



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

**Meeting Date and Time:** 15 October 2018; 10:00am  
**Meeting Number:** MSWJDAP/169  
**Meeting Venue:** City of Rockingham Boardroom  
Civic Boulevard  
Rockingham

### **Attendance**

#### **DAP Members**

Mr Tony Arias (Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Mr Andrew Macliver (Specialist Member)  
Cr Chris Elliot (Local Government Member, City of Rockingham)  
Cr Deb Hamblin (Local Government Member, City of Rockingham)

#### **Officers in attendance**

##### *Item 8.1a*

Mr Chris Parlane (City of Rockingham)  
Mr Michael Ross (City of Rockingham)  
Mr Greg Delahunty (City of Rockingham)  
Mr Peter Ricci (City of Rockingham)

##### *Item 8.1b*

Ms Frances Page-Croft (Western Australian Planning Commission)  
Mr Paul Sewell (Western Australian Planning Commission)  
Ms Donna West (Department of Transport)  
Mr Iain Appleby (Department of Transport)  
Mr Matt Zuvela (Department of Transport)

#### **Minute Secretary**

Ms Nicole D'Alessandro (City of Rockingham)

#### **Applicants and Submitters**

Mr David Read (Element)  
Mr Mike Davis (Element)  
Mr Edwin Bollig (Bollig Design Group)  
Mr David Lilwall (ValX)

#### **Members of the Public / Media**

Mr Stuart Horton from the Sound Telegraph was in attendance.



## 1. Declaration of Opening

The Presiding Member declared the meeting open at 10.03am on 15 October 2018 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 DAP Standing Orders 2017 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 DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

## 2. Apologies

Nil

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

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

Nil

## 7. Deputations and Presentations

7.1 Mr David Read (Element) addressed the DAP in support the application at Item 8.1a and 8.1b and responded to questions from the panel.

## PROCEDURAL MOTION

**Moved by:** Mr Brian Curtis

**Seconded by:** Mr Andrew Macliver

That the application at Item 8.1b be heard prior to the application at Item 8.1a.

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



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

8.1a Property Location:	Lot 150 on Plan 223083 Lot 4556 on Plan 220689 (seabed) Wanliss Street and Rockingham Beach Road road reserves
Development Description:	Marina
Applicant:	Element
Owner:	State of WA
Responsible Authority:	City of Rockingham
DAP File No:	DAP/18/01382

### REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01382 is appropriate for consideration as a “Marina” land use and compatible with the objectives of the zoning table in accordance with the Town Planning Scheme of the City of Rockingham.
2. **Refuse** DAP Application reference DAP/18/01382 as detailed on the DAP Form 1 dated 15 February 2018 and accompanying plans:
  - Site Plan SK01, dated June 2018;
  - Site Plan Part 2 SK02, dated June 2018;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the proposed Marina at Lot 150 on Plan 223083, Lot 4556 on Plan 220689 (seabed) and the Wanliss Street and Rockingham Beach Road road reserves, for the following reasons:

### Reasons

1. Having due regard to the City’s adopted *Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking (CPS)* which is considered to be a relevant planning consideration pursuant to Clause 67 (zb) of the *Planning and Development (Local Planning Schemes) Regulations*, the development application proposes car parking in a manner that is contrary to the provisions of the CPS, in that the Marina relies on providing car parking on public land in locations that could otherwise be utilised by the City to address public parking demand with or without a Marina.
2. The development fails to adequately provide parking in a manner that is fair and equitable compared to commercial developments in the abutting ‘Primary Centre Waterfront Village’ zone, which are required under Town Planning Scheme No. 2 to provide cash-in-lieu to fund the construction of decked public parking facilities.



3. **Approve** DAP Application reference DAP/18/01382 and accompanying plans:

- Ground Floor Plan SK03, dated June 2018;
- First Floor Plan SK04, dated June 2018;
- Ground Floor Plan Part 1 SK05, dated June 2018;
- Ground Floor Plan Part 2 SK06, dated June 2018;
- First Floor Plan Part 1 SK07, dated June 2018;
- First Floor Plan Part 2 SK08, dated June 2018;
- Landscape and Carpark Plan SK09, dated June 2018;
- Ground Levels Plan SK10, dated June 2018;
- Elevations Plan SK11, dated June 2018;
- Elevations Plan SK12, dated June 2018;

in accordance with the provisions of Clause 30(1) of the Metropolitan Region Scheme, for the proposed Marina at Lot 150 on Plan 223083, Lot 4556 on Plan 220689 (seabed) and the Wanliss Street Road Reserve subject to the following conditions:

**Conditions**

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.
2. The proposed marina structures shall be certified by a maritime engineer as conforming to Australian Standard AS 3962- 2001 'Guidelines for the Design of Marinas' and AS 4997- 2005 'Guidelines for the Design of Maritime Structures' to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
3. On completion of the maritime structures a set of signed 'as constructed drawings' including a Multi Beam hydrographical survey of the breakwater are to be submitted, these to be to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
4. A cash contribution being provided for 368 car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit.

As an alternative, the City is prepared to accept the Proponent entering into an Agreement with the City to build a parking facility of equivalent capacity on land managed by the City, to the specifications and satisfaction of the City, with construction to be completed prior to occupation of the Marina.

5. Drainage systems shall be designed and constructed consistent with the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia (2004-2016), to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.



6. Arrangements being entered into with Water Corporation for the provision of reticulated water supply and sewerage to service the development to the satisfaction of the Western Australian Planning Commission.
7. Arrangements being entered into with Western Power for the provision of an underground electricity supply to service the development to the satisfaction of the Western Australian Planning Commission.
8. Prior to the commencement of development works a Construction Environmental Management Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham. The plan is to address aspects and impacts of the construction phase including:
  - (a) Construction methodology, staging, construction times, materials (including breakwater rock type) and product storage;
  - (b) A Dust Management Plan;
  - (c) A Construction Traffic Management Plan (vehicle haulage routes);
  - (d) A revised Construction Noise Management Plan;
  - (e) A Fauna Relocation and Management Plan;
  - (f) Road condition survey, haulage vehicles (parking, trailer covers) and road reserve repair;
  - (g) Waste management, emergency spill response procedure, site stabilisation methods;
  - (h) Construction signage;
  - (i) Construction monitoring triggers and contingency actions;
  - (j) Dilapidation Surveys; and
  - (k) Complaint resolution procedures.
9. Prior to the commencement of development works a modified Coastal Adaption Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.
10. Prior to the commencement of development works a modified Foreshore Management Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.
11. Car parking for the development shall be provided and constructed as follows:
  - (a) The breakwater car park must provide a minimum of 135 car parking spaces (including car parking spaces dedicated to people with disabilities);
  - (b) Prior to applying for a building permit, the engineering drawings (plans) for the Wanliss Street car park and entrance are to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham, which are to include the following details:
    - i. Provision of a minimum 193 car parking spaces (an additional 110 to the existing 83 car parking spaces) designed and documented in



- accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, including stormwater drainage details, levels/grades and catchment calculations;
- ii. Include 4 car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009;
  - iii. The existing Atlantis drainage cells sited beneath the Wanliss Street car park are to be retained. Any modifications that impact on the drainage must be designed to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham; and
  - iv. Any modifications proposed as part of the final design of the Wanliss Street car park must be designed to have due regard to existing infrastructure assets, and any damage caused as a result of the development shall be repaired by the developer at its expense.
- (c) Car parking shall be constructed, sealed, kerbed, drained, illuminated marked and completed prior to the occupation of the development to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.
12. Prior to applying for a Building Permit a revised Waste Management Plan is to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham which is to include the following details:
- (a) The location and screening of bin storage and bin collection areas;
  - (b) The number, volume and type of bins, and the type of waste to be placed in the bins;
  - (c) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (d) Frequency of bin collections.
13. Prior to applying for a Building Permit Landscaping and Irrigation Plans, are to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and are to include the following details:
- (a) The location, number and type of existing and proposed trees, shrubs, dune vegetation and surface treatments for the entrance (Wanliss Street road reserve), beach access, breakwater and Wanliss Street car park (areas);
  - (b) The existing City of Rockingham assets to be retained, relocated and/or modified;
  - (c) Proposed landscape and irrigation upgrade of the Rockingham Beach Road setback area immediately adjoining the development; and
  - (d) Areas to be revegetated or irrigated.



The landscape and irrigation must be completed prior to the occupation of the development, and must be maintained by the developer for a period of two summers prior to handover, to the City of Rockingham.

14. The plans referenced by Conditions 8 to 13 inclusive shall be implemented to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and relevant government agencies as appropriate.
15. The detail design of the jetty structure shall provide for un-impeded public access along the beach beneath the jetty structure to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.

### **Advice Notes**

1. The developer is advised that this development approval does not include approval of the submitted Marina Waterways Monitoring and Management Plan November 2017 and the Construction Management Plan January 2017.
2. The developer is advised to liaise with the Department of Transport, the Department of Planning, Lands and Heritage and the City of Rockingham in relation to the necessary lease agreements prior to the commencement of development works.
3. With respect to Condition 8, the Construction Environmental Management Plan should include the following details:
  - (a) Construction techniques with full engineering specifications;
  - (b) A schedule of the volume/quantity of materials proposed to be used as part of civil works;
  - (c) A civil works programme indicating events, tasks and associated timeframes;
  - (d) Construction drawings for the design of the sand bund needed during the construction phase and breakwater design. The sand used in the bund must be certified as suitable for use for beach renourishment;
  - (e) Specifications of the proposed breakwater rock. The breakwater should be constructed of durable materials that minimise the risk of rock shards washing up on Rockingham Beach;
  - (f) Proposals for water carts to be available at all times during the earthworks operation and until the site has been stabilised. As an alternative to water carts, the use of fixed sprinklers may be considered;
  - (g) Arrangements for trucks to not arrive any earlier than 15 minutes prior to operations commencing, for construction timeframes prescribed by the *Environmental Noise Protections Regulations (1997)* and not to park or stand along surrounding roads; and
  - (h) Arrangements for wind fencing along the boundary of the site where existing buildings are within 500 metres of the site and no natural barrier exists.
4. With respect to Condition 8 the developer should offer Dilapidation Surveys to all owners of existing buildings potentially affected by construction activity.



5. With respect to Condition 9, the modifications required to the Coastal Adaption Plan relate to the inclusion of:
- (a) The developer responsibilities (at its expense) for:
    - i. The safe, efficient and timely sand bypassing associated with the development;
    - ii. Marina maintenance dredging associated with the development; and
    - iii. Removal of rock material found on Rockingham Beach that can be attributed to the development and for the beach environs to be made good.
  - (b) Timelines for the risk mitigation actions identified for longer term managed retreat;
  - (c) In the absence of an acceptable managed retreat strategy, the construction of coastal protection works south of the marina to connect with the existing buried sea wall to manage the risk of erosion between sand bypassing sessions;
  - (d) An Adaptive Coastal Management Strategy, including:
    - i. Sand bypassing methodology, including proposed equipment and route;
    - ii. Triggers for undertaking sand bypassing;
    - iii. Expected volume, frequency and locations of sand bypassing;
    - iv. Beach monitoring (to inform sand bypassing requirements, including beach profiles at a minimum of 6 monthly intervals);
    - v. Management measures to ensure impacts to beach users and beach amenity are minimised;
    - vi. Operational safety management measures;
    - vii. Operational traffic management measures; and
    - viii. Operational noise management measures.
6. With respect to Condition 10, the Foreshore Management Plan should address the following:
- (a) Revegetation works proposed on the Rockingham Beach Foreshore as indicated on the landscape plan required by Condition 13;
  - (b) The manner the revegetation works are to be maintained by the developer for a period of at least two summers following the completion of the development;
  - (c) The measures to manage any foreshore impacts associated with the sand bypassing methodology (including beach access paths for vehicles); and
  - (d) The measures to ensure that any rock material (shards) washed up on Rockingham Beach as a result of the development is removed at the developers expense.
7. With respect to Condition 12, the Waste Management Plan, public rubbish bin facilities should be provided adjacent to the shop frontage so as to be





- convenient to pedestrians, but positioned so as not to obstruct pedestrian movements.
8. With respect to Condition 13 the developer is advised to liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for landscaping plans.
  9. The development is located within the Rockingham Groundwater Area, which is proclaimed under the Rights in Water and Irrigation Act 1914. Therefore any dewatering to be conducted as part of the onshore development is required to obtain a '5C' licence to take groundwater. The developer is advised to liaise with the Department of Water and Environmental Regulation.
  10. The developer is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of dust management plans for development sites. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation or the City of Rockingham.
  11. The developer is advised to liaise with the Department of Transport in respect of the detailed design of the marina structures, wave climate, navigation aids, and sand bypassing.
  12. The developer is advised to liaise with the Department of Transport and the City of Rockingham in relation to the preparation and implementation of a signage strategy for the proposed development inclusive of sign permit(s) from the City of Rockingham.
  13. The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed development. It is possible that as a result of these activities, the area may contain unexploded ordnance (UXO). While it is considered that the possible risk from UXO is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during development works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:
    - Do not disturb the site of the known or suspected UXO;
    - Without disturbing the immediate vicinity, clearly mark the site of the UXO;
    - Notify Police of the circumstances/situation as quickly as possible; and
    - Maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.
- Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, DFES.
14. Installation of CCTV is recommended, to provide coverage of all public areas, linked to the City's security camera surveillance system, to provide surveillance of the proposed facility and public areas adjacent to the development.



15. The developer is encouraged to locate/position/screen, as far as practical all service areas and service related hardware such as antennae, satellite dishes, air condition units and the like, from public view.

**The Report Recommendation LAPSED for want of a mover and seconder.**

**ALTERNATE RECOMMENDATION**

**Moved by:** Cr Chris Elliott

**Seconded by:** Mr Brian Curtis

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01382 is appropriate for consideration as a "Marina" land use and compatible with the objectives of the zoning table in accordance with the Town Planning Scheme of the City of Rockingham.
2. **Refuse** DAP Application reference DAP/18/01382 as detailed on the DAP Form 1 dated 15 February 2018 and accompanying plans:
  - Site Plan SK01, dated June 2018;
  - Site Plan Part 2 SK02, dated June 2018;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the proposed Marina at Lot 150 on Plan 223083, Lot 4556 on Plan 220689 (seabed) and the Wanliss Street and Rockingham Beach Road road reserves, for the following reason:

**Reason**

1. Having due regard to the City of Rockingham adopted *Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking (2017)(CPS)* which is considered to be a relevant planning consideration pursuant to Clause 67 (zb) of the *Planning and Development (Local Planning Schemes) Regulations*, the development application proposes car parking in a manner that is contrary to the provisions of the CPS, in that the Marina relies on providing car parking on public land in locations that could otherwise be utilised by the City of Rockingham to address public parking demand with or without a Marina.

**REASON:** Recommendations 1 and 2 were in accordance with details contained in the Responsible Authority Report. Further having due regard to the City's adopted *Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking (CPS)* which is considered to be a relevant planning consideration pursuant to Clause 67 (zb) of the *Planning and Development (Local Planning Schemes) Regulations*, the development application proposes car parking in a manner that is contrary to the provisions of the CPS, in that the Marina relies on providing car parking on public land in locations that could otherwise be utilised by the City to address public parking demand with or without a Marina.



Recommendation 3 was disregarded as it duplicated Recommendations pursuant to the Metropolitan Region Scheme in Item 8.1b.

**The Alternate Recommendation was put and CARRIED UNANIMOUSLY.**

**8.1b** Property Location: Lot 150 Rockingham Beach Road, Wanliss Street road reserve and Lot 4556 (seabed) Rockingham  
Development Description: Marina  
Applicant: Element  
Owner: Department of Transport and Department of Planning, Lands and Heritage  
Responsible Authority: Western Australian Planning Commission  
DAP File No: DAP/18/01382

**REPORT RECOMMENDATION**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Deb Hamblin

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01382 and accompanying plans date stamped 18 June 2018 in accordance with the provisions of Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

**Conditions**

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.
2. The proposed marina structures shall be certified by a maritime engineer as conforming to Australian Standard AS 3962- 2001 'Guidelines for the Design of Marinas' and AS 4997- 2005 'Guidelines for the Design of Maritime Structures' to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
3. On completion of the maritime structures a set of signed 'as constructed drawings' including a Multi Beam hydrographical survey of the breakwater are to be submitted, these to be to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
4. Car parking is to be provided in accordance with the plans of development or to the amount and extent determined by the grant of development approval under the City of Rockingham Town Planning Scheme No.2.
5. Drainage systems shall be designed and constructed consistent with the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia (2004-2016), to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.



6. Arrangements being entered into with Water Corporation for the provision of reticulated water supply and sewerage to service the development to the satisfaction of the Western Australian Planning Commission.
7. Arrangements being entered into with Western Power for the provision of an underground electricity supply to service the development to the satisfaction of the Western Australian Planning Commission.
8. Prior to the commencement of development works a Construction Environmental Management Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham. The plan is to address aspects and impacts of the construction phase including:
  - (a) Construction methodology, staging, construction times, materials (including breakwater rock type) and product storage;
  - (b) A Dust Management Plan;
  - (c) A Construction Traffic Management Plan (vehicle haulage routes);
  - (d) A revised Construction Noise Management Plan;
  - (e) A Fauna Relocation and Management Plan;
  - (f) Road condition survey, haulage vehicles (parking, trailer covers) and road reserve repair;
  - (g) Waste management, emergency spill response procedure, site stabilisation methods;
  - (h) Construction signage;
  - (i) Construction monitoring triggers and contingency actions;
  - (j) Dilapidation Surveys; and
  - (k) Complaint resolution procedures.
9. Prior to the commencement of development works a modified Coastal Adaption Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.
10. Prior to the commencement of development works a modified Foreshore Management Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.
11. Car parking for the development shall be provided and constructed as follows:
  - (a) The breakwater car park must provide a minimum of 135 car parking spaces (including car parking spaces dedicated to people with disabilities);
  - (b) Prior to applying for a building permit, the engineering drawings (plans) for the Wanliss Street car park and entrance are to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham, which are to include the following details:
    - i. Provision of a minimum 193 car parking spaces (an additional 110 to the existing 83 car parking spaces) designed and documented in



- accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, including stormwater drainage details, levels/grades and catchment calculations;
- ii. Include 4 car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009;
  - iii. The existing Atlantis drainage cells sited beneath the Wanliss Street car park are to be retained. Any modifications that impact on the drainage must be designed to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham; and
  - iv. Any modifications proposed as part of the final design of the Wanliss Street car park must be designed to have due regard to existing infrastructure assets, and any damage caused as a result of the development shall be repaired by the developer at its expense.
- (c) Car parking shall be constructed, sealed, kerbed, drained, illuminated marked and completed prior to the occupation of the development to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.
12. Prior to applying for a Building Permit a revised Waste Management Plan is to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham which is to include the following details:
- (a) The location and screening of bin storage and bin collection areas;
  - (b) The number, volume and type of bins, and the type of waste to be placed in the bins;
  - (c) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (d) Frequency of bin collections.
13. Prior to applying for a Building Permit Landscaping and Irrigation Plans are to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and are to include the following details:
- (a) The location, number and type of existing and proposed trees, shrubs, dune vegetation and surface treatments for the entrance (Wanliss Street road reserve), beach access, breakwater and Wanliss Street car park (areas);
  - (b) The existing City of Rockingham assets to be retained, relocated and/or modified;
  - (c) Proposed landscape and irrigation upgrade of the Rockingham Beach Road setback area immediately adjoining the development; and
  - (d) Areas to be revegetated or irrigated.



The landscape and irrigation must be completed prior to the occupation of the development, and must be maintained by the developer for a period of two summers prior to handover, to the City of Rockingham.

14. The plans referenced by Conditions 8 to 13 inclusive shall be implemented to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and relevant government agencies as appropriate.
15. The detail design of the jetty structure shall provide for un-impeded public access along the beach beneath the jetty structure to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.

### **Advice Notes**

1. The developer is advised that this development approval does not include approval of the submitted Marina Waterways Monitoring and Management Plan November 2017 and the Construction Management Plan January 2017.
2. The developer is advised to liaise with the Department of Transport, the Department of Planning, Lands and Heritage and the City of Rockingham in relation to the necessary lease agreements prior to the commencement of development works.
3. With respect to Condition 8, the Construction Environmental Management Plan should include the following details:
  - (a) Construction techniques with full engineering specifications;
  - (b) A schedule of the volume/quantity of materials proposed to be used as part of civil works;
  - (c) A civil works programme indicating events, tasks and associated timeframes;
  - (d) Construction drawings for the design of the sand bund needed during the construction phase and breakwater design. The sand used in the bund must be certified as suitable for use for beach renourishment;
  - (e) Specifications of the proposed breakwater rock. The breakwater should be constructed of durable materials that minimise the risk of rock shards washing up on Rockingham Beach;
  - (f) Proposals for water carts to be available at all times during the earthworks operation and until the site has been stabilised. As an alternative to water carts, the use of fixed sprinklers may be considered;
  - (g) Arrangements for trucks to not arrive any earlier than 15 minutes prior to operations commencing, for time construction timeframes prescribed by the *Environmental Noise Protections Regulations (1997)* and not to park or stand along surrounding roads; and
  - (h) Arrangements for wind fencing along the boundary of the site where existing buildings are within 500 metres of the site and no natural barrier exists.
4. With respect to Condition 8 the developer should offer Dilapidation Surveys to all owners of existing buildings potentially affected by construction activity.



5. With respect to Condition 9, the modifications required to the Coastal Adaption Plan relate to the inclusion of:
- (a) The developer responsibilities (at its expense) for:
    - i. The safe, efficient and timely sand bypassing associated with the development;
    - ii. Marina maintenance dredging associated with the development; and
    - iii. Removal of rock material found on Rockingham Beach that can be attributed to the development and for the beach environs to be made good.
  - (b) Timelines for the risk mitigation actions identified for longer term managed retreat;
  - (c) In the absence of an acceptable managed retreat strategy, the construction of coastal protection works south of the marina to connect with the existing buried sea wall to manage the risk of erosion between sand bypassing sessions;
  - (d) An Adaptive Coastal Management Strategy, including:
    - i. Sand bypassing methodology, including proposed equipment and route;
    - ii. Triggers for undertaking sand bypassing;
    - iii. Expected volume, frequency and locations of sand bypassing;
    - iv. Beach monitoring (to inform sand bypassing requirements, including beach profiles at a minimum of 6 monthly intervals);
    - v. Management measures to ensure impacts to beach users and beach amenity are minimised;
    - vi. Operational safety management measures;
    - vii. Operational traffic management measures; and
    - viii. Operational noise management measures.
6. With respect to Condition 10, the Foreshore Management Plan should address the following:
- (a) Revegetation works proposed on the Rockingham Beach Foreshore as indicated on the landscape plan required by Condition 13;
  - (b) The manner the revegetation works are to be maintained by the developer for a period of at least two summers following the completion of the development;
  - (c) The measures to manage any foreshore impacts associated with the sand bypassing methodology (including beach access paths for vehicles); and
  - (d) The measures to ensure that any rock material (shards) washed up on Rockingham Beach as a result of the development is removed at the developers expense.
7. With respect to Condition 12, the Waste Management Plan, public rubbish bin facilities should be provided adjacent to the shop frontage so as to be



convenient to pedestrians, but positioned so as not to obstruct pedestrian movements.

8. With respect to Condition 13 the developer is advised to liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for landscaping plans.
9. The development is located within the Rockingham Groundwater Area, which is proclaimed under the Rights in Water and Irrigation Act 1914. Therefore any dewatering to be conducted as part of the onshore development is required to obtain a '5C' licence to take groundwater. The developer is advised to liaise with the Department of Water and Environmental Regulation.
10. The developer is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of dust management plans for development sites. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation or the City of Rockingham.
11. The developer is advised to liaise with the Department of Transport in respect of the detailed design of the marina structures, wave climate, navigation aids, and sand bypassing.
12. The developer is advised to liaise with the Department of Transport and the City of Rockingham in relation to the preparation and implementation of a signage strategy for the proposed development inclusive of sign permit(s) from the City of Rockingham.
13. The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed development. It is possible that as a result of these activities, the area may contain unexploded ordnance (UXO). While it is considered that the possible risk from UXO is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during development works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:
  - Do not disturb the site of the known or suspected UXO;
  - Without disturbing the immediate vicinity, clearly mark the site of the UXO;
  - Notify Police of the circumstances/situation as quickly as possible; and
  - Maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.

Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, DFES.

14. Installation of CCTV is recommended, to provide coverage of all public areas, linked to the City's security camera surveillance system, to provide surveillance of the proposed facility and public areas adjacent to the development.





15. The developer is encouraged to locate/position/screen, as far as practical all service areas and service related hardware such as antennae, satellite dishes, air condition units and the like, from public view.

### **AMENDING MOTION 1**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Deb Hamblin

That Condition 4 be amended to read as follows:

*A 4 million dollar cash-in-lieu be paid to the City of Rockingham to contribute towards the cost of replacement of the Wanliss Street carpark.*

### **PROCEDURAL MOTION**

**Moved by:** Mr Tony Arias

**Seconded by:** Mr Brian Curtis

That the Metro South-West JDAP consider legal advice behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2017.

**REASON:** To allow members to discuss the complexity of the car parking conditions.

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

*The meeting was closed at 11.05am*

*The meeting was reopened at 11.25am*

**Amending Motion 1 was WITHDRAWN.**

### **AMENDING MOTION 2**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Deb Hamblin

That a new Condition 2 be added to read as follows and remaining Conditions be renumbered accordingly:

*This Development Approval does not grant approval to the proposed carparking spaces within the Rockingham Beach Road and Wanliss Street road reserves as shown on Site Plan SK01 and Site Plan SK02.*

#### **REASON:**

The proposed carparking proposals are contrary to the City of Rockingham Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking and the City of Rockingham Town Planning Scheme No. 2 which sets out the planning framework for the orderly and proper distribution and costs for public parking facilities within the locality.

**Amending Motion 2 was put and CARRIED UNANIMOUSLY.**



### **AMENDING MOTION 3**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Deb Hamblin

That a new Condition 3 be added to read as follows and remaining Conditions be renumbered accordingly:

*In lieu of the carparking not granted approval the subject of condition 2, the equivalent of 368 car parking spaces shall be provided in the following manner;*

*A cash contribution to be provided to the City of Rockingham on the issue of a Building Permit for the development. The cash contribution to be calculated as set out by clause 4.15.6.2 of the City of Rockingham Town Planning Scheme No.2 based on the cost of at-grade parking, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.*

**REASON:** To enable the orderly and proper provision of carparking for the Marina development having regard to the City of Rockingham Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking and generally in accordance with the provisions of the City of Rockingham Town Planning Scheme No. 2.

**Amending Motion 3 was put and CARRIED UNANIMOUSLY.**

### **AMENDING MOTION 4**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Deb Hamblin

That Condition 4 be deleted and remaining Conditions be renumbered accordingly.

**REASON:** The insertion of the new Condition 3 takes away the necessity for the existing Condition 4.

**Amending Motion 4 was put and CARRIED UNANIMOUSLY.**

### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01382 and accompanying plans date stamped 18 June 2018 in accordance with the provisions of Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

#### **Conditions**

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.



2. This Development Approval does not grant approval to the proposed carparking spaces within the Rockingham Beach Road and Wanliss Street road reserves as shown on Site Plan SK01 and Site Plan SK02.
3. In lieu of the carparking not granted approval the subject of condition no.2, the equivalent of 368 car parking spaces shall be provided in the following manner;  
  
A cash contribution to be provided to the City of Rockingham on the issue of a Building Permit for the development. The cash contribution to be calculated as set out by Clause 4.15.6.2 of the City of Rockingham Town Planning Scheme No.2 based on the cost of at-grade parking, the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.
4. The proposed marina structures shall be certified by a maritime engineer as conforming to Australian Standard AS 3962- 2001 'Guidelines for the Design of Marinas' and AS 4997- 2005 'Guidelines for the Design of Maritime Structures' to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
5. On completion of the maritime structures a set of signed 'as constructed drawings' including a Multi Beam hydrographical survey of the breakwater are to be submitted, these to be to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
6. Drainage systems shall be designed and constructed consistent with the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia (2004-2016), to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.
7. Arrangements being entered into with Water Corporation for the provision of reticulated water supply and sewerage to service the development to the satisfaction of the Western Australian Planning Commission.
8. Arrangements being entered into with Western Power for the provision of an underground electricity supply to service the development to the satisfaction of the Western Australian Planning Commission.
9. Prior to the commencement of development works a Construction Environmental Management Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham. The plan is to address aspects and impacts of the construction phase including:
  - (a) Construction methodology, staging, construction times, materials (including breakwater rock type) and product storage;
  - (b) A Dust Management Plan;
  - (c) A Construction Traffic Management Plan (vehicle haulage routes);
  - (d) A revised Construction Noise Management Plan;
  - (e) A Fauna Relocation and Management Plan;
  - (f) Road condition survey, haulage vehicles (parking, trailer covers) and road reserve repair;
  - (g) Waste management, emergency spill response procedure, site stabilisation methods;



- (h) Construction signage;
  - (i) Construction monitoring triggers and contingency actions;
  - (j) Dilapidation Surveys; and
  - (k) Complaint resolution procedures.
10. Prior to the commencement of development works a modified Coastal Adaption Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.
11. Prior to the commencement of development works a modified Foreshore Management Plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.
12. Car parking for the development shall be provided and constructed as follows:
- (a) The breakwater car park must provide a minimum of 135 car parking spaces (including car parking spaces dedicated to people with disabilities);
  - (b) Prior to applying for a building permit, the engineering drawings (plans) for the Wanliss Street car park and entrance are to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham, which are to include the following details:
    - i. Provision of a minimum 193 car parking spaces (an additional 110 to the existing 83 car parking spaces) designed and documented in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, including stormwater drainage details, levels/grades and catchment calculations;
    - ii. Include 4 car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009;
    - iii. The existing Atlantis drainage cells sited beneath the Wanliss Street car park are to be retained. Any modifications that impact on the drainage must be designed to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham; and
    - iv. Any modifications proposed as part of the final design of the Wanliss Street car park must be designed to have due regard to existing infrastructure assets, and any damage caused as a result of the development shall be repaired by the developer at its expense.
  - (c) Car parking shall be constructed, sealed, kerbed, drained, illuminated marked and completed prior to the occupation of the development to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.



13. Prior to applying for a Building Permit a revised Waste Management Plan is to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham which is to include the following details:
  - (a) The location and screening of bin storage and bin collection areas;
  - (b) The number, volume and type of bins, and the type of waste to be placed in the bins;
  - (c) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (d) Frequency of bin collections.
  
14. Prior to applying for a Building Permit Landscaping and Irrigation Plans are to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and are to include the following details:
  - (a) The location, number and type of existing and proposed trees, shrubs, dune vegetation and surface treatments for the entrance (Wanliss Street road reserve), beach access, breakwater and Wanliss Street car park (areas);
  - (b) The existing City of Rockingham assets to be retained, relocated and/or modified;
  - (c) Proposed landscape and irrigation upgrade of the Rockingham Beach Road setback area immediately adjoining the development; and
  - (d) Areas to be revegetated or irrigated.

The landscape and irrigation must be completed prior to the occupation of the development, and must be maintained by the developer for a period of two summers prior to handover, to the City of Rockingham.
  
15. The plans referenced by Conditions 8 to 13 inclusive shall be implemented to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and relevant government agencies as appropriate.
  
16. The detail design of the jetty structure shall provide for un-impeded public access along the beach beneath the jetty structure to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham.

#### **Advice Notes**

1. The developer is advised that this development approval does not include approval of the submitted Marina Waterways Monitoring and Management Plan November 2017 and the Construction Management Plan January 2017.
2. The developer is advised to liaise with the Department of Transport, the Department of Planning, Lands and Heritage and the City of Rockingham in relation to the necessary lease agreements prior to the commencement of development works.
3. With respect to Condition 9, the Construction Environmental Management Plan should include the following details:



- (a) Construction techniques with full engineering specifications;
  - (b) A schedule of the volume/quantity of materials proposed to be used as part of civil works;
  - (c) A civil works programme indicating events, tasks and associated timeframes;
  - (d) Construction drawings for the design of the sand bund needed during the construction phase and breakwater design. The sand used in the bund must be certified as suitable for use for beach renourishment;
  - (e) Specifications of the proposed breakwater rock. The breakwater should be constructed of durable materials that minimise the risk of rock shards washing up on Rockingham Beach;
  - (f) Proposals for water carts to be available at all times during the earthworks operation and until the site has been stabilised. As an alternative to water carts, the use of fixed sprinklers may be considered;
  - (g) Arrangements for trucks to not arrive any earlier than 15 minutes prior to operations commencing, for time construction timeframes prescribed by the *Environmental Noise Protections Regulations (1997)* and not to park or stand along surrounding roads; and
  - (h) Arrangements for wind fencing along the boundary of the site where existing buildings are within 500 metres of the site and no natural barrier exists.
4. With respect to Condition 9 the developer should offer Dilapidation Surveys to all owners of existing buildings potentially affected by construction activity.
5. With respect to Condition 10, the modifications required to the Coastal Adaption Plan relate to the inclusion of:
- (a) The developer responsibilities (at its expense) for:
    - i. The safe, efficient and timely sand bypassing associated with the development;
    - ii. Marina maintenance dredging associated with the development; and
    - iii. Removal of rock material found on Rockingham Beach that can be attributed to the development and for the beach environs to be made good.
  - (b) Timelines for the risk mitigation actions identified for longer term managed retreat;
  - (c) In the absence of an acceptable managed retreat strategy, the construction of coastal protection works south of the marina to connect with the existing buried sea wall to manage the risk of erosion between sand bypassing sessions;
  - (d) An Adaptive Coastal Management Strategy, including:
    - i. Sand bypassing methodology, including proposed equipment and route;
    - ii. Triggers for undertaking sand bypassing;
    - iii. Expected volume, frequency and locations of sand bypassing;



- iv. Beach monitoring (to inform sand bypassing requirements, including beach profiles at a minimum of 6 monthly intervals);
  - v. Management measures to ensure impacts to beach users and beach amenity are minimised;
  - vi. Operational safety management measures;
  - vii. Operational traffic management measures; and
  - viii. Operational noise management measures.
6. With respect to Condition 11, the Foreshore Management Plan should address the following:
  - (a) Revegetation works proposed on the Rockingham Beach Foreshore as indicated on the landscape plan required by Condition 13;
  - (b) The manner the revegetation works are to be maintained by the developer for a period of at least two summers following the completion of the development;
  - (c) The measures to manage any foreshore impacts associated with the sand bypassing methodology (including beach access paths for vehicles); and
  - (d) The measures to ensure that any rock material (shards) washed up on Rockingham Beach as a result of the development is removed at the developers expense.
7. With respect to Condition 13, the Waste Management Plan, public rubbish bin facilities should be provided adjacent to the shop frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements.
8. With respect to Condition 14 the developer is advised to liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for landscaping plans.
9. The development is located within the Rockingham Groundwater Area, which is proclaimed under the *Rights in Water and Irrigation Act 1914*. Therefore any dewatering to be conducted as part of the onshore development is required to obtain a '5C' licence to take groundwater. The developer is advised to liaise with the Department of Water and Environmental Regulation.
10. The developer is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of dust management plans for development sites. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation or the City of Rockingham.
11. The developer is advised to liaise with the Department of Transport in respect of the detailed design of the marina structures, wave climate, navigation aids, and sand bypassing.
12. The developer is advised to liaise with the Department of Transport and the City of Rockingham in relation to the preparation and implementation of a signage strategy for the proposed development inclusive of sign permit(s) from the City of Rockingham.



13. The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed development. It is possible that as a result of these activities, the area may contain unexploded ordnance (UXO). While it is considered that the possible risk from UXO is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during development works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:

- Do not disturb the site of the known or suspected UXO;
- Without disturbing the immediate vicinity, clearly mark the site of the UXO;
- Notify Police of the circumstances/situation as quickly as possible; and
- Maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.

Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, DFES.

14. Installation of CCTV is recommended, to provide coverage of all public areas, linked to the City's security camera surveillance system, to provide surveillance of the proposed facility and public areas adjacent to the development.
15. The developer is encouraged to locate/position/screen, as far as practical all service areas and service related hardware such as antennae, satellite dishes, air condition units and the like, from public view.

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motions.

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

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

Nil

- 10. Appeals to the State Administrative Tribunal**

Nil

- 11. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 11.40am.