tree. Amended plans and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
13. Permanent signage as shown on the plans shall be professionally designed, constructed, finished, installed and maintained thereafter, being kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
14. The signs shall not to be constructed of reflective materials, glass, paper, cardboard, cloth or other readily combustible material or have a light of such intensity as to cause annoyance to the public or be a traffic hazard.
15. No other signage to be erected other than signs exempted from Council Planning Approval pursuant to Clause 6.17.3 of the Town Planning Scheme No. 2.
16. All Signage and car parking bays within the "Other Regional Road" reserve are approved on a temporary basis. In the event of the Mandurah Road/Wellard Road intersection being upgraded all signage and car bays shall be relocated outside of the "Other Regional Road" reserve within the property boundaries.
17. The 'Proposed Ingress' only crossover and driveway in the north west corner of the lot shall not extend over the boundary into the neighbouring lot. An amended plan and details, redesigning the crossover and driveway to be wholly within the development site shall be submitted for approval, to the satisfaction of the City of Kwinana, prior to lodgement of a building permit application.
18. Within the north bound carriageway of Mandurah Road, the existing traffic lane is to be widened to the west, to accommodate a right turn pocket into the proposed truck ingress crossover on Mandurah Road and enable north bound traffic to pass on the left and continue north, unobstructed. An amended plan and details shall be provided within 60 days of this approval to the satisfaction of the City of Kwinana.
19. The proposed truck ingress crossover from Mandurah Road is located over existing junction pit lids and side entry pit lid. These are to be converted to heavy duty trafficable gatic lids, and a new grated gully pit and lid to be constructed forward of the existing side entry pit and piped into the existing side entry pit liner. All lids to be adjusted to suit crossover levels. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
20. Measures put in place, approved by the City of Kwinana and Main Roads WA, for pavement markings on Wellard Road to ensure crossover exits from the site onto Wellard Road are not obstructed by vehicles during the operation of the rail crossing boom gates. Amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.



21. The applicant shall provide details and specification of crossovers construction which are to be constructed of concrete, and details of pram ramps/pedestrian crossing points for existing footpaths where crossovers dissect the footpath. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
22. The applicant shall provide an amended traffic assessment report addressing the Public Transport Authority's request for no right hand turns into the Petrol Filling Station from Wellard Road and the potential for vehicles queuing back over the level crossing and visibility in the vicinity of the level crossing for trucks using the truck egress and turning left onto Wellard Road. Further traffic modelling and details shall be provided within an amended traffic assessment report and shall be provided to the City of Kwinana within 60 days of this approval.
23. The applicant shall provide a stormwater drainage plan for the site demonstrating how stormwater will be contained and disposed of on site in accordance with the City of Kwinana's requirement of providing 1m³ soakwell capacity for every 45m² sealed or roofed area. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
24. The applicant shall provide details of sealing/pavement to parking and traffic areas of the site. An amended plan and details shall be provided prior to lodgement of a building permit application to the satisfaction of the City of Kwinana.
25. The proposed modifications to the existing drainage basin/easement in the north east corner of the site shall allow for the provision of a 3m wide access track around the top of the basin.
26. The applicant shall ensure the proposed food business complies with the Food Act 2008, Food Regulations 2009 and Australian Food Standards Code. The applicant shall submit an application for notification/ registration of fixed food business and application for approval to construct to the City of Kwinana prior to lodgement of a building permit.
27. All contaminated waste must be disposed of appropriately at an approved Department of Environmental Regulation approved facility.
28. Bin storage area to be fitted with adequate ventilation, hose connection and graded floors to an industrial floor waste in accordance with the City of Kwinana Refuse Local Law.
29. The land owner shall install appropriate interpretive signage within the development identifying and acknowledging the site's historical use as the "East Rockingham School Site" as defined in the City of Kwinana Municipal Heritage Inventory, to the satisfaction of the City of Kwinana. Details of the interpretive signage shall be submitted for approval to the City of Kwinana prior to the lodgement of a building permit application.



Advice to Applicant

- 1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2 The applicant is required to apply to the Department of Mines and Petroleum for a Dangerous Goods Site Licence.
- 3 The applicant is advised that this is not a building permit the City of Kwinana issues to enable construction to commence. A building permit is a separate Council requirements and construction cannot be commenced until a building permit is obtained.
- 4 The applicant is further advised that this is not a sign licence the City of Kwinana issues to enable construction to commence. A sign licence is a separate Council requirement and construction cannot be commenced until a sign licence is obtained.

The Report Recommendation/Primary Motion (as amended) was put and CARRIED UNANIMOUSLY

A handwritten signature in black ink, appearing to read 'Ian Birch'.



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

- 9.1 Property Location: Lot 2003 (No.420) Secret Harbour Boulevard & Lots 2010 (No.6) and 2013 Oneida Road, Secret Harbour
- Application Details: Extension to Mixed Use Development
- Applicant: Sean Fairfoul, Rowe Group
- Owner: Perpetual Limited of Care of Charter Hall Retail Management Limited
- Responsible authority: City of Rockingham
- DoP File No: DAP/14/00649

REPORT RECOMMENDATION/PRIMARY MOTION

Moved by: Nil

Seconded by: Nil

That the Metro South West JDAP resolves to:

1. **Accept** DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 22 July 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Defer** the proposal in order to address the shortfall of parking over the site.

The Report Recommendation/Primary Motion LAPSED for want of a Mover and Secunder

REASON: The panel were informed by the applicants that the matter of the parking shortfall on the site had been resolved with the City. This was confirmed by the Council officers in attendance. Accordingly, there was no mover or seconder for the primary motion and an alternative motion was put.

ALTERNATE RECOMMENDATION

Moved by: Mr Ian Birch

Seconded by: Mr Christopher Antill

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 22 July 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 date 22 July 2015 and accompanying plans in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Amended Condition

10. Unless otherwise agreed with the City of Rockingham on advice from the Department of Planning, the Access Street South on Warnbro Sound Avenue must only provide for left in traffic movements to the site.



AMENDING MOTION

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

To amend Condition 15 to read as follows:

15. The carpark must:-
- (i) provide a minimum of 633 parking spaces;
 - (ii) be designed in accordance with Use Class 3A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Offstreet car parking* unless otherwise specified by this approval, prior to issue of a Building Permit;
 - (iii) include seventeen car parking space(s) dedicated to people with disabilities designed in accordance with Australia/New Zealand Standard AS/NZS 2890,6:2009, *Parking facilities, Part 6: Off-street carparking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, *Design for access and mobility, Part 1: General Requirements for access – New building work*;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development; and
 - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

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

REASON: An agreement has been reached between the landowner and the City of Rockingham to change the number of car parking bays from a minimum of 729 to 633 bays.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Mr Christopher Antill

To delete Condition 6 and amend Conditions 4 and 7 to read as follows:

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



7. Prior to occupation of the proposed development, arrangements being made with the City of Rockingham for the full payment of the cost of the intersection works.

REASON: The applicant confirmed that they would meet the full cost of the intersection works. Therefore, Condition 6 is not required and Condition 7 requires amendment to reflect this position. The request from the applicant to amend the wording of Condition 4, to enable more timely and effective progress of the development, was considered acceptable.

The Amending Motion was put and CARRIED UNANIMOUSLY.

ALTERNATE RECOMMENDATION (AS AMENDED)

That the Metro South West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 22 July 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 date 22 July 2015 and accompanying plans in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Amended Conditions

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



AS/NZS 2890,6:2009, Parking facilities, Part 6: Off-street carparking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access – New building work;

- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development; and
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

Deleted Condition

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

The Alternate Recommendation (as amended) was put and CARRIED UNANIMOUSLY



10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member thanked Cr Richard Smith for his excellent contribution to the Metro South-West JDAP and wished him well for his retirement from Council.

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 12.20pm.

A handwritten signature in black ink, appearing to read 'Ian Birch'.