



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

**Meeting Date and Time:** Wednesday, 31 August 2016; 9.00am  
**Meeting Number:** MSWJDAP/ 111  
**Meeting Venue:** City of Kwinana  
Darius Wells Library and Resource Centre  
Corner Chisham Avenue and Robbos Way,  
Kwinana

### **Attendance**

#### **DAP Members**

Mr Ian Birch (Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Ruth Alexander (Local Government Member, City of Kwinana)  
Cr Dennis Wood (Local Government Member, City of Kwinana)  
Cr Lee Downham (Local Government Member, City of Rockingham)  
Cr Chris Elliott (Local Government Member, City of Rockingham)  
Cr Kevin Allen (Local Government Member, City of Cockburn)  
Cr Steven Portelli (Local Government Member, City of Cockburn)

#### **Officers in attendance**

Mr Brenton Scambler (City of Kwinana)  
Mr Paul Neilson (City of Kwinana)  
Mr Neels Pretorius (City of Rockingham)  
Mr Don Bothwell (City of Cockburn)  
Ms Francis Page-Croft (Department of Planning)  
Mr Paul Sewell (Department of Planning)  
Mr Jamie Brady (Department of State Development)  
Mr Steve Cosgrove (Strategic Projects Management)

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

Ms Ana Behrendt (City of Kwinana)

#### **Applicants and Submitters**

Mr Matthew Chau (Stirling Capital)  
Mr Sean Fairfoul (Rowe Group)  
Mr Paul Lynch (Tianqi Lithium Australia)  
Mr Phil Thick (Tianqi Lithium Australia)

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

Ms Victoria Starkey (Resident)  
Ms Katrina Parker (Resident)



## 1. Declaration of Opening

The Presiding Member, Mr Ian Birch declared the meeting open at 9:00am on 31 August 2016 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

Ms Stacey Towne (Deputy Presiding Member)  
Cr Kelly McManus (Local Government Member, City of Rockingham)

## 3. Members on Leave of absence

Panel member, Ms Stacey Towne has been granted leave of absence by the Minister for the period of 11 August 2016 to 4 September 2016 inclusive.

## 4. Noting of minutes

Minutes of the Metro South-West JDAP meeting No.110 held on 18 August 2016 were noted by DAP members.

## 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of interests

Panel member, Mr Rob Nicholson, declared a direct pecuniary interest in item 9.1. Mr Nicholson is a shareholder in Wesfarmers, owners of Coles, and as such has declared an interest.

Panel members, Cr Lee Downham and Cr Chris Elliott, declared an impartiality interest in item 9.1. Interest disclosed due to the matter being presented to a Council meeting prior to this meeting.

Panel members, Cr Ruth Alexander and Cr Dennis Wood, declared an impartiality interest in items 8.1a and 8.2. Interest disclosed due to the matter being presented to a Council meeting prior to this meeting.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who have



disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.

## 7. Deputations and presentations

7.1 Mr Phil Thick (Tianqi Lithium Australia) addressed the DAP for the application at Item 8.1a. Mr Phil Thick answered questions from the panel.

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

7.2 Ms Victoria Starkey (Resident) addressed the DAP against the application at Item 8.2.

7.3 Mr Sean Fairfoul (Rowe Group) addressed the DAP against the application at Item 8.2. Mr Sean Fairfoul answered questions from the panel.

***The presentations at Items 7.2 and 7.3 were heard prior to the application at Item 8.2.***

## PROCEDURAL MOTION

**Moved by:** Cr Lee Downham

**Seconded by:** Cr Chris Elliott

That the application at Items 9.1 and 9.2 (respectively) be heard prior to the application at Items 8.1a, 8.1b and 8.2.

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

## 8. Form 1 - Responsible Authority Reports – DAP Applications

8.1a Property Location:	Lot 12 Mason Road, Kwinana Beach
Application Details:	Proposed General Industry - Lithium Hydroxide Processing Plant and related infrastructure (Workshop, Warehouse, Office / Administration, Laboratory and Security buildings, product lay down and car parking areas)
Applicant:	Tianqi Lithium Australia Pty Ltd
Owner:	WA Land Authority – LandCorp
Responsible authority:	City of Kwinana
DoP File No:	DAP/16/01068

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Dennis Wood

**Seconded by:** Cr Ruth Alexander

That the Metro South – West DAP resolves to:

**Approve** DAP Application reference DAP/16/01068 and accompanying plans 000, A01, A02, A03, A04, A05, A06, A07, A08, A09, A10, A11, A12, A13 and A14 dated 24/05/2016, A17, A18, A19, A20, A21, A22, A23, A24 and A25 dated 30/05/2016, 11304-G-006 REV G dated 10/02/2016, 11304-E-0000-703-REV C, 11304-E-000-704-REV C, 11304-E-0000-705-REV C, 11304-E-0000-706-REV C dated 27/05/2016



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. An area of at least 10,000 square metres (5%) of the lease area to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana within 60 days of practical completion of construction.
3. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
4. A detailed Landscaping Plan which outlines the proposed species and densities of plants to be used at the time of planting together with the anticipated height of each plant at maturity, spacing of each species and location of existing vegetation, the use of mature/advanced species between the existing security fence and the road boundary/verge, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to lodgement of a building permit. The landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.
5. Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan to the satisfaction of the City of Kwinana.
6. 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.
7. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
8. The provision of vehicle parking bays as defined on the approved development plans in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation to the satisfaction of the City of Kwinana.
9. All vehicle parking to be accommodated within the boundaries of the subject lot to the satisfaction of the City of Kwinana.



10. All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
11. All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
12. All vegetation cleared as part of the development shall be mulched and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
13. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act 1911 and Cockburn Sound Management Council requirements. Use of conventional septic systems is not permitted.
14. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
15. The development shall be connected to an adequate potable water supply in accordance with the standards required by the *National Health and Medical Research Council Australian Drinking Water Guidelines* (2004).
16. Within 60 days of commissioning of the plant operations, the proponent shall provide to the City of Kwinana, certification from a suitably qualified acoustic consultant that the noise emissions resulting from the operations on the site comply with Environment Protection Act and Regulations. The certification shall demonstrate that the plant complies with Environmental Protection (Noise) Regulations 1997 from time of commencement of operations through to maximum throughput capacity.
17. All earthworks and development proposed to be carried out on site shall be undertaken in accordance with the requirements of the document "*Site Contamination Management Plan Capping Area*" (Golder and Associates, November 2003, Reference Number 02640088).

## **2. Advice to Applicant**

- 2.1 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.
- 2.2 Construction should not be commenced for the components of the development which require building approval until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a building permit in accordance with the *Building Act 2011* and *Building Regulations 2012*.
- 2.4 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986*, Health Act and Regulations, *Environmental Protection (Noise) Regulations 1997*, *Dangerous Goods Safety Act 2004* and Regulations, *Contaminated Sites Act 2003* and the *National Construction Code*.



- 2.5 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.6 Training rooms and public galleries used for educational purposes are required to comply with the *Health (Public Building) Regulations 1992*.
- 2.7 The proponent should make an application to the City of Kwinana for the installation of effluent treatment and disposal systems.
- 2.8 Ablutions and sanitary facilities are required to comply with the requirements of the *Health (Sewerage Lighting and Ventilation) Regulations 1971*.
- 2.9 In regards to the parking provision condition, the City of Kwinana Town Planning Scheme No.2 requires a minimum of 246 vehicle parking bays, as such, a reduction in the overall car parking required for the site has been granted on the basis of the total staff numbers present on the site at any time. Should the use of the site change then a reassessment of the parking required on site will be required.
- 2.10 The Department of Environment and Regulation have advised that Groundwater investigations at Lot 12 Mason Road have identified the widespread presence of nitrate contamination at concentrations exceeding Marine Water Ecosystems criteria. In accordance within Department of Health advice if groundwater is being, or is proposed to be abstracted, analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

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

<b>8.1b</b> Property Location:	Lot 12 Mason Road, Kwinana Beach
Application Details:	Lithium Hydroxide Processing Plant
Applicant:	Tianqi Lithium Australia Pty Ltd
Owner:	Western Australian Land Authority (LandCorp)
Responsible authority:	Western Australian Planning Commission
DoP File No:	DAP/16/01068

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

**Moved by:** Mr Rob Nicholson

**Seconded by:** Cr Ruth Alexander

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

**Approve** DAP Application reference DAP/16/01068 and accompanying plans date stamped 1 July 2016 in accordance with the Metropolitan Region Scheme, subject to the following conditions and advice notes:

#### **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. The landowner/applicant is to prepare, have approved by the Department of Fire and Emergency Services (DFES) a bushfire management plan. The bushfire management plan is to be implemented to the satisfaction of the Western Australian Planning Commission on the advice of DFES.

**Advice:**

1. ATCO Gas Australia has high pressure gas mains in the vicinity of the property. ATCO Gas should be notified of any works within 15 metres of high pressure gas infrastructure before those works begin. Construction, excavation and other activities may be restricted in this zone. No pavements (including crossovers) should be constructed over the pipeline without consent from ATCO Gas Australia. Various pipeline safety tests may apply. The landowner/applicant is advised to contact ATCO on 6163 5000 in this regard. Anyone proposing to carry out construction or excavation works should contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.
2. The landowner/applicant is advised to liaise with APA Group regarding any works that may impact the nearby Hismelt Lateral gas pipeline and its easement.
3. The landowner/applicant is advised that the Department of Environment Regulation recommends that any works proposed to be carried out in the limestone capped area should comply with the requirements of the document '*Site Contamination Management Plan Capping Area*' Golder Associates November 2003 Ref 02640088.

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

<b>8.2</b> Property Location:	Lot 2 (46) Meares Avenue, Kwinana Town Centre
Application Details:	Proposed Bulky Goods Commercial Development
Applicant:	Rowe Group
Owner:	Santavae (Kwinana) Pty Ltd
Responsible authority:	City of Kwinana
DoP File No:	DAP/16/01078

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Mr Rob Nicholson

**Seconded by:** Cr Dennis Wood

*With agreement of the mover and seconder, the primary motion was moved with minor amendments to conditions 11, 27 and 28 as requested by the applicant and agreed by Council when considering the item at its council meeting of 24 August 2016.*

That the Metro South West JDAP resolves to:

Approve DAP Application reference DAP/16/01078 and accompanying plans SK012-A101, SK012-A102, SK012-A103, SK012-A104, SK012-A105, DA01-REV



A, DA02-REV A, DA03-REV A, DA04-REV A, DA05-REV A, DA06-REV A, DA07-REV B, DA08-REV A, DA09-REV A, DA10-REV A and DA11-REVA in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2, subject to the following conditions as follows:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
3. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
4. Landscaping areas, vehicle parking spaces, accessways and all other details as provided on the development plans are to be installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of the City of Kwinana.
5. The development being connected to a reticulated deep sewer to the satisfaction of the Water Corporation.
6. The proposed building walls being applied with anti-graffiti treatment to the satisfaction of the City of Kwinana.
7. Any graffiti, vandalism or damage to the proposed development shall be made good immediately by the landowner to the satisfaction of the City of Kwinana.
8. A minimum of 755 square metres of the subject site to be landscaped and maintained to a high standard to the satisfaction of the City of Kwinana. Details are to be provided in the landscaping plan referred to in Condition 10 below.
9. Shade trees are to be provided within car parking areas at a rate of 1 tree per 5 parking bays. Details are to be submitted in the landscaping plan outlined in Condition 10 below.
10. A Landscaping and Fencing Plan which outlines the proposed species and location of vegetation, proposed reticulation layout and colour, materials and finishes of any proposed fencing is required to be submitted to the City of Kwinana for approval within 90 days of the date of this approval and implemented to the satisfaction of the City within 60 days of the practical completion of construction.
11. The provision of vehicle parking bays as defined on the approved development plans in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation to the satisfaction of the City of Kwinana.
12. Prior to any part of the development being occupied, the owner shall:





- a) Modify the existing public access easement over Lot 2 (No.46) Meares Avenue, Kwinana Town Centre to extend over the areas of car parking and all other trafficable areas (excluding the bays and trafficable area associated with Tenancy 9 shown within the red dashed area (lease area) on DA01 Revision A – Site Plan) within the proposed development;
  - b) Modify the existing deed with the City of Kwinana to extend over the areas of car parking on the whole site (excluding the bays and trafficable area associated with Tenancy 9 shown within the red dashed area (lease area) on DA01 Revision A – Site Plan) and ensure that the parking remains available for all tenancies and the public; and
  - c) The easement and deed document shall be prepared by the City's solicitors at the owner's cost and shall include all usual terms and conditions for agreements of this type.
13. The provision of an additional 5 bicycle parking spaces designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles 10.3 and AS2890.3, to the satisfaction of the City of Kwinana. Details being provided within 90 days of the date of this approval.
  14. No goods or materials are to be placed or stored or offered for sale within car parking areas, access roads or on any footpath at any time. Storage of goods or materials shall be confined to designated service areas only.
  15. All existing and proposed trafficked routes within the subject lot being sealed and drained to comply with City of Kwinana Trafficable Area Specifications.
  16. Crossovers to be located and constructed to the specifications and satisfaction of the City of Kwinana.
  17. All proposed pedestrian paths within the development are to connect into the existing network of public footpaths. Details shall be submitted to the City for approval within 90 days of the date of this approval and works carried out in accordance with the approved plan prior to occupancy.
  18. The updated Signage Strategy for Stage 1 & 2 of Lot 1 & 2 Meares Avenue Kwinana Town Centre (dated 30/06/16) being implemented to the satisfaction of the City of Kwinana.
  19. Signage is to be kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
  20. Signage associated with a business is to be removed upon vacancy of the business
  21. Rubbish bins are to be stored in the designated bin storage areas only. No storage of rubbish, recyclables or other stock within parking areas or access roads.
  22. A Drainage Management Plan to be provided to the City for approval within 90 days of the date of this approval in accordance with Council's requirements demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.



23. Any proposed transformers, services, storage and deposit areas must be screened from view, air conditioners screened and/or located in areas with minimal impact on the public domain and television antennas or satellite dishes or such like to be located in roof space or as otherwise determined to the satisfaction of the City of Kwinana.
24. A Drainage Management Plan to be provided to the City for approval within 90 days of the date of this approval in accordance with Council's requirements demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.
25. The development being suitably lit in accordance with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting. Details to be provided to the City as part of a Lighting Compliance Report which will demonstrate compliance prior to the lodgement of a building permit application to the satisfaction of the City of Kwinana.
26. The proponent is to submit to the City of Kwinana for approval prior to the submission of a building permit for the development a Waste Management Plan that details bin enclosure areas, bin storage areas and bin collection points in the development, written agreement allowing the City's waste contractors to enter the property to service bins, details of public liability insurance to cover damages and injury that may occur as the result of waste collections carried out by the City of Kwinana's contractor and to demonstrate that tenants will have access to bin enclosures and collection points when required by the City of Kwinana.
27. The side entry pit and street trees located within the area identified for the new crossover to Meares Avenue to be relocated at the cost of the landowner to the satisfaction of the City of Kwinana. Details shall be provided prior to the lodgement of a building permit application for any portion of the development which requires the construction of the proposed service vehicle access to the service yard.
28. Prior to occupation of the development the applicant shall submit, for approval, an Amended Acoustic Report and Noise Management Plan from a suitably qualified acoustic consultant certifying that the noise emissions resulting from the operations on the site comply with Environment Protection Act and Regulations, to the satisfaction of the City of Kwinana. The report and Noise Management Plan shall address the noise emissions and its ongoing management from the development on the site. The Noise Management Plan will demonstrate the means by which the applicant and tenancies will address any potential nuisance noise associated with the operation and use of the site and in particular, the Drive-In Takeaway Food Shops.
29. Prior to the lodgement of a building permit application the applicant shall submit, for approval, an odour management plan to the satisfaction of the City of Kwinana. The report shall detail the management of odour emissions from the fast food outlets.
30. Prior to the lodgement of a building permit application the applicant shall submit, for approval, a Construction Management Plan to the satisfaction of the City of Kwinana. The plan shall detail and address the construction program



(including but not limited to site opening and closing times, dust management, construction noise management) proposed for the development.

31. Suitable screening and/or landscaping is to be provided on the Meares Avenue frontage for each drive-through to minimise the extent of headlight spill and glare on the adjoining residential properties for the Drive-in Takeaway Food Shops of a height and appearance to the satisfaction of the City.

### Advice Notes

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 an appeal should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
3. The applicant is further 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 requirement and construction cannot be commenced until a building permit is obtained.
4. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, and the National Construction Code.
5. In respect to Conditions 4, 8, 9 and 10, it should be noted that the Kwinana Town Centre Master Plan and Design Guidelines include a schedule of plants for use for landscaping within the City Centre. The Landscaping and Fencing Plan should select plants from this schedule.

All tenancies proposing to carry out a food business must comply with the Food Act 2008 and Food Regulations 2009. An Application to Construct or Alter a Food Business and an Application for Notification or Registration of a Food Business shall be submitted to, and approved by, the City of Kwinana prior to the fit out of the tenancy.

### AMENDING MOTION

**Moved by:** Mr Rob Nicholson

**Seconded by:** Mr Ian Birch

- (i) To amend the report preamble to include the date of the plans so as to read as follows:

*“Approve DAP Application reference DAP/16/01078 and accompanying plans SK012-A101 **dated June 2016**, SK012-A102, SK012-A103, SK012-A104 **dated April 2016**, SK012-A105, DA01-REV A, DA02-REV A, DA03-REV A, DA04-REV A, DA05-REV A, DA06-REV A, DA07-REV B, DA08-REV A, DA09-REV A, DA10-REV A and DA11-REVA **dated June 2016** in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2, subject to the following conditions as follows:”*



**REASON: To ensure the correct set of plans are being approved.**

- (ii) To replace 'within 90 days of the date of this approval' with 'prior to the lodgement of a building permit application' for conditions 10, 13, 17, 22 and 24 to appear as per below:
10. *A Landscaping and Fencing Plan which outlines the proposed species and location of vegetation, proposed reticulation layout and colour, materials and finishes of any proposed fencing is required to be submitted to the City of Kwinana for approval **prior to the lodgement of a building permit application** and implemented to the satisfaction of the City within 60 days of the practical completion of construction.*
  13. *The provision of an additional 5 bicycle parking spaces designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles 10.3 and AS2890.3, to the satisfaction of the City of Kwinana. Details being provided **prior to the lodgement of a building permit application**.*
  17. *All proposed pedestrian paths within the development are to connect into the existing network of public footpaths. Details shall be submitted to the City for approval **prior to the lodgement of a building permit application** and works carried out in accordance with the approved plan prior to occupancy.*
  22. *A Drainage Management Plan to be provided to the City for approval **prior to the lodgement of a building permit application** in accordance with Council's requirements demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.*
  24. *A Drainage Management Plan to be provided to the City for approval **prior to the lodgement of a building permit application** in accordance with Council's requirements demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.*

**REASON: For simplification of process.**

**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/16/01078 and accompanying plans SK012-A101 dated June 2016, SK012-A102, SK012-A103, SK012-A104 dated April 2016, SK012-A105, DA01-REV A, DA02-REV A, DA03-REV A, DA04-REV A, DA05-REV A, DA06-REV A, DA07-REV B, DA08-REV A, DA09-REV A, DA10-REV A and DA11-REVA dated June 2016 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No. 2, subject to the following conditions as follows:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially



- commenced within the two year period, the approval shall lapse and be of no further effect.
2. The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
  3. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
  4. Landscaping areas, vehicle parking spaces, accessways and all other details as provided on the development plans are to be installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of the City of Kwinana.
  5. The development being connected to a reticulated deep sewer to the satisfaction of the Water Corporation.
  6. The proposed building walls being applied with anti-graffiti treatment to the satisfaction of the City of Kwinana.
  7. Any graffiti, vandalism or damage to the proposed development shall be made good immediately by the landowner to the satisfaction of the City of Kwinana.
  8. A minimum of 755 square metres of the subject site to be landscaped and maintained to a high standard to the satisfaction of the City of Kwinana. Details are to be provided in the landscaping plan referred to in Condition 10 below.
  9. Shade trees are to be provided within car parking areas at a rate of 1 tree per 5 parking bays. Details are to be submitted in the landscaping plan outlined in Condition 10 below.
  10. A Landscaping and Fencing Plan which outlines the proposed species and location of vegetation, proposed reticulation layout and colour, materials and finishes of any proposed fencing is required to be submitted to the City of Kwinana for approval prior to the lodgement of a building permit application and implemented to the satisfaction of the City within 60 days of the practical completion of construction.
  11. The provision of vehicle parking bays as defined on the approved development plans in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation to the satisfaction of the City of Kwinana.
  12. Prior to any part of the development being occupied, the owner shall:
    - a) Modify the existing public access easement over Lot 2 (No.46) Meares Avenue, Kwinana Town Centre to extend over the areas of car parking and all other trafficable areas (excluding the bays and trafficable area associated with Tenancy 9 shown within the red dashed area (lease area) on DA01 Revision A – Site Plan) within the proposed development;
    - b) Modify the existing deed with the City of Kwinana to extend over the areas of car parking on the whole site (excluding the bays and trafficable area associated with Tenancy 9 shown within the red dashed area (lease area)





- on DA01 Revision A – Site Plan) and ensure that the parking remains available for all tenancies and the public; and
- c) The easement and deed document shall be prepared by the City's solicitors at the owner's cost and shall include all usual terms and conditions for agreements of this type.
13. The provision of an additional 5 bicycle parking spaces designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles 10.3 and AS2890.3, to the satisfaction of the City of Kwinana. Details being provided within 90 days prior to the lodgement of a building permit application.
  14. No goods or materials are to be placed or stored or offered for sale within car parking areas, access roads or on any footpath at any time. Storage of goods or materials shall be confined to designated service areas only.
  15. All existing and proposed trafficked routes within the subject lot being sealed and drained to comply with City of Kwinana Trafficable Area Specifications.
  16. Crossovers to be located and constructed to the specifications and satisfaction of the City of Kwinana.
  17. All proposed pedestrian paths within the development are to connect into the existing network of public footpaths. Details shall be submitted to the City for approval prior to the lodgement of a building permit application and works carried out in accordance with the approved plan prior to occupancy.
  18. The updated Signage Strategy for Stage 1 & 2 of Lot 1 & 2 Meares Avenue Kwinana Town Centre (dated 30/06/16) being implemented to the satisfaction of the City of Kwinana.
  19. Signage is to be kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
  20. Signage associated with a business is to be removed upon vacancy of the business
  21. Rubbish bins are to be stored in the designated bin storage areas only. No storage of rubbish, recyclables or other stock within parking areas or access roads.
  22. A Drainage Management Plan to be provided to the City for approval prior to the lodgement of a building permit application in accordance with Council's requirements demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.
  23. Any proposed transformers, services, storage and deposit areas must be screened from view, air conditioners screened and/or located in areas with minimal impact on the public domain and television antennas or satellite dishes or such like to be located in roof space or as otherwise determined to the satisfaction of the City of Kwinana.
  24. A Drainage Management Plan to be provided to the City for approval prior to the lodgement of a building permit application in accordance with Council's





- requirements demonstrating stormwater is able to be contained and disposed of on-site for the car parking, driveways and roofed areas.
25. The development being suitably lit in accordance with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting. Details to be provided to the City as part of a Lighting Compliance Report which will demonstrate compliance prior to the lodgement of a building permit application to the satisfaction of the City of Kwinana.
  26. The proponent is to submit to the City of Kwinana for approval prior to the submission of a building permit for the development a Waste Management Plan that details bin enclosure areas, bin storage areas and bin collection points in the development, written agreement allowing the City's waste contractors to enter the property to service bins, details of public liability insurance to cover damages and injury that may occur as the result of waste collections carried out by the City of Kwinana's contractor and to demonstrate that tenants will have access to bin enclosures and collection points when required by the City of Kwinana.
  27. The side entry pit and street trees located within the area identified for the new crossover to Meares Avenue to be relocated at the cost of the landowner to the satisfaction of the City of Kwinana. Details shall be provided prior to the lodgement of a building permit application for any portion of the development which requires the construction of the proposed service vehicle access to the service yard.
  28. Prior to occupation of the development the applicant shall submit, for approval, an Amended Acoustic Report and Noise Management Plan from a suitably qualified acoustic consultant certifying that the noise emissions resulting from the operations on the site comply with Environment Protection Act and Regulations, to the satisfaction of the City of Kwinana. The report and Noise Management Plan shall address the noise emissions and its ongoing management from the development on the site. The Noise Management Plan will demonstrate the means by which the applicant and tenancies will address any potential nuisance noise associated with the operation and use of the site and in particular, the Drive-In Takeaway Food Shops.
  29. Prior to the lodgement of a building permit application the applicant shall submit, for approval, an odour management plan to the satisfaction of the City of Kwinana. The report shall detail the management of odour emissions from the fast food outlets.
  30. Prior to the lodgement of a building permit application the applicant shall submit, for approval, a Construction Management Plan to the satisfaction of the City of Kwinana. The plan shall detail and address the construction program (including but not limited to site opening and closing times, dust management, construction noise management) proposed for the development.
  31. Suitable screening and/or landscaping is to be provided on the Meares Avenue frontage for each drive-through to minimise the extent of headlight spill and glare on the adjoining residential properties for the Drive-in Takeaway Food Shops of a height and appearance to the satisfaction of the City.



**Advice Notes**

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 an appeal should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
3. The applicant is further 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 requirement and construction cannot be commenced until a building permit is obtained.
4. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, and the National Construction Code.
5. In respect to Conditions 4, 8, 9 and 10, it should be noted that the Kwinana Town Centre Master Plan and Design Guidelines include a schedule of plants for use for landscaping within the City Centre. The Landscaping and Fencing Plan should select plants from this schedule.

All tenancies proposing to carry out a food business must comply with the Food Act 2008 and Food Regulations 2009. An Application to Construct or Alter a Food Business and an Application for Notification or Registration of a Food Business shall be submitted to, and approved by, the City of Kwinana prior to the fit out of the tenancy.

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

*Due to his direct pecuniary interest, panel member, Mr Rob Nicholson left the meeting whilst Item 9.1 was being determined by the panel.*

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

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

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Lee Downham

That the Metro South-West JDAP resolves to:



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

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

### Conditions

1. The specialty Shops are approved as Shops. A further Development Approval is required should they be proposed to be used for any other purpose.
2. The development must be carried out in accordance with the Fire Management Plan, prepared by Bushfire Safety Consulting Pty Ltd, dated 30 April 2014, to the satisfaction of the City of Rockingham.
3. The land owner is responsible for the full cost of any works required to retrofit the local street network and site to facilitate the manoeuvring required for a 19m articulated vehicle to access the loading dock of the supermarket when the left in access from Mandurah Road is closed. Prior to any works commencing on the retrofitting works, the design for the retrofitting works shall be approved by the City of Rockingham, and all works completed to the satisfaction of the City of Rockingham prior to the left in access road being closed.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. All stormwater generated by the development shall be designed to be contained onsite, be consistent with the approved Urban Water Management Plan, and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
6. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit.
  - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (ii) Any lawns to be established;
  - (iii) Any natural landscape areas to be retained;
  - (iv) Those areas to be reticulated or irrigated;
  - (v) Verge Treatments;



- (vi) Details of water supply;
- (vii) Compliance with the approved Detailed Area Plan; and
- (viii) Pavement treatment and landscaping of the Verdigris Road main street.

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

7. The carpark must:

- (i) provide a minimum of 360 parking spaces;
- (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval including details on threshold treatments on the internal access way from Road 1 and Road 25, prior to applying for a Building Permit;
- (iii) include nine car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development;
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times; and
- (vii) provide for one tree per eight car bays.

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

8. Twenty short-term bicycle parking spaces and twelve long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
9. Four secure hot-water showers, change room and clothing lockers must be provided for the development. They must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City of Rockingham prior to applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.



10. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham, prior to applying for a Building Permit:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.
11. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
12. The loading dock must be screened in accordance with plans submitted to the City of Rockingham for approval, prior to applying for a Building Permit. The screening must be constructed prior to occupation of the development and be retained and maintained in good condition at all times.
13. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be approved by the City of Rockingham prior to applying for a Building Permit.

All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
14. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City of Rockingham, prior to the occupation of the development:
  - (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
  - (ii) tonality, modulation and impulsiveness; and
  - (i) confirm the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
15. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit and implemented as such for the duration of the development.
16. Entries and window frontages of ground floor tenancies facing Redwood Avenue, Verdigris Road and the internal access streets, which are required to facilitate active street frontages, must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development at all times.





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

17. Public or customer access for the tenancies fronting Verdigris Road, except for the Medical Centre, must be provided from Verdigris Road.
18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
19. A barrier/fence must be constructed on the boundary of Lot 806, fronting the Mandurah Road reservation, to prevent unprotected pedestrian movements across Mandurah Road. This barrier must be constructed prior to occupation of the development and designed to City of Rockingham specifications for fencing.
20. No footpath is approved south of the proposed bus stop on Mandurah Road.
21. Earthworks must not encroach onto the Mandurah Road reservation.
22. Any damage done to the existing verge and its vegetation within the Mandurah Road reservation must be made good.
23. The Tenancy 1 building elevation on the corner of Redwood Avenue and Verdigris Road must be amended prior to applying for a Building Permit, to include an architectural response to the corner, in accordance with the approved Singleton Village Neighbourhood Activity Centre Detailed Area Plan, to the satisfaction of the City of Rockingham.

#### **Advice Notes**

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
2. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham's Health Services in this regard.
3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City of Rockingham Building Services in this regard.
4. With respect to Condition 6, the applicant and owner should liaise with the City of Rockingham's Land and Development Infrastructure Team to confirm requirements for landscaping plans.
5. All works in the road reserve (apart from Mandurah Road), including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Land and Development Infrastructure Team in this regard.





6. The left in access from Mandurah Road will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes.

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

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

#### AMENDING MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Brian Curtis

That the word 'when' in Condition 3 be changed to 'if' so that the condition reads:

*"The land owner is responsible for the full cost of any works required to retrofit the local street network and site to facilitate the manoeuvring required for a 19m articulated vehicle to access the loading dock of the supermarket if the left in access from Mandurah Road is closed. Prior to any works commencing on the retrofitting works, the design for the retrofitting works shall be approved by the City of Rockingham, and all works completed to the satisfaction of the City of Rockingham prior to the left in access road being closed."*

**REASON:** For clarification. There is no certainty that the left in access from Mandurah Road will eventually be closed.

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

#### PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

1. **Approve** that the DAP Application reference DAP/13/00706 as detailed on the DAP Form 2 dated 10 May 2016 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** that the DAP Application reference DAP/13/706 and accompanying plans:
  - Feature Survey Plan, Reference 15710-1F, Dated 12.11.2015;



- Site Plan, Drawing No.DA02 Rev M, Dated 2.6.2016;
- Elevations, Drawing No.DA03 Rev E, Dated 9.5.2016;
- Sections, Drawing No.DA04 Rev D, Dated 29.4.2016;
- Pad Site 1, Drawing No.DA06 Rev B, Dated 29.4.2016;

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

### Conditions

1. The specialty Shops are approved as Shops. A further Development Approval is required should they be proposed to be used for any other purpose.
2. The development must be carried out in accordance with the Fire Management Plan, prepared by Bushfire Safety Consulting Pty Ltd, dated 30 April 2014, to the satisfaction of the City of Rockingham.
3. The land owner is responsible for the full cost of any works required to retrofit the local street network and site to facilitate the manoeuvring required for a 19m articulated vehicle to access the loading dock of the supermarket if the left in access from Mandurah Road is closed. Prior to any works commencing on the retrofitting works, the design for the retrofitting works shall be approved by the City of Rockingham, and all works completed to the satisfaction of the City of Rockingham prior to the left in access road being closed.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. All stormwater generated by the development shall be designed to be contained onsite, be consistent with the approved Urban Water Management Plan, and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
6. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit.
  - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (ii) Any lawns to be established;
  - (iii) Any natural landscape areas to be retained;
  - (iv) Those areas to be reticulated or irrigated;
  - (v) Verge Treatments;
  - (vi) Details of water supply;
  - (vii) Compliance with the approved Detailed Area Plan; and
  - (viii) Pavement treatment and landscaping of the Verdigris Road main street.

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

7. The carpark must:



- (v) provide a minimum of 360 parking spaces;
- (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval including details on threshold treatments on the internal access way from Road 1 and Road 25, prior to applying for a Building Permit;
- (vi) include nine car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development;
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times; and
- (vii) provide for one tree per eight car bays.

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

8. Twenty short-term bicycle parking spaces and twelve long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
9. Four secure hot-water showers, change room and clothing lockers must be provided for the development. They must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City of Rockingham prior to applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.
10. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham, prior to applying for a Building Permit:
  - (iii) the location of bin storage areas and bin collection areas;
  - (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (vii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (viii) frequency of bin collections.



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

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

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

14. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City of Rockingham, prior to the occupation of the development:
  - (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
  - (ii) tonality, modulation and impulsiveness; and
  - (ii) confirm the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
15. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit and implemented as such for the duration of the development.

16. Entries and window frontages of ground floor tenancies facing Redwood Avenue, Verdigris Road and the internal access streets, which are required to facilitate active street frontages, must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development at all times.

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

17. Public or customer access for the tenancies fronting Verdigris Road, except for the Medical Centre, must be provided from Verdigris Road.
18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.



19. A barrier/fence must be constructed on the boundary of Lot 806, fronting the Mandurah Road reservation, to prevent unprotected pedestrian movements across Mandurah Road. This barrier must be constructed prior to occupation of the development and designed to City of Rockingham specifications for fencing.
20. No footpath is approved south of the proposed bus stop on Mandurah Road.
21. Earthworks must not encroach onto the Mandurah Road reservation.
22. Any damage done to the existing verge and its vegetation within the Mandurah Road reservation must be made good.
23. The Tenancy 1 building elevation on the corner of Redwood Avenue and Verdigris Road must be amended prior to applying for a Building Permit, to include an architectural response to the corner, in accordance with the approved Singleton Village Neighbourhood Activity Centre Detailed Area Plan, to the satisfaction of the City of Rockingham.

### **Advice Notes**

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
2. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham's Health Services in this regard.
3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City of Rockingham Building Services in this regard.
4. With respect to Condition 6, the applicant and owner should liaise with the City of Rockingham's Land and Development Infrastructure Team to confirm requirements for landscaping plans.
5. All works in the road reserve (apart from Mandurah Road), including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Land and Development Infrastructure Team in this regard.
6. The left in access from Mandurah Road will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes.

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



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

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

*Mr Rob Nicholson re-joined the meeting for the determination of item 9.2.*

<b>9.2</b> Property Location:	Nos. 75-79 (Lots 1027, 1026 & 1025) Orsino Boulevard NORTH COOGEE
Application Details:	Extension of timeframe for DAP/14/00576 – 52 Multiple Dwellings
Applicant:	Jon Sparks
Owner:	Port Coogee Apartments Pty Ltd
Responsible authority:	City of Cockburn
DoP File No:	DAP/14/00576

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

**Moved by:** Cr Steven Portelli

**Seconded by:** Cr Kevin Allen

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00576 as detailed on the DAP Form 2 dated 19 July 2016 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00576 as detailed on the DAP Form 2 dated 19 July 2016 and accompanying plans P.01, P.02, P.03, P.04, P.05, P.06 and P.07 in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3 and the Metropolitan Region Scheme, for the proposed extension in timeframe to the approved 52 Multiple Dwellings at Nos. 75-79 (Lots 1027, 1026 & 1025) Orsino Boulevard, North Coogee, subject to:

#### **Amended Conditions**

1. Nil

#### **Advice Notes**

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 Brian Curtis

**Seconded by:** Mr Rob Nicholson

To add 'for a further two years' following the reference to extension in timeframe in the recommendation, to read:

*“Approve the DAP Application reference DAP/14/00576 as detailed on the DAP Form 2 dated 19 July 2016 and accompanying plans P.01, P.02, P.03, P.04, P.05, P.06 and P.07 in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3 and the Metropolitan Region Scheme, for the proposed extension in timeframe **for a further two years** to the approved 52 Multiple Dwellings at Nos. 75-79 (Lots 1027, 1026 & 1025) Orsino Boulevard, North Coogee, subject to:”*

**REASON:** To provide clarification of extension timeframe and clarity in the decision.

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/14/00576 as detailed on the DAP Form 2 dated 19 July 2016 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference DAP/14/00576 as detailed on the DAP Form 2 dated 19 July 2016 and accompanying plans P.01, P.02, P.03, P.04, P.05, P.06 and P.07 in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3 and the Metropolitan Region Scheme, for the proposed extension in timeframe for a further two years to the approved 52 Multiple Dwellings at Nos. 75-79 (Lots 1027, 1026 & 1025) Orsino Boulevard, North Coogee, subject to:

## Amended Conditions

2. Nil

## Advice Notes

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.**

## 10. Appeals to the State Administrative Tribunal

Nil



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

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

There being no further business, the Presiding Member declared the meeting closed at 10:28am.