



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Thursday 4th October 2012 at 4:00pm
Meeting Number: 9
Meeting Venue: City of Rockingham Boardroom, Civic
Boulevard, Rockingham

Attendance

DAP Members

Mr Neil Foley (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member)
Cr Joy Stewart (Local Government Alternate Member)

Officers in attendance

Mr Craig Shepherd (Department of Planning)
Mr Andrew Hammond (CEO, City of Rockingham)
Mr Robert Jeans (Director, Planning and Development Services, City of Rockingham)
Mr Mike Ross, (Manager, Statutory Planning, City of Rockingham)
Mr Ross Underwood (Senior Planning Officer, City of Rockingham)
Mr Cadell Buss (Manager, Economic Development, City of Rockingham)

Local Government Minute Secretary

Mrs Sharon Peacock (City of Rockingham)

Applicant, Submitters and Members of the Public

Mr Wes Barrett (MacDonald Jones Architects)

1. Declaration of Opening

The Presiding Member, Mr Neil Foley declared the meeting open at 4:00pm on 4th October 2012 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given

Mr Neil Foley
Presiding Member, Metro South-West JDAP



permission to do so. The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of minutes

Minutes of the Metro South-West meeting No.8 held on 26th July 2012 were noted by DAP members.

5. Disclosure of interests

Panel Member, Mr Neil Foley, declared an Impartiality Interest in item 8.1.
Panel Member, Ms Rachel Chapman, declared an Impartiality Interest in item 8.1.

6. Declaration of Due Consideration

Nil

7. Deputations and presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Application

8.1 Application Details:	Proposed 7 Storey Serviced Short Stay Accommodation
Property Location:	Lot 304 (No.24) Flinders Lane, Rockingham
Applicant:	MacDonald Jones Architects
Owner:	Rockingham Waterfront Village Pty Ltd
Responsible authority:	City of Rockingham
Report date:	25th September 2012
DoP File No:	DP/12/00940

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Joy Stewart

Seconded by: Cr Richard Smith

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

Approve DAP Application reference 12/940 and accompanying amended plans received on the 19th September 2012 in accordance with Clause 6.7.1(a) 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. The development shall be designed to include the following modifications to the satisfaction of the City of Rockingham, prior to applying for a Building Permit:



- (i) Pedestrian shelter at least 2m wide being provided adjacent to the ground floor waiting area and entry lobby;
 - (ii) The barbeque area and conference breakout being extended to the street boundary;
 - (iii) A secure room for 3 bicycle parking spaces and 3 clothing lockers for use by staff being provided within the building, on the ground floor; and
 - (iv) One of the two proposed crossovers being deleted, and two of the car parking spaces in the central row of parking being deleted to provide for vehicle connection between the two parking aisles.
2. A schedule of the colour and texture of the building materials, showing materials which are durable and easily cleaned, shall be provided to the satisfaction of the City of Rockingham, prior to applying for a Building Permit, and shall be implemented as such in the development.
3. The development shall be designed for the first floor to be at least 3.6m above the ground floor level, prior to applying for a Building Permit.
4. An arborist report shall be prepared to assess and provide measures to protect the five existing Tuart trees on site during and post development, prior to applying for a Building Permit, and shall be implemented as such in the development.
5. A Landscaping Plan shall be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
- (i) The retention of the five existing Tuart trees on-site and the inclusion of any recommendations from the arborist report required by Condition 4;
 - (ii) Minimisation of the area of paving around the perimeter of the building to that necessary for access and maintenance, and the paving material being designed to be durable and easily cleaned;
 - (iii) Lighting of the landscaped area adjacent to Flinders Lane;
 - (iv) Verge treatments, including the relocation of any street trees or vegetation affected by the proposed new crossover to the development site and the reinstatement of the pavement where the existing crossover is removed;
 - (v) The proposed landscaping species and materials being generally consistent with the existing landscaped areas of the Rockingham Beach Waterfront Village; and
 - (vi) Details of any proposed reticulation.

The landscaping shall be completed prior to the occupation of the development, and must be maintained thereafter.

6. The carpark shall:-



- (i) 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;
 - (ii) include three car parking space(s) dedicated to people with disabilities in locations to the satisfaction of the City of Rockingham, designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*; and
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.
7. Arrangements shall be made for payment to the City of Rockingham of a cash contribution in lieu of twelve car parking spaces, with the value of each space calculated as being not less than the estimated cost to the owner or developer of providing and constructing the parking bays in the form of a decked structure (including full civil works, lighting, signage, line marking and landscaping), for that area of land which would have been occupied by the parking spaces and manoeuvring area as estimated by a qualified civil engineer to the satisfaction of the City of Rockingham, prior to applying for a Building Permit.
 8. The development shall not be occupied by any one person for more than a total of three months in any one twelve month period.
 9. Earthworks shall be stabilised to prevent sand blowing and dust nuisance during the construction phase.
 10. All stormwater generated by the development shall be contained and disposed of on-site.
 11. Entries and windows fronting Flinders Lane or Empress Corner shall not be covered, closed or screened off (including by means of shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
 12. The fence to the southeast of the staff amenities room shall be constructed prior to the occupation of the development.
 13. A plaque or other commemorative feature shall be provided on-site to reflect the history of the site, including that of Flinders Hall, to the satisfaction of the City of Rockingham, prior to the development being occupied.
 14. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

A handwritten signature in black ink that reads "Neil Foley".



Footnotes

- a) A separate approval from the City's Health Services is required under the *Health (Public Building) Regulations 1992*. This is required prior to applying for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- b) A separate approval from the City's Health Services is required under the *Food Act 2008* and *Food Safety Standards*. This is required prior to applying for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- c) Approval from the Executive Director of Public Health at the Department of Health is required for the installation of the pool, prior to applying for a Building Permit.
- d) The encroachment of the pergola onto Empress Corner is deemed a 'minor encroachment' as per the Department of Land Administration's Government Land Bulletin No 5 – *Land Administration Services* (June 2003) and therefore does not require the approval of the Minister for Lands under section 76 of the *Building Act 2011*.

The encroaching pergola is unroofed and therefore does not require a licence under the *City of Rockingham Street Verandahs Local Law 2000*.

- e) Planning approval must be obtained for any proposed advertisements, unless exempt under the *City of Rockingham Town Planning Scheme No.2*. A sign permit must also be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
- f) With respect to Condition 5, the applicant and owner should liaise with the City's Parks Development Services to confirm requirements for landscaping plans.
- g) All works in the road reserve, including construction or removal of a crossover, modification of a footpath where affected by a removed or proposed crossover, the reconfiguration of on-street car parking spaces and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant should liaise with the City's Engineering Services in this regard.

AMENDING MOTION

Moved by: Cr Richard Smith

Seconded by: Cr Joy Stewart

That Condition No.11 be amended as follows:

11. *Entries and windows on the ground floor of the development fronting Flinders Lane or Empress Corner shall not be covered, closed or screened off (including by means of shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.*



Mr Neil Foley



REASON: Condition 11 was unintentionally written so as to apply to all floors of the development, and was amended to only apply to the ground floor.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Nil

To delete condition No.11

The motion was lapsed as there was no seconder.

AMENDING MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Cr Richard Smith

That Condition No. 8 be amended and an additional Footnote (h) be added as follows:

8. *The short stay accommodation units within the development shall not be occupied by any one person for more than a total of three months in any one twelve month period.*

h) The applicant be advised that the building needs to comply with the provisions of the BCA and AS3500.

REASON: Condition 8 was amended to clarify that the duration of occupancy applies to the short stay accommodation units within the development.

Footnote (h) was added to remind the applicant that the provisions of the BCA and AS3500 applied.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Neil Foley **Seconded by:** Cr Joy Stewart

That Condition No. 1 (iii) be amended as follows:

1. *(iii) A secure room for at least 3 bicycle parking spaces and at least 3 clothing lockers for use by staff being provided within the building, on the ground floor; and*

REASON: Condition No.1. (iii) was amended to allow for additional bicycle parking spaces and additional clothing lockers, above the minimum required.


Mr Neil Foley



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

PRIMARY MOTION (AS AMENDED)

Moved by: Mr Neil Foley

Seconded by: Cr Joy Stewart

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 - (i) The retention of the five existing Tuart trees on-site and the inclusion of any recommendations from the arborist report required by Condition 4;


Mr Neil Foley

Presiding Member, Metro South-West JDAP

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- (ii) Minimisation of the area of paving around the perimeter of the building to that necessary for access and maintenance, and the paving material being designed to be durable and easily cleaned;
- (iii) Lighting of the landscaped area adjacent to Flinders Lane;
- (iv) Verge treatments, including the relocation of any street trees or vegetation affected by the proposed new crossover to the development site and the reinstatement of the pavement where the existing crossover is removed;
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- h) The applicant be advised that the building needs to comply with the provisions of the BCA and AS3500.

The Primary Motion (As Amended) was put and CARRIED UNANIMOUSLY.

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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member notified JDAP members that three applications for review at the State Administrative Tribunal have been lodged for applications within the City of Cockburn. Additional information regarding the appeals will be provided to members when available.

11. Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 4:22pm.

A handwritten signature in black ink that reads "Neil Foley".