



## Minutes of the Metropolitan South-West Joint Development Assessment Panel

**Meeting Date and Time:** Thursday 3 May 2012, 5.30pm  
**Meeting Number:** MSWJDAP/5  
**Meeting Venue:** City of Fremantle Council Chambers,  
1<sup>st</sup> Floor 8 William Street Fremantle

### Attendance

#### DAP Members

Mr Neil Foley (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member) (from 6.05pm)  
Mr Robert Nicholson (Specialist Member)  
Cr Richard Smith (City of Rockingham Local Government Member – Item 8.1)  
Cr Joy Stewart (City of Rockingham Local Government Member – Item 8.1)  
Cr Andrew Sullivan (City of Fremantle Local Government member – Item 8.2)  
Cr Josh Wilson (City of Fremantle Local Government member – Item 8.2)

#### Elected members and officers in attendance

Mr Stephen Ferguson (Department of Planning)  
Mr Michael Ross (Manager, Statutory Planning, City of Rockingham)  
Mr Ross Underwood (Senior Planning Officer, City of Rockingham)  
Mr Bob Jeans (Director Planning & Development Services, City of Rockingham)  
Ms Sharon Peacock (Senior Planning Administration Officer, City of Rockingham)  
Cr Leigh Liley (City of Rockingham Alternate Local Government Member)  
Ms Natalie Martin Goode (Manager Statutory Planning, City of Fremantle)  
Mr Steve Sullivan (Coordinator Planning Mediation, City of Fremantle)

#### Local Government Minute Secretary

Mrs Tanya Toon-Poynton, City of Fremantle


#### Applicant(s), Submitters and Members of the Public

Mr Peter Simpson (TPG Town Planning and Urban Design)  
Mr Ray Haeren (Urbis Pty Ltd)  
Mr Grant Pitman (Property Matrix, representing the owner of item 8.2)  
There were 5 members of the public in attendance

**Ms Rachel Chapman had given notice that she had been delayed. Mr Neil Foley, Presiding Member, asked panel members if they agree to delaying the start time of the meeting until Ms Chapman arrives. Panel members agreed and Mr Foley announced the delay to the members of the public and applicants in attendance.**

#### 1. Declaration of Opening

The presiding member, Mr Neil Foley declared the meeting open at 5.54pm on 3 May 2012 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

  
Mr Neil Foley

Presiding Member, South West Metro JDAP



The presiding member welcomed all Elected Members, officers from the City of Rockingham and the City of Fremantle, applicants and members of the public to meeting number 5 of the Metropolitan South West JDAP (DAP).

The Presiding Member explained that item 8.1 cannot be considered until the deputy presiding member, Ms Rachel Chapman, arrives, as he has declared an interest in the item. Ms Chapman must give permission for him to remain and vote on the item, and until she arrives and gives consent there is no quorum for item 8.1.

The presiding member advised he had given permission for the meeting to be electronically recorded in accordance with section 5.14 of the Standing Orders 2011; No Recordings of Meeting which states: *A person must not use any electronic, visual or audio recording device of instrument to record the proceedings of a DAP meeting unless the Presiding Member has given permission to do so.* The recording is for the purpose of minute taking only.

The presiding member announced that in accordance with section 7.3 of the Standing Orders 2011, Public Comment which states: *Only the presiding member may publicly comment on the operations or determinations of a DAP. However, the presiding member may nominate others such as a DAP member to speak on specific matters concerning the DAP.*

## **2. Apologies**

Nil

## **3. Members on Leave of absence**

Nil

## **4. Noting of minutes**

Minutes of the Metropolitan South-West JDAP meeting held on 27 April 2012 were not available for noting at the time of the meeting.

## **5. Disclosure of interests**

Mr Neil Foley deferred announcing his declaration of interest until the arrival of Ms Chapman.

Ms Rachel Chapman declared an impartiality interest in item 8.2. Ms Chapman has personal association with the applicants for item 8.2, Mr Ray Haeran and Mr Kris Nolan. Ms Chapman and the applicants have previously worked together.

In accordance with section 4.5.1 and 4.5.2 of the Standing Orders 2011, the Presiding Member of the Metropolitan South West JDAP agreed that Ms Chapman, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on the item.

Mr Neil Foley declared an impartiality interest in item 8.1. Mr Foley is employed on a consultancy basis by the City of Rockingham on a planning matter unrelated to the matter being considered in item 8.1.

Mr Neil Foley  
Presiding Member, South West Metro JDAP





In accordance with section 4.5.1 and 4.5.2 of the Standing Orders 2011, the Deputy Presiding member of the Metropolitan South West JDAP agreed that Mr Foley is permitted to preside and participate in discussion and voting on the items.

## 6. Declaration of Due Consideration

No declarations were made

**The presiding member declared item 8.2 is to be considered first due to the absence of the Deputy Presiding Member.**

**Cr Richard Smith and Cr Joy Stewart from the City of Rockingham left the panel.**

## 7. Deputations and presentations

### 7.1. Presenter: Mr Ray Haeren, Urbis Pty Ltd

Mr Haeren addressed the JDAP in favour of the recommendation for item 8.2 with due consideration being given to the report's recommendation for conditions 1 and 20. Urbis requested the JDAP to consider the amendments to conditions 1 and 20, details of which were supplied to JDAP members prior to the meeting.

**Ms Rachel Chapman entered the Council Chamber at 6.05pm**

### 7.2. Presenter: Mr Peter Simpson, TPG Town Planning and Urban Design

Mr Simpson addressed the JDAP in regard to item 8.1, regarding amendments to the report's recommendation, specifically conditions 2 and 22. Mr Simpson stated he generally supported the report recommendation.

## 8. Responsible Authority reports

<b>8.2</b>	Application Details:	Proposed Three – Six Storey, Mixed Use Development with Basement Car Parking
	Property Location:	Lot 348 (No. 11) Queen Victoria Street, Fremantle
	Applicant:	Urbis Pty Ltd
	Owner:	Ms Leonie McLeod for Ms Mary Christine Hennessey
	Responsible authority:	City of Fremantle
	Report date:	19 April 2012
	DoP File No:	DP/12/00213

## RECOMMENDATION/ PRIMARY MOTION

**Moved by: Cr Andrew Sullivan**

**Seconded by: Cr Josh Wilson**

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

- A. **Approve** DAP Application reference DP/12/00213 and accompanying plans dated having been received by the City of Fremantle on the 20 February 2012 (Plan references 11046\_DA with plan numbers 0002\_01; 1100\_02; 2000\_02; 2100\_02; 2101\_02; 2102\_02; 2103\_02; 2104\_02; 2105\_02; 3101\_02; 3102\_02; 3103\_02; 3201\_02; 3202\_02; 4100\_01; 5000\_01; 5100\_01) in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject to the imposition of the following conditions:

*Neil Foley*  
Mr Neil Foley

Presiding Member, South West Metro JDAP



- 1) In accordance with the provisions of Clause 10.8 of Local Planning Scheme No. 4 and prior to the submission of a Building Permit application, the applicant shall submit a further application for planning approval to be determined by the City of Fremantle, to address the following matters:
  - a) The development being modified to comply with the height controls set out in Schedule 12 – Local Planning Area 2 - Sub Area 2.3.1 c) and e) of Local Planning Scheme No 4.
  - b) Modification to the Queen Victoria Street facade showing:
    - i) further detailed design treatment of the ground floor to improve the character of this part of the facade;
    - ii) improvement to the residential entrances so as not to appear as a fire escape; and
    - iii) further emphasis on the commercial entry.
  - c) The width of the awning to Queen Victoria Street shall be increased in width to provide greater weather protection, but taking into consideration the existing growth of the existing street trees.
  - d) Modification to the Quarry Street ground level facade showing:
    - i) Improved character of residential entry so as to be less corporate and more residential in nature.
    - ii) Fire escape door detail is to be further investigated with designing out crime principles in mind, such as the use of a glazed door and alternative treatment of corner to courtyard; and
    - iii) Quarry St façade needs to be further investigated with a view to improving interaction with the street, addressing issues associated with a shared lobby and to improve planning and elevational treatments.
  - e) Should the development require a transformer compound, the location and design treatment of this compound shall be submitted in order to address any adverse impacts on either street facade through the inclusion of this infrastructure.
  - f) The development shall be modified to provide traffic sightlines for vehicles existing the development, in accordance with the relevant Australian Standard to the satisfaction of the Chief Executive Officer, City of Fremantle.
  - g) the location of air-conditioning units, which are not to be located on the balconies;
- 2) The ground floor window glazing is not to be obscured through the use of blinds, curtains, painting, film or other treatment.
- 3) Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy *L.P.P.2.3: Fremantle Port Buffer Area Development Guidelines* for properties contained within Area 2. Specifically, the development shall include the following:





- a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b) Air conditioners if provided, shall incorporate internal centrally located 'shut down' points and associated procedures for emergency use.
  - c) Roof insulation shall be provided in accordance with the Building Code of Australia.
- 4) The design and construction of the development is to meet the 4 star green star standard (or equivalent) as per Local Planning Policy 2.13. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars.
  - 5) The development hereby permitted must substantially commence within four years from the date of the decision letter.
  - 6) Engineering drawings for the proposed location and construction of any ACROD bay in Queen Victoria Street shall be submitted for approval by the Chief Executive Officer, City of Fremantle. If approved, the cost of any changes to the recently upgraded street verge shall be at the cost of the owner.
  - 7) A 1.0m setback of existing on-street parking bays shall be provided from the boundaries of the proposed crossover to Quarry Street to assist exiting and entering vehicles. The existing bays shall be modified to conform to AS2890.5 On-Street Parking should they need to be modified. Details of the proposed changes shall be submitted for approval by the Chief Executive Officer, City of Fremantle, prior to the changes occurring. The costs of such changes are to be borne by the owner.
  - 8) The owner shall install and maintain a traffic light control system at the entry/exit point on Quarry Street. Details of the traffic light system shall be submitted for approval by the Chief Executive Officer, City of Fremantle and installed prior to occupation of the development.
  - 9) Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
  - 10) That 10 on-site car parking spaces shall be allocated exclusively and marked for office use only during the hours that the office(s) are open.
  - 11) Prior to occupation, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that:

Mr Neil Foley  
Presiding Member, South West Metro JDAP



- a) All studio and 1 bedroom units have not been allocated any on-site car parking spaces during office hours;
  - b) they, including any occupier, will not be entitled to an on-street residential parking permit(s); and
  - c) the current street parking arrangement may change as a consequence of further development by further restricting street parking on the locality.
- 12) The owner is to submit further details on the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle, prior to the submission of a Building Permit application.
  - 13) Prior to the submission of a Building Permit application, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle.
  - 14) Prior to occupation of the development, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
  - 15) Prior to occupation, the boundary walls located on the north-eastern and south-western boundaries shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
  - 16) All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer, City of Fremantle.
  - 17) The owner is required to seek the written consent and tenure from State Land Services for the proposed balcony encroachments into the airspace of the road reserves prior to the submission of a Building Permit application.
  - 18) The bicycle storage facilities shall be provided in accordance with Australian Standard AS2890.3-1993 Parking facilities – Part 3 Bicycle parking facilities.
  - 19) End of trip bicycle shower facilities for office staff shall be provided. Plan details of these facilities shall be submitted for approval by the Chief Executive Officer, City of Fremantle and such facilities shall be provided and maintained for that use, to the satisfaction of the Chief Executive Officer, City of Fremantle.
  - 20) Air-conditioning units are not permitted to be located on the balconies.
  - 21) The ground floor office use is restricted to the Centrelink/Department of Human Services tenancy OR limited to an office use that maintains an active retail-like street frontage as viewed from Queen Victoria Street to the satisfaction of the Chief Executive Office – City of Fremantle.





## ADVICE NOTES

- 1) The applicant should recognise the potential contaminating activities, industries and land uses that have previously taken place on the site. It is a legal obligation to report any suspected or confirmed contaminated sites to the Department of Environment & Conservation (DEC) for relevant assessment. The applicant should then be advised that where contamination is detected, the site is required to be remediated in accordance with the requirements of the Department of Environment & Conservation.
- B. That the Metropolitan South-West Joint Development Assessment Panel delegates to the City of Fremantle, the authority to determine the further planning application required in condition 1 of the Planning Approval.

## AMENDING MOTION

**Moved by: Mr Robert Nicholson**

**Seconded by: Cr Andrew Sullivan**

To amend the wording and include additional wording (as shown in italics) in condition 1:

- 1) Prior to the submission of a Building Permit application, the applicant shall submit a set of modified plans addressing items a-g below, to the satisfaction of the Chief Executive Officer, *having had due regard to any additional comments of the Design Advisory Committee:*

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The amended wording removes the need to lodge a new development application and allows the Chief Executive Officer of the City of Fremantle to approve the revised plans having regard to any additional comments of the Design Advisory Committee.

## AMENDING MOTION

**Moved by: Cr Andrew Sullivan**

**Seconded by: Cr Josh Wilson**

That condition 1 a) be deleted.

**The motion was put and CARRIED: 4/1.**

For: Mr Neil Foley  
Ms Rachel Chapman  
Mr Robert Nicholson  
Cr Andrew Sullivan

Against: Cr Josh Wilson

**REASON:** The development at No. 70-80 Cantonment Street, Fremantle was considered to be adjacent and therefore allowed the consideration of the minor height variations under clause 5.8.1.1 of Local Planning Scheme 4. Having regard to clause 5.8.1.1 the JDAP were of the opinion that the minor variations could be supported.



### AMENDING MOTION

**Moved by: Cr Andrew Sullivan**

**Seconded by: Cr Josh Wilson**

That condition 1) b) ii) be reworded as follows:

- ii) improvement to the form and visual permeability of the residential entrances so as not to appear as a fire escape; and

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The Clause is expanded to highlight that the proposal needs to have a physical form that is consistent with a secondary residential entrance and must provide some visual permeability and passive surveillance to the street.

### AMENDING MOTION

**Moved by: Cr Andrew Sullivan**

**Seconded by: Cr Josh Wilson**

That condition 1) b) iii) be reworded as follows:

- iii) Further emphasis and architectural definition on the commercial frontage and entry including addressing the height and setback of the glazed shop fronts relative to the solid framing structure of levels 01 and 03 above and the transparency of the shop fronts where they return at the ends to satisfy designing out of crime principles.

**The motion was put and CARRIED UNANIMOUSLY.**

### REASONS:

- The additional words seek to ensure that the ends of the shop front are designed to mitigate against the creation of short niches abutting the footpath that are not visually transparent.
- The additional words seek to highlight the need to resolve the existing inconsistencies between the sections and the elevations/perspectives and to ensure that there is adequate architectural definitions between the shopfront elements and the main framing elements over.
- The amended wording better highlights the importance placed on achieving a tall showroom scale to the ground floor shopfront.

### AMENDING MOTION

**Moved by: Cr Andrew Sullivan**

**Seconded by: Cr Josh Wilson**

To add part iv) and part v) to what is now condition 1) b) as follows:

- (iv) the materiality of the façade component at level 04 and above to be designed to be perceived to be less visible from the street.
- (v) the illumination of the external ground floor environment to satisfy designing out crime principles and to improve visual character and interactiveness with the street.





**The motion was put and CARRIED UNANIMOUSLY.**

**REASONS:**

- clause iv) seeks to mitigate against the minor negative impact that the taller structure has on the streetscape.
- clause v) seeks to ensure that additional activation and visual interest is afforded to the streetscapes, especially out of office hours, so as to increase the extent to which the office use can be deemed to provide sufficient activation to the street as required to implement the parking relaxation being granted.

**AMENDING MOTION**

To reword condition 1) g) to the following:

- g) All airconditioning units should be adequately screened from public view.

**Moved by: Mr Robert Nicholson**

**Seconded by: Cr Josh Wilson**

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The applicant has not finalised the design detail and condition 16 addresses the location of air conditioning units and other plant equipment.

**AMENDING MOTION**

To delete condition 20.

**Moved by: Cr Josh Wilson**

**Seconded by: Mr Robert Nicholson**

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The applicant has not finalised the design detail and condition 16 addresses the location of air conditioning units and other plant equipment.

**AMENDING MOTION**

**Moved by: Mr Neil Foley**

**Seconded by: Mr Robert Nicholson**

To amend the wording (as shown in italics) to condition 10 as follows:

- 10) That *an additional 7* on-site car parking spaces shall be allocated exclusively and marked for office use only during the hours that the office(s) are open, *and when not allocated for use of the offices shall be available for use by the 46 residential units.*

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The plans indicated that there were 3 carparking spaces set aside for office use. The panel were of the opinion that a further 7 carparking spaces should be set aside for office use during business hours, and made available to all residential units outside of the



hours the offices are open. This was because of the considerable parking concessions applied for and the fact that not all residential units will be able to have a parking space allocated for their exclusive use. The communal parking spaces will allow those apartments not allocated a parking space access to parking on a first-come first-served basis.

#### AMENDING MOTION

**Moved: Ms Rachel Chapman**

**Seconded by:**

To delete condition 11) c)

**The motion lapsed as there was no seconder.**

#### AMENDING MOTION

**Moved by: Ms Rachel Chapman**

**Seconded by: Cr Andrew Sullivan**

To delete part B of the recommendation, and replace with the following wording:

B **Advises** the applicant and the City of Fremantle of its decision accordingly.

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Due to the amendment to condition 1, part B is no longer relevant.

#### AMENDING MOTION

**Moved by: Mr Neil Foley**

**Seconded by: Mr Robert Nicholson**

To amend the wording (as shown in italics) of condition 12 as follows:

- 12 The owner is to submit *a waste management plan detailing the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle, prior to the submission of a Building Permit application. Such approved management plan is to be implemented for the life of the development.*

**The motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To clarify the need to have an approved waste management plan for the life of the development.

#### AMENDING MOTION

**Moved by: Mr Neil Foley**

**Seconded by: Mr Robert Nicholson**

To remove the words '*to the Centrelink/Department of Human Services tenancy or limited*' from condition 21:

For: Mr Neil Foley  
Mr Robert Nicholson





Against: Cr Josh Wilson  
Ms Rachel Chapman  
Cr Andrew Sullivan

**The motion was put and LOST: 3/2.**

**PRIMARY MOTION (AS AMENDED)**

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

A. **Approve** DAP Application reference DP/12/00213 and accompanying plans dated having been received by the City of Fremantle on the 20 February 2012 (Plan references 11046\_DA with plan numbers 0002\_01; 1100\_02; 2000\_02; 2100\_02; 2101\_02; 2102\_02; 2103\_02; 2104\_02; 2105\_02; 3101\_02; 3102\_02; 3103\_02; 3201\_02; 3202\_02; 4100\_01; 5000\_01; 5100\_01) in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject to the imposition of the following conditions:

- 1) Prior to the submission of a Building Permit application, the applicant shall submit a set of modified plans addressing items a-f below, to the satisfaction of the Chief Executive Officer, having had due regard to any additional comments of the Design Advisory Committee:
  - a) Modification to the Queen Victoria Street facade showing:
    - i) further detailed design treatment of the ground floor to improve the character of this part of the facade;
    - ii) improvement to the form and visual permeability of the residential entrances so as not to appear as a fire escape; and
    - iii) further emphasis and architectural definition on the commercial frontage and entry including addressing the height and setback of the glazed shop fronts relative to the solid framing structure of levels 01 and 03 above and the transparency of the shop fronts where they return at the ends to satisfy designing out of crime principles.
    - iv) the materiality of the façade component at level 04 and above to be designed to be perceived to be less visible from the street.
    - v) the illumination of the external ground floor environment to satisfy designing out crime principles and to improve visual character and interactiveness with the street.
  - b) The width of the awning to Queen Victoria Street shall be increased in width to provide greater weather protection, but taking into consideration the existing growth of the existing street trees.
  - c) Modification to the Quarry Street ground level facade showing:
    - i) Improved character of residential entry so as to be less corporate and more residential in nature.
    - ii) Fire escape door detail is to be further investigated with designing out crime principles in mind, such as the use of a glazed door and alternative treatment of corner to courtyard; and
    - iii) Quarry St façade needs to be further investigated with a view to improving interaction with the street, addressing issues associated with a shared lobby and to improve planning and elevational treatments.



- d) Should the development require a transformer compound, the location and design treatment of this compound shall be submitted in order to address any adverse impacts on either street facade through the inclusion of this infrastructure.
  - e) The development shall be modified to provide traffic sightlines for vehicles exiting the development, in accordance with the relevant Australian Standard to the satisfaction of the Chief Executive Officer, City of Fremantle.
  - f) All airconditioning units should be adequately screened from public view.
- 2) The ground floor window glazing is not to be obscured through the use of blinds, curtains, painting, film or other treatment.
- 3) Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy *L.P.P.2.3: Fremantle Port Buffer Area Development Guidelines* for properties contained within Area 2. Specifically, the development shall include the following:
- a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b) Air conditioners if provided, shall incorporate internal centrally located 'shut down' points and associated procedures for emergency use.
  - c) Roof insulation shall be provided in accordance with the Building Code of Australia.
- 4) The design and construction of the development is to meet the 4 star green star standard (or equivalent) as per Local Planning Policy 2.13. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars.
- 5) The development hereby permitted must substantially commence within four years from the date of the decision letter.
- 6) Engineering drawings for the proposed location and construction of any ACROD bay in Queen Victoria Street shall be submitted for approval by the Chief Executive Officer, City of Fremantle. If approved, the cost of any changes to the recently upgraded street verge shall be at the cost of the owner.
- 7) A 1.0m setback of existing on-street parking bays shall be provided from the boundaries of the proposed crossover to Quarry Street to assist exiting and entering vehicles. The existing bays shall be modified to conform to AS2890.5 On-Street Parking should they need to be modified. Details of the proposed changes shall be submitted for approval by the Chief Executive Officer, City of Fremantle, prior to the changes occurring. The costs of such changes are to be borne by the owner.





- 8) The owner shall install and maintain a traffic light control system at the entry/exit point on Quarry Street. Details of the traffic light system shall be submitted for approval by the Chief Executive Officer, City of Fremantle and installed prior to occupation of the development.
- 9) Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
- 10) That an additional 7 on-site car parking spaces shall be allocated exclusively and marked for office use only during the hours that the office(s) are open, and when not allocated for use of the offices shall be available for use by the 46 residential units.
- 11) Prior to occupation, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that:
  - a) All studio and 1 bedroom units have not been allocated any on-site car parking spaces during office hours;
  - b) they, including any occupier, will not be entitled to an on-street residential parking permit(s); and
  - c) the current street parking arrangement may change as a consequence of further development by further restricting street parking on the locality.
- 12) The owner is to submit a waste management plan detailing the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle, prior to submission of a Building Permit application. Such approved management plan is to be implemented for the life of the development.
- 13) Prior to the submission of a Building Permit application, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle.
- 14) Prior to occupation of the development, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 15) Prior to occupation, the boundary walls located on the north-eastern and south-western boundaries shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 16) All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer, City of Fremantle.



- 17) The owner is required to seek the written consent and tenure from State Land Services for the proposed balcony encroachments into the airspace of the road reserves prior to the submission of a Building Permit application.
- 18) The bicycle storage facilities shall be provided in accordance with Australian Standard AS2890.3-1993 Parking facilities – Part 3 Bicycle parking facilities.
- 19) End of trip bicycle shower facilities for office staff shall be provided. Plan details of these facilities shall be submitted for approval by the Chief Executive Officer, City of Fremantle and such facilities shall be provided and maintained for that use, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 20) The ground floor office use is restricted to the Centrelink/Department of Human Services tenancy OR limited to an office use that maintains an active retail-like street frontage as viewed from Queen Victoria Street to the satisfaction of the Chief Executive Office – City of Fremantle.

#### ADVICE NOTE

- 1) The applicant should recognise the potential contaminating activities, industries and land uses that have previously taken place on the site. It is a legal obligation to report any suspected or confirmed contaminated sites to the Department of Environment & Conservation (DEC) for relevant assessment. The applicant should then be advised that where contamination is detected, the site is required to be remediated in accordance with the requirements of the Department of Environment & Conservation.

B. **Advises** the applicant and the City of Fremantle of its decision accordingly.

**The motion was put and CARRIED UNANIMOUSLY.**

**Cr Andrew Sullivan from the City of Fremantle left the panel. Cr Josh Wilson from the City of Fremantle left the meeting and did not return.**

**Cr Joy Stewart and Cr Richard Smith from the City of Rockingham joined the panel.**

Mr Neil Foley declared an impartiality interest in item 8.1. Mr Foley is employed on a consultancy basis by the City of Rockingham on a planning matter unrelated to the matter being considered in item 8.1.

In accordance with section 4.5.1 and 4.5.2 of the Standing Orders 2011, the Deputy Presiding member of the Metropolitan South West JDAP agreed that Mr Foley is permitted to preside and participate in discussion and voting on the item.

Mr Neil Foley  
Presiding Member, South West Metro JDAP





- 8.1**      Application Details:      Proposed Four-Storey Mixed Use Development  
Fronting onto Malibu Road (38 Multiple Dwellings,  
12 Short Stay Accommodation Units, Restaurant, 4  
Shop/Office Tenancies, 139 Car Parking Spaces  
and 7 On-Street Car Parking Spaces)
- Property Location:      Lot (No. 434) and Lots 1-5 on Strata Plan 11787  
(No. 432) Safety Bay Road, Safety Bay
- Applicant:      TPG Town Planning and Urban Design
- Owner:      434 Safety Bay Road Pty Ltd
- Responsible authority:      City of Rockingham
- Report date:      23 April 2012
- DoP File No:      DP/12/00130

## RECOMMENDATION/PRIMARY MOTION

**Moved by: Cr Richard Smith**

**Seconded by: Cr Joy Stewart**

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

1. **Approve** DAP Application reference 12/00130 and amended plans received on 29th March 2012, in accordance with Clause 6.7.1 of the City of Rockingham Town Planning Scheme No.2 and Subclause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:
  1. This Approval shall be subject to further amendments being made to the submitted plans generally in accordance with the amended Master Plan for the basement level and ground floor level received on the 23rd April 2012 as follows:
    - a) Delete the basement vehicle access ramp onto Malibu Road;
    - b) Provide a new basement vehicle access point near the southern corner of the proposed building, and provide a connection to the existing carpark;
    - c) Relocate the bin store to the south western side of the building, and include a new service road to provide vehicle access to the bin storage area;
    - d) Convert the existing bin store to short stay accommodation units;
    - e) Alter the size, shape and frontage of the end shop/office tenancies; and
    - f) Convert the on-street waste truck space to a regular on-street car parking space.
  2. Arrangements shall be made for the payment of financial contributions to the City of Rockingham for the development and administration of community infrastructure identified in Amendment No.114 to the City of Rockingham Town Planning Scheme No.2, prior to applying for a Building Permit - Certified.
  3. Earthworks shall be stabilised to prevent sand blowing and dust nuisance, for the duration of development works.
  4. A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to the issue of a Building Permit - Certified, and works being undertaken prior to the occupation of the development.



5. The existing carpark between the proposed development and the existing commercial building on Strata Plan 11787, shall be upgraded in accordance with the following requirements:
  - a) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit – Certified;
  - b) include two car parking space(s) dedicated to people with disabilities and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Car parking for people with disabilities*;
  - c) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - d) have lighting installed, prior to the occupation of the development.
6. Eight on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, prior to the issue of a Building Permit - Certified.
7. Bicycle Parking and end-of trip facilities shall be provided in accordance with the City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities.
8. Disused crossovers shall be removed and the verge, footpath, kerbing and landscaping must be reinstated, prior to occupation of the development.
9. The development shall be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
10. Clothes drying facilities (excluding electric clothes dryers) shall be designed for each Multiple Dwelling, screened from public view, prior to applying for a Building Permit - Certified.
11. Entries and window frontages facing the street of tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
12. Street verandahs shall be provided to Malibu Road across the full width of the proposed building at a minimum 2.5m wide and minimum clearance of 3.2m above the footpath, with lighting being provided under the street verandah.
13. A Schedule of colours and texture of building materials, demonstrating that the proposed development complements the surrounding area, shall be provided, prior to applying for a Building Permit - Certified.





14. An enclosed, lockable storage area of not less than 4m<sup>2</sup> in area, with a minimum dimension of 1.5m and with a door that accesses either communal space or a car parking space allocated to the same unit, shall be designed for each Multiple Dwelling, prior to applying for a Building Permit - Certified.
15. The Shop/Office tenancies are approved for the use of both a 'Shop' and 'Office' land use.
16. All Multiple Dwellings are approved for both permanent and Short Stay accommodation.
17. A Management Statement shall be prepared for the Multiple Dwellings and Short Stay Accommodation, detailing the proposed management methods including on-site arrangements, as well as addressing noise, complaints management procedure, security of guests, residents and visitors to the satisfaction of the City of Rockingham, prior to applying for a Building Permit - Certified.
18. The balconies of Units 12, 25 and 37 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of survey strata lots proposed by the current subdivision application on the land (WAPC Ref: 66-12) within 7.5m of the balconies, prior to the issue of a Building Permit - Certified.
19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to the issue of a Building Permit - Certified.
20. A Waste Management Plan shall be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Permit - Certified:
  - a) the location of bin storage areas 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.

All works must be carried out in accordance with the Waste Management Plan for the duration of development.
21. Arrangements shall be made for the provision of pedestrian crossing facilities (including a refuge island) on Malibu Road between the development site and Waikiki Road, prior to occupation of the development.
22. The existing commercial building and advertisements on 432 Safety Bay Road shall be upgraded to an equivalent maintenance standard of buildings in the locality (including the proposed Mixed Use development), and the upgrading works completed prior to the occupation of the development.



23. An Acoustic Report shall be provided demonstrating that the development will comply with the *Environmental Protection (Noise) Regulations 1997*, particularly with regard to the following, and the development designed to incorporate the recommendations of the acoustic report, prior to applying for a Building Permit - Certified:
- mechanical ventilation, air conditioning and plant equipment;
  - soundproofing against noise transmission between units;
  - soundproofing against noise from the existing service station and car vacuum bay at 430 Safety Bay Road; and
  - soundproofing against noise transmission from the commercial units to the residential units within the development.
24. External fixtures, including but not restricted to air conditioning units, satellite dishes and non-standard television aerials, are to be located such that they are not visible from Malibu Road.
25. Arrangements shall be made for the lot boundary between Strata Plan 11787 and Lot 1 Safety Bay Road to be realigned to ensure the approved development does not encroach over lot boundaries, meets fire separation requirements and provides for right of access to the surface-level carpark, prior to applying for a Building Permit - Certified.
26. The development shall be designed to incorporate a rear door to the Restaurant tenancy for access to the service corridor, to facilitate direct access to the bin store.

#### Footnotes

- a) This approval shall expire if development is not substantially commenced within two years of the date of this approval.
- b) All advertisements associated with the proposed development will require approval under the *City of Rockingham Signs, Hoardings and Bill Posting By-law*; contact the City's Building Services for more information.
- c) The applicant is reminded of the need to obtain approval from the Executive Director of Public Health at the Department of Health prior to the installation of the pools and spa; contact the City of Rockingham's Health Services for more information.
- d) The applicant is reminded of the need to obtain approval for the encroachments over the street under the *Local Government (Miscellaneous Provisions) Act 1960*; contact the City's Building Services for more information.
- e) The car parking requirement for this development has been calculated as 129 car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of 139 car parking spaces which meets the minimum car parking requirement and is deemed acceptable.





- f) In relation to Condition 7, the bicycle parking shall be designed with the following:
- The doorway to the basement bicycle compound shall have a minimum width of 1.5m; and
  - Bicycle parking spaces in the Malibu Road verge shall be setback at least 0.6m from the on-street car parking spaces.
- g) In relation to Condition 14, Store 2 shall be designed such that the door is oriented to the accessway and not the accessible car parking space.
- h) The applicant is encouraged to investigate energy efficiency and water efficiency devices that may be cost effective to install within the development.
- i) The applicant is encouraged to consider the inclusion of an electrical outlet to charge and park gophers within the carpark basement.

2. **Advise** the applicant and the City of Rockingham of its decision accordingly.

#### **AMENDING MOTION**

**Moved by: Mr Robert Nicholson**

**Seconded by: Ms Rachel Chapman**

That condition 22 be deleted.

For: Mr Neil Foley  
Ms Rachel Chapman  
Mr Robert Nicholson

Against: Cr Richard Smith  
Cr Joy Stewart

**The motion was put and carried: 3/2**

**Reason:** The applicant has advised that the building referred to in Condition 22 is to be demolished in a future stage of this development and some work had been undertaken on the building since lodgement of the application. It is not considered necessary for the developer to upgrade this building, considering it has current development approval and is earmarked for demolition.

#### **AMENDING MOTION**

**Moved by: Mr Neil Foley**

**Seconded by: Cr Richard Smith**

That the following conditions be amended as per the following:

1. This Approval shall be in accordance with the amended development application plans received by the City of Rockingham on 30 April 2012, subject to the service road in the south west corner of the building having a minimum width of 4.5 metres.



4. A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to the application for a Building Permit - Certified, and the works identified in the approved plan being undertaken prior to the occupation of the development.
6. Eight on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, prior to the application for a Building Permit - Certified, and constructed prior to the occupation of the development.
10. Clothes drying facilities (excluding electric clothes dryers) shall be designed for each Multiple Dwelling, to be screened from public view, prior to applying for a Building Permit – Certified, and shall be implemented as such in the development.
11. Entries and window frontages facing the street of ground floor tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
12. Street awnings shall be provided to Malibu Road across the full width of the proposed building at a minimum 2.5m wide and minimum clearance of 3.2m above the footpath, with lighting being provided under the street awning, to the satisfaction of the City of Rockingham.
13. A Schedule of colours and texture of building materials, demonstrating that the proposed development complements the surrounding area, shall be provided to the satisfaction of the City of Rockingham, prior to applying for a Building Permit – Certified, and shall be implemented as such in the development.
14. An enclosed, lockable storage area of not less than 4m<sup>2</sup> in area, with a minimum dimension of 1.5m and with a door that accesses either communal space or a car parking space allocated to the same unit, shall be designed for each Multiple Dwelling, prior to applying for a Building Permit – Certified, and shall be implemented in the development.
17. A Management Statement shall be prepared for the Multiple Dwellings and Short Stay Accommodation, detailing the proposed management methods including on-site arrangements, as well as addressing noise, complaints management procedure, security of guests, residents and visitors to the satisfaction of the City of Rockingham, prior to applying for a Building Permit - Certified. Such Management Statement, as may be amended from time to time with the approval of the City, shall be implemented for the duration of the life of the development.
18. The balconies of Units 12, 25 and 37 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of survey strata lots proposed by the current subdivision application on the land (WAPC Ref: 66-12) within 7.5m of the balconies, prior to the application for a Building Permit – Certified, and shall be implemented as such in the development.
19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to the application for a Building Permit – Certified, and shall be implemented as such in the development.





20. A Waste Management Plan shall be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Permit - Certified:
- (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.
- All works and waste management operations must be carried out in accordance with the Waste Management Plan for the duration of the development.
21. Arrangements shall be made for the provision of pedestrian crossing facilities (including a refuge island) on Malibu Road between the development site and Waikiki Road to the satisfaction of the City of Rockingham, prior to occupation of the development.
24. Arrangements shall be made to the satisfaction of the City of Rockingham for the lot boundary between the lot containing Strata Plan 11787 (No.432) and Lot 1 (No.434) Safety Bay Road to be realigned to ensure the approved development does not encroach over lot boundaries, meets fire separation requirements and provides for rights of vehicular access and parking easement(s) for the benefit of Lot 1 to and over the surface-level carpark on the lot containing Strata Plan 11787, including for access to Safety Bay Road and Malibu Road, for the life of the development, prior to applying for a Building Permit - Certified.

#### Footnotes

- (e) The car parking requirement for this development has been calculated as 129 car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of 132 car parking spaces which meets the minimum car parking requirement and is deemed acceptable.

That condition 26 be added to the recommendation as follows:

26. A car parking spaces allocation plan being provided to the satisfaction of the City of Rockingham prior to the application for a Building Permit – Certified, which designates the allocation of the approved parking spaces to the various approved uses. Such plan shall apply for the duration of the development. The required residential visitor parking bays shall be clearly delineated as such on-site in common ownership and available for use of bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development.

**The motion was put and CARRIED UNANIMOUSLY.**

#### **Reasons:**

- New plans were submitted to the City of Rockingham on 30 April 2012, superseding the plans dated 23 April 2012, and incorporating the changes required by the recommended condition 1.



- Changing the wording to 'application for' in lieu of 'issue of' the building permit clarifies the need for the applicant to address the issues set out in each relevant condition before applying for a building permit (the issuing of a building permit lies with the City and would put compliance with the condition beyond the power of the applicant).
- Additional wording to condition 6 clarifies the need to construct the car parking spaces.
- Additional wording to condition 10 Condition clarifies the need to implement the design of the clothes drying facilities.
- Additional wording to Condition 11 clarifies that it relates to the ground floor only.
- Amend condition 12 as awnings are intended to be provided in the application, not verandahs.
- Several conditions have the added wording 'and shall be implemented in the development' and 'to the satisfaction of the City of Rockingham' or similar, to clarify that the condition requirements should meet the satisfaction of the City and be implemented for the life of the development.
- Additional wording to condition 21 clarifies the intent of the condition.
- Additional wording to condition 24 clarifies the need for a legal mechanism which protects the rights of the owners and occupiers of the subject development to park on and have access over the strata plan lot, including to Safety Bay Road and Malibu Road.
- Additional condition numbered 26 requires a car parking spaces allocation plan to be provided to the City of Rockingham to ensure that the parking spaces are allocated to the different uses generating the need for them in an efficient way in accordance with the intent of the scheme.

#### PRIMARY MOTION (AS AMENDED)

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

1. **Approve** DAP Application reference 12/00130 and amended plans received on 29th March 2012, in accordance with Clause 6.7.1 of the City of Rockingham Town Planning Scheme No.2 and Subclause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:
  1. This Approval shall be in accordance with the amended development application plans received by the City of Rockingham on 30 April 2012, subject to the service road in the south west corner of the building having a minimum width of 4.5 metres.
  2. Arrangements shall be made for the payment of financial contributions to the City of Rockingham for the development and administration of community infrastructure identified in Amendment No.114 to the City of Rockingham Town Planning Scheme No.2, prior to applying for a Building Permit - Certified.
  3. Earthworks shall be stabilised to prevent sand blowing and dust nuisance, for the duration of development works.

*Neil Foley*





4. A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to the application for a Building Permit - Certified, and the works identified in the approved plan being undertaken prior to the occupation of the development.
5. The existing carpark between the proposed development and the existing commercial building on Strata Plan 11787, shall be upgraded in accordance with the following requirements:
  - a) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit – Certified;
  - b) include two car parking space(s) dedicated to people with disabilities and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Car parking for people with disabilities*;
  - c) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - d) have lighting installed, prior to the occupation of the development.
6. Eight on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, prior to the application for a Building Permit – Certified, and constructed prior to the occupation of the development.
7. Bicycle Parking and end-of trip facilities shall be provided in accordance with the City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities.
8. Disused crossovers shall be removed and the verge, footpath, kerbing and landscaping must be reinstated, prior to occupation of the development.
9. The development shall be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
10. Clothes drying facilities (excluding electric clothes dryers) shall be designed for each Multiple Dwelling, to be screened from public view, prior to applying for a Building Permit – Certified, and shall be implemented as such in the development.
11. Entries and window frontages facing the street of ground floor tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.



12. Street awnings shall be provided to Malibu Road across the full width of the proposed building at a minimum 2.5m wide and minimum clearance of 3.2m above the footpath, with lighting being provided under the street awnings, to the satisfaction of the City of Rockingham.
13. A schedule of colours and texture of building materials, demonstrating that the proposed development complements the surrounding area, shall be provided to the satisfaction of the City of Rockingham, prior to applying for a Building Permit – Certified, and shall be implemented as such in the development.
14. An enclosed, lockable storage area of not less than 4m<sup>2</sup> in area, with a minimum dimension of 1.5m and with a door that accesses either communal space or a car parking space allocated to the same unit, shall be designed for each Multiple Dwelling, prior to applying for a Building Permit – Certified, and shall be implemented in the development.
15. The Shop/Office tenancies are approved for the use of both a ‘Shop’ and ‘Office’ land use.
16. All Multiple Dwellings are approved for both permanent and Short Stay accommodation.
17. A Management Statement shall be prepared for the Multiple Dwellings and Short Stay Accommodation, detailing the proposed management methods including on-site arrangements, as well as addressing noise, complaints management procedure, security of guests, residents and visitors to the satisfaction of the City of Rockingham, prior to applying for a Building Permit - Certified. Such Management Statement, as may be amended from time to time with the approval of the City, shall be implemented for the duration of the life of the development.
18. The balconies of Units 12, 25 and 37 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of survey strata lots proposed by the current subdivision application on the land (WAPC Ref: 66-12) within 7.5m of the balconies, prior to the application for a Building Permit – Certified, and shall be implemented as such in the development.
19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to the application for a Building Permit – Certified, and shall be implemented as such in the development.
20. A Waste Management Plan shall be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Permit - Certified:
  - a) the location of bin storage areas 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.





All works and waste management operations must be carried out in accordance with the Waste Management Plan for the duration of development.

21. Arrangements shall be made for the provision of pedestrian crossing facilities (including a refuge island) on Malibu Road between the development site and Waikiki Road to the satisfaction of the City of Rockingham, prior to occupation of the development.
22. An Acoustic Report shall be provided demonstrating that the development will comply with the *Environmental Protection (Noise) Regulations 1997*, particularly with regard to the following, and the development designed to incorporate the recommendations of the acoustic report, prior to applying for a Building Permit - Certified:
  - mechanical ventilation, air conditioning and plant equipment;
  - soundproofing against noise transmission between units;
  - soundproofing against noise from the existing service station and car vacuum bay at 430 Safety Bay Road; and
  - soundproofing against noise transmission from the commercial units to the residential units within the development.
23. External fixtures, including but not restricted to air conditioning units, satellite dishes and non-standard television aerials, are to be located such that they are not visible from Malibu Road.
24. Arrangements shall be made to the satisfaction of the City of Rockingham for the lot boundary between the lot containing Strata Plan 11787 (No.432) and Lot 1 (No. 434) Safety Bay Road to be realigned to ensure the approved development does not encroach over lot boundaries, meets fire separation requirements and provides for rights of vehicular access and parking easement(s) for the benefit of Lot 1 to and over the surface-level carpark on the lot containing Strata Plan 11787, including for access to Safety Bay Road and Malibu Road, for the life of the development, prior to applying for a Building Permit - Certified.
25. The development shall be designed to incorporate a rear door to the Restaurant tenancy for access to the service corridor, to facilitate direct access to the bin store.
26. A car parking spaces allocation plan being provided to the satisfaction of the City of Rockingham prior to the application for a Building Permit – Certified, which designates the allocation of the approved parking spaces to the various approved uses. Such plan shall apply for the duration of the development. The required residential visitor parking bays shall be clearly delineated as such on-site in common ownership and available for use of bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development

#### Footnotes

- a) This approval shall expire if development is not substantially commenced within two years of the date of this approval.

  
Mr Neil Foley

Presiding Member, South West Metro JDAP



- b) All advertisements associated with the proposed development will require approval under the *City of Rockingham Signs, Hoardings and Bill Posting By-law*; contact the City's Building Services for more information.
- c) The applicant is reminded of the need to obtain approval from the Executive Director of Public Health at the Department of Health prior to the installation of the pools and spa; contact the City of Rockingham's Health Services for more information.
- d) The applicant is reminded of the need to obtain approval for the encroachments over the street under the *Local Government (Miscellaneous Provisions) Act 1960*; contact the City's Building Services for more information.
- e) The car parking requirement for this development has been calculated as 129 car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of 132 car parking spaces which meets the minimum car parking requirement and is deemed acceptable.
- f) In relation to Condition 7, the bicycle parking shall be designed with the following:
  - The doorway to the basement bicycle compound shall have a minimum width of 1.5m; and
  - Bicycle parking spaces in the Malibu Road verge shall be setback at least 0.6m from the on-street car parking spaces.
- g) In relation to Condition 14, Store 2 shall be designed such that the door is oriented to the accessway and not the accessible car parking space.
- h) The applicant is encouraged to investigate energy efficiency and water efficiency devices that may be cost effective to install within the development.
- i) The applicant is encouraged to consider the inclusion of an electrical outlet to charge and park gophers within the carpark basement.

2. **Advise** the applicant and the City of Rockingham of its decision accordingly.

**The motion was put and CARRIED UNANIMOUSLY.**

## 9. Amending or cancelling DAP development approval

Nil.

## 10. Appeals to the State Administrative Tribunal

Nil.

## 11. Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 7.39pm.

Mr Neil Foley  
Presiding Member, South West Metro JDAP