



## **Metro Outer Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Thursday, 30 September 2021; 9:30am  
**Meeting Number:** MOJDAP/128  
**Meeting Venue:** Electronic Means

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

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## Attendance

### DAP Members

Ms Francesca Lefante (Presiding Member)  
Mr Jarrod Ross (A/Deputy Presiding Member)  
Mr John Syme (Third Specialist Member) – *Item 8.1*  
Mr Jason Hick (Third Specialist Member) – *Item 8.2 – arrived at 9:35am*  
Cr Deb Hamblin (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)

### Officers in attendance

Mr David Banovic (City of Rockingham)  
Mr Mike Ross (City of Rockingham)  
Mr Chris Parlane (City of Rockingham)

### Minute Secretary

Ms Adele McMahon (DAP Secretariat)  
Ms Megan Ventris (DAP Secretariat)

### Applicants and Submitters

#### *Item 8.1*

Mr Ross Underwood (Planning Solutions)  
Mr Paul Kotsoglo (Planning Solutions)  
Mr Greg Ewart (DMG Architects)  
Mr Dilan Patel (Talis Consultants)  
Mr Terry George (Lloyd Acoustics)  
Mr Mohammad Rasouli (Transcore)  
Mr Robert Carcione (Piperpoint Pty Ltd)  
Mr Ray Pardo (Piperpoint Pty Ltd)

#### *Item 8.2*

Mr Josh Watson (Planning Solutions)  
Mr Behnam Bordbar (Transcore)  
Mr Matthew Elliott (Accord Property)  
Ms Fiona Garvey (Liberty Retail)

### Members of the Public / Media

There was 1 member of the public in attendance.

#### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 30 September 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

Due to the leave of absence of the Presiding Member and the Deputy Presiding Member, Ms Francesca Lefante has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.



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

### **1.1 Announcements by Presiding Member**

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

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

## **2. Apologies**

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Cr Mark Jones (Local Government Member, City of Rockingham)

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

DAP Member, Mr Ian Birch has been granted leave of absence by the Director General for the period of 24 September 2021 to 8 October 2021 inclusive.

DAP Member, Ms Sheryl Chaffer has been granted leave of absence by the Director General for the period of 23 September 2021 to 4 October 2021 inclusive.

## **4. Noting of Minutes**

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

## **5. Declaration of Due Consideration**

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 30 September 2021.

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

DAP Member, Mr Jason Hick, declared an Indirect Pecuniary and Impartiality Interest in item 8.1. Mr Hick is a shareholder, director and employee of Emerge Environmental Services Pty Ltd., an environmental consulting business that trades as Emerge Associates. While not involved with this application, Emerge Environmental Services has been engaged on other projects by entities directly associated with Piperpoint Pty Ltd.



Mr Hick is a shareholder, director and employee of Emerge Environmental Services Pty Ltd., an environmental consulting business that trades as Emerge Associates. Blue Tang (WA) Pty Ltd., a landscape architectural business, also trades as Emerge Associates. These businesses share branding, offices and operational expenses, but operate (managerially and contractually) as independent and separate legal entities. Blue Tang (WA) Pty Ltd. (trading as Emerge Associates) has prepared landscape plans to support the application being considered under agenda item 8.1. Mr Hick has no formal relationship with and does not attract any remuneration or other financial benefits from Blue Tang (WA) Pty Ltd.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Indirect Pecuniary interest and Impartiality Interest, was not permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Deb Hamlin, declared that she participated in a prior Council meeting in relation to the application at item 8.1 & 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Hamlin acknowledged that she is not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before her, which will be considered on its planning merits.

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

## 7. Deputations and Presentations

- 7.1 Mr Paul Kotsoglo (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Greg Ewart (DMG Architects) responded to questions from the panel in relation to item 8.1.
- 7.3 Mr Ross Underwood (Planning Solutions) responded to questions from the panel in relation to item 8.1.
- 7.4 Mr Robert Carcione (Piperpoint Pty Ltd) responded to questions from the panel in relation to item 8.1.
- 7.5 City of Rockingham officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentation at Item 7.1 – 7.5 were heard prior to the application at Item 8.1.***

- 7.6 Mr Behnam Bordbar (Transcore) addressed the DAP against the recommendation but in support of the application at Item 8.2 and responded to questions from the panel.



7.7 Mr Josh Watson (Planning Solutions) addressed the DAP against the recommendation but in support of the application at Item 8.2 and responded to questions from the panel.

7.8 City of Rockingham officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Items 7.5 - 7.7 were heard prior to the application at Item 8.2.***

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

### 8.1 Lot 9005 Nairn Drive, Baldivis

Development Description: Proposed neighbourhood shopping centre  
Applicant: Planning Solutions  
Owner: Piperpoint Pty Ltd  
Responsible Authority: City of Rockingham  
DAP File No: DAP/21/02023

## REPORT RECOMMENDATION

**Moved by:** Mr Jarrod Ross

**Seconded by:** Cr Deb Hamblin

That the Metro Outer Joint Development Assessment Panel (MOJDAP) resolves to:

**Approve** DAP Application reference DAP/21/02023 and the accompanying plans received on the 16 August 2021:

- Subdivision Plan;
- Lot Boundaries and Topography Plan;
- Masterplan;
- Shopping Centre Roof Plan;
- Commercial Centre Roof Plan;
- Shopping Centre Elevations - West and South Elevations;
- Project Palette (Sheet 1);
- Shopping Centre Elevations - East and North Elevations;
- Project Palette (Sheet 2);
- Shopping Centre Sections - Section 1 and 2;
- Shopping Centre Sections - Section 3 and 4;
- Loading Dock Sections;
- Commercial Centre Sections - West and South Elevations;



- Commercial Centre Sections - East and North Elevations;
- Materials Palette Legend;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

#### Conditions

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. Prior to applying for a Building Permit, a revised Waste Management Plan(s) for the supermarket and the commercial tenancies must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (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;
  - (iv) frequency of bin collections; and shall
  - (v) demonstrate compliance with the Acoustic Report required in Condition 4 below.

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

4. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.



5. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures.

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

6. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:

- (i) The Location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, and planting within the Special Landscape Area), indicating calculations for the landscaping area;
- (ii) Any lawns to be established and areas to be mulched;
- (iii) Those areas to be reticulated or irrigated;
- (iv) The paving material used for the footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility;
- (v) Detailed landscape, irrigation, lighting, playground, street furniture plans;
- (vi) Verge areas; and
- (vii) Provide for low threat landscape planting within the Other Regional Road portion of the site (future Nairn Drive).

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

7. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Ecological Australia, dated 12 August 2021 must be updated to the satisfaction of the City of Rockingham to reduce the extent of the Asset Protection Zone (APZ) to include only the northern portion of the site rated as BAL-29 and above.

The APZ must be maintained for the duration of the development.



8. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
9. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two showers (1 male, 1 female), change rooms and 9 clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.
10. Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham and include the following changes in order to improve visual interest, activation, legibility and access to the development:
  - (i) Provide a direct pedestrian entry into the Medical Centre building from Yellowstone Road; and
  - (ii) Integrate the Commercial tenancies bin store area presently located within the southern car park, to within the built form of the Shopping Centre.
11. Prior to applying for a building permit, the Applicant must submit full detailed engineering drawings showing the various pavement types and cross sectional profiles to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham.
12. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
13. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
14. The car parking areas must:
  - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
  - (ii) provide car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;





- (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (iv) comply with the above requirements for the duration of the development.
15. Nine (9) long-term and twenty six (26) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.
- The bicycle parking spaces must be constructed prior to occupation of the development.
16. All plant and roof equipment and other external fixtures must be designed to be located away from public view/or screened.
17. Materials, sea containers, goods or bins must not be stored within the car park at any time.
18. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting.
19. In accordance with Planning Policy 3.3.25 *Percent for Public Art – Private Developer Contribution*, prior to occupation of the development, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$120,000 in value.
20. Prior to the commencement of the development, a reciprocal parking and access agreement is required to allow for access and parking of vehicles on the shopping centre land and the Commercial Centre land, to the satisfaction of the City of Rockingham.
21. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City's Land and Development Infrastructure Department prior to the commencement of works.

### Advice Notes

1. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
2. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
3. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.



4. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
5. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. All playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments including additional criteria outlined in the following:
  - (i) AS 4685.0:2017 Playground equipment and surfacing Part 0: Development, installation, inspection, maintenance and operation; and
  - (ii) AS/NZS 4422:1996 - Playground Surfacing - Specifications, Requirements & Test Methods; Suitable impact absorbing surfacing, termed soft-fall must be installed, wherever falls from fixed or portable playground equipment is possible.
7. In regards to Condition 6, the Applicant is to provide a basic sacrificial landscape treatment to the adjoining Nairn Drive Reserve, to the satisfaction of the City of Rockingham. The Applicant is responsible for maintaining the area until Nairn Drive is constructed.
8. In regards to Condition 11, the engineering plans to be submitted, must include (but not limited to) proposed finished design levels plans, longitudinal sections, location of bioretention basins/gardens and annotated pit and pipe drainage infrastructure and demonstrating how stormwater will be managed across the development area.
9. In regards to Condition 21, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.

Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



## AMENDING MOTION 1

**Moved by:** Mr Jarrod Ross

**Seconded by:** Mr John Syme

That condition no. 1 be amended to read as follows:

*This decision constitutes development approval only and is valid for a period of four years from the date of approval ~~(this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020)~~. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

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

For: Ms Francesca Lefante  
Mr Jarrod Ross  
Mr John Syme

Against: Cr Deb Hamblin  
Cr Joy Stewart

**REASON:** To be consistent with the DAP regulations

## AMENDING MOTION 2

**Moved by:** Mr John Syme

**Seconded by:** Mr Jarrod Ross

That condition no. 10 (ii) be amended to read as follows:

*~~Integrate the Commercial tenancies bin store area presently located within the southern car park, to within the built form of the Shopping Centre.~~ **Demonstrate that the commercial tenancies bin store area and trolley store area located within the southern car park will be designed in a manner which visually integrates with the broader development.***

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

**REASON:** To appropriately design and visually integrate the bins storage structures into the development



### AMENDING MOTION 3

Moved by: Mr John Syme

Seconded by: Mr Jarrod Ross

That condition no. 19 be amended to read as follows:

*In accordance with Planning Policy 3.3.25 Percent for Public Art – Private Developer Contribution, prior to occupation of the development, the developer shall either:*

- (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$120,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;*
- (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham;*
- (iii) The artwork shall then be installed prior to occupation of the development and maintained thereafter to the satisfaction of the City of Rockingham; Or*
- (iv) make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$120,000 in value.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

**REASON:** To provide for refinement of the type and location of public art with the local authority

### AMENDING MOTION 4

Moved by: Ms Francesca Lefante

Seconded by: Mr John Syme

*The following amendments were made enbloc;*

- (i) That a new condition no. 22 be added to read as follows:

***The proposed development is granted provided the Southern building “shop” land use and the Northern building “medical centre and recreation private” as shown on the applicants plans.***

- (ii) That a new advice note no. 10 be added to read as follows:

***A Shopping Centre would contemplate a range of use being appropriate inclusive – shop, café, office, restaurant, fast food, consulting rooms***

The Amending Motion was put and CARRIED UNANIMOUSLY.

**REASON:** To specify the selected landuses for the shopping centre building



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel (MOJDAP) resolves to:

**Approve** DAP Application reference DAP/21/02023 and the accompanying plans received on the 16 August 2021:

- Subdivision Plan;
- Lot Boundaries and Topography Plan;
- Masterplan;
- Shopping Centre Roof Plan;
- Commercial Centre Roof Plan;
- Shopping Centre Elevations - West and South Elevations;
- Project Palette (Sheet 1);
- Shopping Centre Elevations - East and North Elevations;
- Project Palette (Sheet 2);
- Shopping Centre Sections - Section 1 and 2;
- Shopping Centre Sections - Section 3 and 4;
- Loading Dock Sections;
- Commercial Centre Sections - West and South Elevations;
- Commercial Centre Sections - East and North Elevations;
- Materials Palette Legend;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

### 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 specified period, the approval shall lapse and be of no further effect.



2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. Prior to applying for a Building Permit, a revised Waste Management Plan(s) for the supermarket and the commercial tenancies must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (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;
  - (iv) frequency of bin collections; and shall
  - (v) demonstrate compliance with the Acoustic Report required in Condition 4 below.

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

4. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.
5. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures.

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



6. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
- (i) The Location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, and planting within the Special Landscape Area), indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated;
  - (iv) The paving material used for the footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility;
  - (v) Detailed landscape, irrigation, lighting, playground, street furniture plans;
  - (vi) Verge areas; and
  - (vii) Provide for low threat landscape planting within the Other Regional Road portion of the site (future Nairn Drive).

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

7. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Ecological Australia, dated 12 August 2021 must be updated to the satisfaction of the City of Rockingham to reduce the extent of the Asset Protection Zone (APZ) to include only the northern portion of the site rated as BAL-29 and above.

The APZ must be maintained for the duration of the development.

8. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
9. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two showers (1 male, 1 female), change rooms and 9 clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.



10. Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham and include the following changes in order to improve visual interest, activation, legibility and access to the development:
  - (i) Provide a direct pedestrian entry into the Medical Centre building from Yellowstone Road; and
  - (ii) Demonstrate that the commercial tenancies bin store area and trolley store area located within the southern car park will be designed in a manner which visually integrates with the broader development.
11. Prior to applying for a building permit, the Applicant must submit full detailed engineering drawings showing the various pavement types and cross sectional profiles to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham.
12. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
13. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
14. The car parking areas must:
  - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
  - (ii) provide car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (iv) comply with the above requirements for the duration of the development.
15. Nine (9) long-term and twenty six (26) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.

The bicycle parking spaces must be constructed prior to occupation of the development.





16. All plant and roof equipment and other external fixtures must be designed to be located away from public view/or screened.
17. Materials, sea containers, goods or bins must not be stored within the car park at any time.
18. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting.
19. In accordance with Planning Policy 3.3.25 Percent for Public Art – Private Developer Contribution, prior to occupation of the development, the developer shall either:
  - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$120,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;
  - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham;
  - (iii) The artwork shall then be installed prior to occupation of the development and maintained thereafter to the satisfaction of the City of Rockingham; Or
  - (iv) make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$120,000 in value.
20. Prior to the commencement of the development, a reciprocal parking and access agreement is required to allow for access and parking of vehicles on the shopping centre land and the Commercial Centre land, to the satisfaction of the City of Rockingham.
21. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City's Land and Development Infrastructure Department prior to the commencement of works.
22. The proposed development is granted provided the Southern building "shop" land use and the Northern building "medical centre and recreation private" as shown on the applicants plans.

### Advice Notes

1. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
2. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.



3. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
4. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
5. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. All playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments including additional criteria outlined in the following:
  - (i) AS 4685.0:2017 Playground equipment and surfacing Part 0: Development, installation, inspection, maintenance and operation; and
  - (ii) AS/NZS 4422:1996 - Playground Surfacing - Specifications, Requirements & Test Methods; Suitable impact absorbing surfacing, termed soft-fall must be installed, wherever falls from fixed or portable playground equipment is possible.
7. In regards to Condition 6, the Applicant is to provide a basic sacrificial landscape treatment to the adjoining Nairn Drive Reserve, to the satisfaction of the City of Rockingham. The Applicant is responsible for maintaining the area until Nairn Drive is constructed.
8. In regards to Condition 11, the engineering plans to be submitted, must include (but not limited to) proposed finished design levels plans, longitudinal sections, location of bioretention basins/gardens and annotated pit and pipe drainage infrastructure and demonstrating how stormwater will be managed across the development area.
9. In regards to Condition 21, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
10. A Shopping Centre would contemplate a range of use being appropriate inclusive – shop, café, office, restaurant, fast food, consulting rooms

Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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



**REASON:** The JDAP were satisfied that the proposal is consistent with planning framework. The building design is appropriate for the location. The JDAP noted that a shopping centre would contemplate a range of uses being approved, provided they were consistent or contemplated with running a shopping centre. Such as shop, café/ restaurant, office gym. The proposal was supported inclusive of minor condition changes for the reasons contained within the RAR and as detailed in the amendment.

*Mr John Syme left the panel at 11:38am.  
Mr Jason Hick joined the panel at 11:38am.*

## 8.2 Lot 10 (115) Dixon Road, East Rockingham

Development Description: Service Station development  
Applicant: Planning Solutions  
Owner: Autoservice Pty Ltd  
Responsible Authority: City of Rockingham  
DAP File No: DAP/21/01976

### REPORT RECOMMENDATION

**Moved by:** Cr Deb Hamlin

**Seconded by:** Cr Joy Stewart

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Reconsider** its decision dated 6 August 2021; and

**Refuse** DAP Application reference DAP/21/01976 and the accompanying plans (Attachment 6):

- Site Plan, Drawing No.3357 03, Rev 8, dated 13 August 2021;
- Floor Plans and Elevations - Shop, Drawing No.3357 04, Rev 7, dated 13 August 2021;
- Floor Plans and Elevations - Commercial Canopy, Drawing No.3357 05, Rev 7, dated 13 August 2021;
- Floor Plans and Elevations - Truck Canopy, Drawing No.3357 06, Rev 7, dated 13 August 2021;
- Signage Plan and Schedule, Drawing No.3357 07, Rev 7, dated 13 August 2021;
- 3D Views, Drawing No.3357 08, Rev 7, dated 13 August 2021;
- Landscape Plan, Drawing No.3357 9, Rev 7, dated 13 August 2021;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, for the following reason:



## Reasons for Responsible Authority Recommendation

1. The City has unresolved concerns with respect to modelling assumptions contained within the Traffic Technical Note submitted on 13 August 2021; and
2. Traffic generated by the proposed development will adversely impact on the operation of Dixon Road/Day Road intersection, which currently has an unsatisfactory level of service, and will further exacerbate the effect on traffic flow and safety surrounding the site.

## The Report Recommendation was put and LOST (2/3).

For: Cr Deb Hamblin  
Cr Joy Stewart

Against: Ms Francesca Lefante  
Mr Jarrod Ross  
Mr Jason Hick

## ALTERNATE MOTION

**Moved by:** Mr Jason Hick

**Seconded by:** Mr Jarrod Ross

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/19/01585 and accompanying plans:

- Site Plan, Drawing No.3357 03, Rev 8, dated 13 August 2021;
- Floor Plans and Elevations - Shop, Drawing No.3357 04, Rev 7, dated 13 August 2021;
- Floor Plans and Elevations - Commercial Canopy, Drawing No.3357 05, Rev 7, dated 13 August 2021;
- Floor Plans and Elevations - Truck Canopy, Drawing No.3357 06, Rev 7, dated 13 August 2021;
- Signage Plan and Schedule, Drawing No.3357 07, Rev 7, dated 13 August 2021;
- 3D Views, Drawing No.3357 08, Rev 7, dated 13 August 2021;
- Landscape Plan, Drawing No.3357 9, Rev 7, dated 13 August 2021;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

## Conditions

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.



2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

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

4. Prior to the issue of a Building Permit, exhaust facilities associated with the proposed kitchen must be designed in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham.
5. A bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.
6. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham, demonstrating compliance with Australian Standard 1158-2020 Lighting for roads and public spaces Pedestrian area (Category P) lighting - Performance and design requirements.
7. A landscaping plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of applying for a Building Permit:
  - (i) The Location, number and type of existing and proposes trees (including shade trees) and shrubs, indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated;
  - (iv) Garden edge treatment to all sections where garden areas adjoin turf to provide separation and maintenance;
  - (v) Verge areas; and
  - (vi) Shade trees for car parking bays at a rate of one tree per four car parking bays.

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



8. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Ecological Australia, dated 10 June 2021, shall be updated to:
- Classify the vegetation in the eastern verge of Darile Street to the satisfaction of the City;
  - Reflect the layout of the amended Site Plan received on 13th August 2021; and
  - To acknowledge that the landowner will be responsible for maintenance of any landscaping within the street verges adjoining the subject site.

The Bushfire Management Plan must thereafter be implemented and maintained at all times to the satisfaction of the City of Rockingham.

9. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
10. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
11. The carpark must:
- (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
  - (ii) provide one car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (iv) comply with the above requirements for the duration of the development.
12. One (1) long-term and two (1) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to commencement of development.  
The bicycle parking scapes must be constructed prior to occupation of the development.
13. All plant and roof equipment and other external fixtures are to be screened from view.



14. Materials, sea containers, goods or bins must not be stored within the car park at any time.
15. The proponent must remove all approved signage within the Metropolitan Region Scheme Other Regional Road road reservation without seeking compensation from either the City of Rockingham or the Western Australian Planning Commission for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.
16. Prior to applying for a Building Permit, an Emergency Response Plan must be prepared to the satisfaction of the Department of Water and Environmental Regulation, in accordance with the Water Quality Protection Note No.10 'Contaminant Spill – Emergency Response'. The approved Emergency Response Plan must be implemented and all works must be maintained for the duration of the development.
17. The external walls of the retail building shall be constructed using a painted texture finish, to the satisfaction of the City of Rockingham.
18. Appropriate signage and line markings shall be installed to guide vehicles using the entries and exits to/from the development.

#### **Advice Notes**

1. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
2. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.
3. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
4. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City's Health Services for information on confirming requirements.
5. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. The applicant is advised that in respect of Condition 2, a Stormwater Management Plan will require compliance with Planning Policy 3.4.3 - Urban Water Management. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan
7. In respect to condition 7, the applicant is advised that the landscaping within the road reserve adjoining the site will be the responsibility of the land owner to maintain.



Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

### **AMENDING MOTION 1**

**Moved by:** Mr Jarrod Ross

**Seconded by:** Mr Jason Hick

That condition no. 1 be amended to read as follows:

*This decision constitutes development approval only and is valid for a period of four years from the date of approval (~~this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020~~). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect*

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

**REASON:** To be consistent with the DAP regulations

### **AMENDING MOTION 2**

**Moved by:** Mr Jarrod Ross

**Seconded by:** Mr Jason Hick

That condition no. 17 be deleted and the remaining conditions be renumbered accordingly.

**The Amending Motion was WITHDRAWN by the Mover**

### **AMENDING MOTION 3**

**Moved by:** Mr Jarrod Ross

**Seconded by:** Mr Jason Hick

That condition no. 17 be amended to read as follows:

*The external walls of the retail building shall be constructed using a painted ~~texture~~ finish, to the satisfaction of the City of Rockingham.*

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

**REASON:** To reflect the plans and the external treatment of the building facade





## **ALTERNATE RECOMMENDATION (AS AMENDED)**

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/19/01585 and accompanying plans:

- Site Plan, Drawing No.3357 03, Rev 8, dated 13 August 2021;
- Floor Plans and Elevations - Shop, Drawing No.3357 04, Rev 7, dated 13 August 2021;
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- Landscape Plan, Drawing No.3357 9, Rev 7, dated 13 August 2021;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

### **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 specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

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



4. Prior to the issue of a Building Permit, exhaust facilities associated with the proposed kitchen must be designed in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham.
5. A bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.
6. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham, demonstrating compliance with Australian Standard 1158-2020 Lighting for roads and public spaces Pedestrian area (Category P) lighting - Performance and design requirements.
7. A landscaping plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of applying for a Building Permit:
  - (i) The Location, number and type of existing and proposes trees (including shade trees) and shrubs, indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated;
  - (iv) Garden edge treatment to all sections where garden areas adjoin turf to provide separation and maintenance;
  - (v) Verge areas; and
  - (vi) Shade trees for car parking bays at a rate of one tree per four car parking bays.

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

8. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Ecological Australia, dated 10 June 2021, shall be updated to:
  - Classify the vegetation in the eastern verge of Darile Street to the satisfaction of the City;
  - Reflect the layout of the amended Site Plan received on 13th August 2021; and
  - To acknowledge that the landowner will be responsible for maintenance of any landscaping within the street verges adjoining the subject site.

The Bushfire Management Plan must thereafter be implemented and maintained at all times to the satisfaction of the City of Rockingham.

9. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.



10. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
11. The carpark must:
  - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
  - (ii) provide one car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (iv) comply with the above requirements for the duration of the development.
12. One (1) long-term and two (1) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to commencement of development.

The bicycle parking scapes must be constructed prior to occupation of the development.
13. All plant and roof equipment and other external fixtures are to be screened from view.
14. Materials, sea containers, goods or bins must not be stored within the car park at any time.
15. The proponent must remove all approved signage within the Metropolitan Region Scheme Other Regional Road road reservation without seeking compensation from either the City of Rockingham or the Western Australian Planning Commission for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.
16. Prior to applying for a Building Permit, an Emergency Response Plan must be prepared to the satisfaction of the Department of Water and Environmental Regulation, in accordance with the Water Quality Protection Note No.10 'Contaminant Spill – Emergency Response'. The approved Emergency Response Plan must be implemented and all works must be maintained for the duration of the development.
17. The external walls of the retail building shall be constructed using a painted finish, to the satisfaction of the City of Rockingham.



18. Appropriate signage and line markings shall be installed to guide vehicles using the entries and exits to/from the development.

### Advice Notes

1. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
2. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.
3. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
4. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City's Health Services for information on confirming requirements.
5. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
6. The applicant is advised that in respect of Condition 2, a Stormwater Management Plan will require compliance with Planning Policy 3.4.3 - Urban Water Management. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan
7. In respect to condition 7, the applicant is advised that the landscaping within the road reserve adjoining the site will be the responsibility of the land owner to maintain.

Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

### **The Alternate Recommendation (as amended) was put and CARRIED (3/2).**

For: Ms Francesca Lefante  
Mr Jarrod Ross  
Mr Jason Hick

Against: Cr Deb Hamblin  
Cr Joy Stewart



**REASON:** The majority of Panel members were satisfied that the proposed use of the site is consistent with the scheme and planning framework. The JDAP explored the extent to which this proposal contributed to traffic and congestion issues. Due consideration was given to the amended site plan, which has made improvements to the left in, left out movements to the site, engineering comments, traffic modelling & analysis. The majority of Panel members formed the opinion that the development only marginally altered the traffic movements and volumes, with the existing road network movement and congested periods. On balance the proposal was supported.

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

Nil

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

The Presiding Member noted the following SAT Applications –

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021
DAP/21/01926 DR144/2021	City of Armadale	Lot 60 Centre Road, Camillo	Proposed 45 Grouped Dwellings	09/07/2021

**11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

**12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 1:27pm.