



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 12 April 2023; 9:30am  
**Meeting Number:** MOJDAP/239  
**Meeting Venue:** Electronic Means

*This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person*

### 1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
	8.1 Lot 9014 Sixty Eight Road, Baldivis .....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....	16
	Nil.....	16
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	17
11.	General Business.....	17
12.	Meeting Closure .....	17

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



---

## Attendance

### DAP Members

Mr Eugene Koltasz (Presiding Member)  
Ms Karen Hyde (Deputy Presiding Member)  
Mr John Taylor (A/Third Specialist Member)  
Cr Lorna Buchan (Local Government Member, City of Rockingham)  
Cr Mark Jones (Local Government Member, City of Rockingham)

### Officers in attendance

Mr Mike Ross (City of Rockingham)  
Mr Marius Le Grange (City of Rockingham)

### Minute Secretary

Mr Stephen Haines (DAP Secretariat)

### Applicants and Submitters

Mr Daniel Martinovich (CLE Town Planning & Design)  
Mr Michael Bower (Blueport)  
Mr Derek Hays (Hames Sharley)

### Members of the Public / Media

There was 1 member of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 12 April 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

Mr Eugene Koltasz  
Presiding Member, Metro Outer JDAP



## 2. Apologies

Mr Jason Hick (Third Specialist Member)

## 3. Members on Leave of Absence

DAP Member, Mr Jason Hick (Third Specialist Member) has been granted leave of absence by the Director General for the period of 11 April 2023 to 24 April 2023 inclusive.

## 4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

## 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Lorna Buchan and Cr Mark Jones, declared that they participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Buchan and Cr Jones acknowledged that they are not bound by any previous decision or resolution of the local government and undertake to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the items.

## 7. Deputations and Presentations

- 7.1 Mr Daniel Martinovich (CLE Town Planning & Design) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Michael Bower (Blueport) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Derek Hays (Hames Sharley) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 The City of Rockingham addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

  
Mr Eugene Koltasz  
Presiding Member, Metro Outer JDAP



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

### 8.1 Lot 9014 Sixty Eight Road, Baldivis

Development Description: Proposed Neighbourhood Centre (Parkland Heights)  
Applicant: CLE Town Planning & Design  
Owner: Rockingham Park Pty Ltd  
Responsible Authority: City of Rockingham  
DAP File No: DAP/22/02387

### REPORT RECOMMENDATION

**Moved by:** Cr Lorna Buchan

**Seconded by:** Ms Karen Hyde

*With the agreement of the mover and the seconder, changes were made to Condition 11 (i) and 11(v) to correct typographical errors.*

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02387 and the accompanying plans received on 5 December 2023 and Amended Plans received on 20 February 2023:

- Overall Site Plan - Drawing No.SD100, Dated 20/02/2023;
- Ground Floor Plan Part 1 - Drawing No.SD200, Dated 17/02/2023 ;
- Ground Floor Plan Part 2 - Drawing No.SD201, Dated 17/02/2023;
- Ground Floor Plan Part 3 - Drawing No. D202, Dated 17/02/2023;
- North Site Elevations - Furnivall Parade - Drawing No.SD400, Dated 07/10/2022;
- East Site Elevations - Nairn Drive - Drawing No.SD401, Dated 07/10/2022;
- South Site Elevations - Arpentuer Drive - Drawing No.SD402, Dated 07/10/2022;
- West Site Elevations - Arpentuer Drive - Drawing No.SD404, Dated 07/10/2022;
- Section A Elevations - Drawing No.SD500, Dated 07/10/2022;
- Section B Elevations - Drawing No.SD501, Dated 07/10/2022;
- Section C Elevations - Drawing No.SD503, Dated 07/10/2022;
- Section D Elevations - Drawing No.SD504, Dated 07/10/2022;

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions as follows:

#### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



3. This Approval does not authorise or approve the use of the Service Station, Speciality Retail and two (2) Fast Food tenancies located on the eastern side of the subject lot. A separate Development Approval must be obtained for the development of any tenancy.
4. Prior to applying for a Building Permit, amended plans are to be approved by the City of Rockingham which include the following:-
  - (i) The 'Food and Beverage' building Main Street façade height shall be amended from 5.1m to 5.5m;
  - (ii) The 'Interim Parking' bays must be removed and vacant building envelopes placed and landscaped to the satisfaction of the City of Rockingham.
5. Prior to applying for a Building Permit, a Construction Management Plan (CMP) is to be submitted to and approved by the City of Rockingham addressing but not limited to:
  - (i) Hours of construction
  - (ii) Temporary Fencing
  - (iii) Traffic Management including, a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
  - (iv) Management of vibration and dust
  - (v) Management of construction noise and other site generated noise.
6. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
7. Prior to applying for a Building Permit, the Applicant must submit full detailed civil engineering drawings showing the various footpaths, crossovers and car parking embayment to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham. Construction works in accordance with approved civil drawings are to be completed prior to occupation of the development, at the landowner's cost to the satisfaction of the City of Rockingham.
8. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



- 
9. Prior to applying for a Building Permit, a Landscaping Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:-
- (i) The Location, number and type of proposed trees and shrubs (including street trees, shade trees within the car parking areas, and planting within the Special Landscape Area), indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated;
  - (iv) The paving material used for the footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility;
  - (v) Detailed landscape, irrigation, lighting, playground, street furniture plans; and
  - (vi) All Verge areas;
10. Prior to occupation of the development, the car parking areas must:
- (i) Four Hundred and Seventy Seven (477) car parking bays are to be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval.
  - (ii) Provide Ten (10) car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iii) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (iv) Comply with the above requirements for the duration of the development.

  
**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



11. The recommendations in the Environmental Noise Report (ENR) prepared by Gabriels Hearne Farrell (revision 3) dated 8th February 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
  - (i) Deliveries to only occur between 7am and 7pm week days and 9am and 5pm on Sundays and Public Holidays.
  - (ii) Trucks are not allowed to idle within the loading bay and as part of best practise are required to switch all vehicles off during loading and unloading periods
  - (iii) Acoustic screening is required around the Service/Loading Dock area, is to be constructed as follows:
    - (a) The screening shall be 3.5m taller than the ground level of the service area; and,
    - (b) The screening shall be constructed of materials without gaps or slots, with a minimum surface density of 10 kg/m<sup>2</sup> (e.g. 6mm glass, 12mm Perspex, 6mm fibre-cement, single leaf of masonry, etc.).
  - (iv) Acoustic screening will also be required on the southern, western and northern side of the air-conditioning and refrigeration equipment located on the roof top of the supermarket to the specifications required within the report.
  - (v) A revised Noise Assessment is to be provided to the City of Rockingham within 30 days of the occupation of the development in order to determine compliance with the *Environmental (Noise) Regulations 1997*.
12. The recommendations in the Waste Management Plan (WMP) prepared by Talis Consultants dated 7 November 2022 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
  - (i) A private waste collection company will collect refuse and recyclable waste once a week from the 2 allocated Bin Storage areas.
  - (ii) Waste vehicles (rear loaded) to obtain access from the loading dock area and circulate to the southern exit on Arpentuer Drive; and
  - (iii) Waste collection to occur within acceptable Noise Regulation parameters.
13. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the Applicant.
14. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting and.

  
**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



15. Prior to the occupation of the development and in accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two showers (1 male, 1 female), change rooms and clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.
16. Prior to the occupation of the development, thirteen (13) long-term and twenty nine (29) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham.
17. Prior to the occupation of the development, In accordance with Planning Policy 3.3.25 *Percent for Public Art – Private Developer Contribution*, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$140,000 in value.
18. 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.
19. All plant and roof equipment and other external fixtures must be designed to be located away from public view/or screened for the life of the development to the satisfaction of the City of Rockingham.

Advice Notes:

- The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the Applicant and owner should liaise with the Water Corporation in this regard.
- The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the Applicant and owner should liaise with the City's Health Services in this regard.
- A Building Permit must be obtained for the proposed works prior to commencement of site works. The Applicant and owner should liaise with the City's Building Services in this regard.
- The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City's Health Services for information on confirming requirements.
- All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the Applicant should liaise with the City of Rockingham's Engineering Services in this regard.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP





- In regards to Condition 5, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
- All future development is to comply with the Liquor Control Act 1988, all relevant approvals, licences are to be sought prior to the occupation of the development in conjunction with the Department of Racing, Gaming and Liquor.
- All playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments including additional criteria outlined in the following:
- AS 4685.0:2017 Playground equipment and surfacing Part 0: Development, installation, inspection, maintenance and operation; and
- AS/NZS 4422:1996 - Playground Surfacing - Specifications, Requirements & Test Methods; Suitable impact absorbing surfacing, termed soft-fall must be installed, wherever falls from fixed or portable playground equipment is possible.
- Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the Applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

#### **AMENDING MOTION 1**

**Moved by:** Cr Lorna Buchan

**Seconded by:** Cr Mark Jones

That a new Condition no. 12 (iv) be added to read as follows:

***All car parking, loading areas and pedestrian traffic movement areas must be kept in a clean and tidy condition and free of rubbish for the duration of the development, to the satisfaction of the City of Rockingham***

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

**REASON:** This additional condition is to ensure the proponent maintains appropriate standards of site management and to safeguard against littering.

  
**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



---

## AMENDING MOTION 2

**Moved by:** Ms Karen Hyde

**Seconded by:** Cr Mark Jones

That Condition No. 10 (i) be amended to read as follows:

*Four Hundred and Seventy Seven (477) car parking bays (or other number of bays as agreed with the City) are to be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval.*

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

**REASON:** To provide an appropriate level of flexibility for future parking provision whilst identifying the expectation that parking will be provided in accordance with City's policy framework unless otherwise agreed by the city.

## AMENDING MOTION 3

**Moved by:** Ms Karen Hyde

**Seconded by:** Mr Eugene Koltasz

That Condition No. 4 (i) be deleted and the remaining sub-points to the condition be renumbered accordingly.

**The Amending Motion was put and CARRIED (4/1).**

For: Ms Karen Hyde  
Mr Eugene Koltasz  
Mr John Taylor  
Cr Mark Jones

Against: Cr Lorna Buchan

**REASON:** This amendment recognised the intent of the policy framework to provide for Main Street scale and variety of built form had been achieved whilst not strictly adhering to the minimum height requirements through out. The amendment also took in to account the design for the future public realm including the intention for awnings over the footpath and tree canopy which will also provide a good urban scale and Main Street sense of place.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## AMENDING MOTION 4

**Moved by:** Mr Eugene Koltasz

**Seconded by:** Mr John Taylor

That Condition No. 4 (ii) (now Condition No.4) be deleted and the remaining conditions and be renumbered accordingly.

**The Amending Motion was put and CARRIED (3/2).**

For: Mr Eugene Koltasz  
Mr John Taylor  
Ms Karen Hyde

Against: Cr Lorna Buchan  
Cr Mark Jones

**REASON:** This amendment recognises the need for flexibility in the staging of the development and the applicant's and consumer's desire for interim parking near the Main Street. The amendment was based on the intention as clearly identified on the LDP that the interim parking would not be permanent and that at the appropriate stage of maturity and demand for additional floorspace, that the interim parking would be replaced by permanent development to fulfill the urban built form of the Main Street.

## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02387 and the accompanying plans received on 5 December 2023 and Amended Plans received on 20 February 2023:

- Overall Site Plan - Drawing No.SD100, Dated 20/02/2023;
- Ground Floor Plan Part 1 - Drawing No.SD200, Dated 17/02/2023 ;
- Ground Floor Plan Part 2 - Drawing No.SD201, Dated 17/02/2023;
- Ground Floor Plan Part 3 - Drawing No. D202, Dated 17/02/2023;
- North Site Elevations - Furnivall Parade - Drawing No.SD400, Dated 07/10/2022;
- East Site Elevations - Nairn Drive - Drawing No.SD401, Dated 07/10/2022;
- South Site Elevations - Arpentuer Drive - Drawing No.SD402, Dated 07/10/2022;
- West Site Elevations - Arpentuer Drive - Drawing No.SD404, Dated 07/10/2022;
- Section A Elevations - Drawing No.SD500, Dated 07/10/2022;
- Section B Elevations - Drawing No.SD501, Dated 07/10/2022;
- Section C Elevations - Drawing No.SD503, Dated 07/10/2022;
- Section D Elevations - Drawing No.SD504, Dated 07/10/2022;

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions as follows:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. This Approval does not authorise or approve the use of the Service Station, Speciality Retail and two (2) Fast Food tenancies located on the eastern side of the subject lot. A separate Development Approval must be obtained for the development of any tenancy.
4. Prior to applying for a Building Permit, a Construction Management Plan (CMP) is to be submitted to and approved by the City of Rockingham addressing but not limited to:
  - (i) Hours of construction
  - (ii) Temporary Fencing
  - (iii) Traffic Management including, a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
  - (iv) Management of vibration and dust
  - (v) Management of construction noise and other site generated noise.
5. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
6. Prior to applying for a Building Permit, the Applicant must submit full detailed civil engineering drawings showing the various footpaths, crossovers and car parking embayment to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham. Construction works in accordance with approved civil drawings are to be completed prior to occupation of the development, at the landowner's cost to the satisfaction of the City of Rockingham.
7. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.

  
**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



8. Prior to applying for a Building Permit, a Landscaping Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:-
  - (i) The Location, number and type of proposed trees and shrubs (including street trees, shade trees within the car parking areas, and planting within the Special Landscape Area), indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated;
  - (iv) The paving material used for the footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility;
  - (v) Detailed landscape, irrigation, lighting, playground, street furniture plans; and
  - (vi) All Verge areas;
  
9. Prior to occupation of the development, the car parking areas must:
  - (i) Four Hundred and Seventy Seven (477) car parking bays (or other number of bays as agreed with the City) are to be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval.
  - (ii) Provide Ten (10) car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iii) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (iv) Comply with the above requirements for the duration of the development.

  
**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



10. The recommendations in the Environmental Noise Report (ENR) prepared by Gabriels Hearne Farrell (revision 3) dated 8th February 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
  - (i) Deliveries to only occur between 7am and 7pm week days and 9am and 5pm on Sundays and Public Holidays.
  - (ii) Trucks are not allowed to idle within the loading bay and as part of best practise are required to switch all vehicles off during loading and unloading periods
  - (iii) Acoustic screening is required around the Service/Loading Dock area, is to be constructed as follows:
    - (a) The screening shall be 3.5m taller than the ground level of the service area; and,
    - (b) The screening shall be constructed of materials without gaps or slots, with a minimum surface density of 10 kg/m<sup>2</sup> (e.g. 6mm glass, 12mm Perspex, 6mm fibre-cement, single leaf of masonry, etc.).
  - (iv) Acoustic screening will also be required on the southern, western and northern side of the air-conditioning and refrigeration equipment located on the roof top of the supermarket to the specifications required within the report.
  - (v) A revised Noise Assessment is to be provided to the City of Rockingham within 30 days of the occupation of the development in order to determine compliance with the *Environmental (Noise) Regulations 1997*.
11. The recommendations in the Waste Management Plan (WMP) prepared by Talis Consultants dated 7 November 2022 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
  - (i) A private waste collection company will collect refuse and recyclable waste once a week from the 2 allocated Bin Storage areas.
  - (ii) Waste vehicles (rear loaded) to obtain access from the loading dock area and circulate to the southern exit on Arpentuer Drive; and
  - (iii) Waste collection to occur within acceptable Noise Regulation parameters.
  - (iv) All car parking, loading areas and pedestrian traffic movement areas must be kept in a clean and tidy condition and free of rubbish for the duration of the development, to the satisfaction of the City of Rockingham.
12. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the Applicant.
13. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting and.

  
**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



14. Prior to the occupation of the development and in accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two showers (1 male, 1 female), change rooms and clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.
15. Prior to the occupation of the development, thirteen (13) long-term and twenty nine (29) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham.
16. Prior to the occupation of the development, In accordance with Planning Policy 3.3.25 *Percent for Public Art – Private Developer Contribution*, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$140,000 in value.
17. 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.
18. All plant and roof equipment and other external fixtures must be designed to be located away from public view/or screened for the life of the development to the satisfaction of the City of Rockingham.

Advice Notes:

- The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the Applicant and owner should liaise with the Water Corporation in this regard.
- The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the Applicant and owner should liaise with the City's Health Services in this regard.
- A Building Permit must be obtained for the proposed works prior to commencement of site works. The Applicant and owner should liaise with the City's Building Services in this regard.
- The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City's Health Services for information on confirming requirements.
- All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the Applicant should liaise with the City of Rockingham's Engineering Services in this regard.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



- In regards to Condition 4, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
- All future development is to comply with the Liquor Control Act 1988, all relevant approvals, licences are to be sought prior to the occupation of the development in conjunction with the Department of Racing, Gaming and Liquor.
- All playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments including additional criteria outlined in the following:
- AS 4685.0:2017 Playground equipment and surfacing Part 0: Development, installation, inspection, maintenance and operation; and
- AS/NZS 4422:1996 - Playground Surfacing - Specifications, Requirements & Test Methods; Suitable impact absorbing surfacing, termed soft-fall must be installed, wherever falls from fixed or portable playground equipment is possible.
- Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the Applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

**The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.**

**REASON:** The development was regarded to be of a quality and design standard capable of approval with conditions as amended. The development was generally in line with intent of the Park Land Heights Neighbourhood Centre – Local Development Plan (LDP) for matters such as land use, landscaping, and design.

The Panel considered that where the LDP provisions did not comply for some of the heights of building facades in the main street food and beverage precinct they were deemed to be minor variations and were to be adequately screened by future tree planting and alfresco canopies.

The Panel also considered that the overall parking provision and use of an area shown on the LDP as future building pads for interim parking for 98 bays was also appropriate recognising that the ultimate use of the interim parking area was for commercial use to complete the main street vision as prescribed in the LDP.

**9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP





## 10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022
DAP/21/02036 DR236/2022	City of Swan	Lot 97 (31) & 817 (47) Lakes Road, Hazelmere	Proposed Construction of a Logistics Depot with Ancillary Office Area	23/12/2022
DAP/22/02346 DR47/2023	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development	17/03/2022

## 11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

## 12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:05am.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP