



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 5 December 2022; 9:30am
Meeting Number: MOJDAP/216
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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Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Rachel Chapman (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Lorna Buchan (Local Government Member, City of Rockingham)
Cr Mark Jones (Local Government Member, City of Rockingham)

Officers in attendance

Mr Michael Ross (City of Rockingham)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Mr Alessandro Stagno (Apex Planning)
Mr Stefan Piruk (Jarra Property)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 5 December 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

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

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

2. Apologies

Ms Karen Hyde (Deputy Presiding Member)

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3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

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

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

7. Deputations and Presentations

7.1 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Rockingham addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 9101 Solis Boulevard, Baldivis

Development Description:	Proposed Child Care Premises
Applicant:	Apex Planning
Owner:	The Glow Development (WA) Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/22/02294



REPORT RECOMMENDATION

Moved by: Cr Lorna Buchan

Seconded by: Cr Mark Jones

That the Metro Outer Joint Development Assessment Panel resolves to:

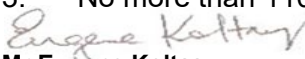
1. Approve DAP Application reference DAP/22/02294 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, the provisions of Clause 68(2)(b) of the Deemed Provisions of the City of Rockingham Town Planning Scheme No. 2 and pursuant to Clause 26 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans (and drawings) as listed below including any amendments to those plans (and drawings) as shown in red:
 - Survey Plan, Job No. 2022047, Drawing No. 3570, Revision 4, Sheet No.02, dated 25 July 2022;
 - Location Plan, Job No. 2022047, Drawing No. 3570, Revision 1, Sheet No.03, dated 6 July 2022;
 - Site Plan, Job No. 2022047, Drawing No. 3570, Revision 4, Sheet No.04, dated 4 August 2022;
 - Floor Plan, Job No. 2022047, Drawing No. 3570, Revision 2, Sheet 05, dated 12 July 2022;
 - Roof Plan, Job No. 2022047, Drawing No. 3570, Revision 3, Sheet No.06, dated 20 July 2022;
 - Elevations, Job No. 2022047, Drawing No. 3570, Revision 2, Sheet No.07, dated 12 July 2022;
 - Street Elevations, Job No. 2022047, Drawing No. 3570, Revision 3, Sheet No.08 dated 4 August 2022; and
 - 3D View, Job No. 2022047, Drawing No. 3570, Revision 2, Sheet No.09, dated 12 July 2022.

save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

3. No more than 110 children are to be accommodated at the Child Care Premises.


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4. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am. Staff are permitted to access the site from 6:00am.
5. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
6. Prior to applying for a Building Permit a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
 - (i) A Dust, Noise and Vibration Management Plan;
 - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (iii) How any stockpiles on site/s are to be managed;
 - (iv) Construction waste disposal strategy and location of waste disposal bins;
 - (v) How materials and equipment will be delivered and removed from the site/s; and
 - (vi) Parking arrangements for contractors.

All works must be carried out in accordance with the approved Construction Management Plan and maintained at all times, for duration of the development.
7. A 2.0 wide footpath connecting to the existing footpath network, shall be provided along the Bannerdale Road and Viva Boulevard to the City's standard specifications shall be provided.
8. The crossover shall be designed and constructed in accordance with the City's *Commercial Crossover Specifications*.



9. The carpark must:
- (i) provide a minimum of 28 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A (Staff) and User Class 3 (Visitors) of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
 - (iii) provide one additional (1) car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of 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;
 - (iv) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
 - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-2019, Control of the obtrusive effects of outdoor lighting, at all times.
10. Prior to applying for a Building Permit, a Parking Management Plan is to be prepared and endorsed by the City. The endorsed Parking Management Plan is observed for the duration of the development.
11. Prior to applying for a Building Permit, a Waste Management Plan must be prepared for the Childcare Premises development 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 and timing of bin collections of which are to be conducted outside of operating hours only.

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



12. Prior to applying for a Building Permit, 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.
13. 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.
14. The recommendations contained in the Lloyd George Acoustics report, dated 5 August 2022, with respect to fencing must be complied with for the duration of the development.
15. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and include the following detail:
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Those areas to be reticulated or irrigated, acknowledging that groundwater source cannot be used for this site.
 - (iv) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (v) Shade trees at a rate of one (1) per four (4) car parking bays; and
 - (vi) Street trees to be provided along Bannerdale Road and Viva Boulevard at a rate of one (1) tree per ten (10) metres.

The landscaping, paving and reticulation 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 for the duration of the development.



16. Prior to the issue of a Building Permit, exhaust facilities associated with the proposed kitchen area 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.

The exhaust facilities must be installed prior to the occupation of the development and must be thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.

17. The applicant is responsible for protecting any existing City streetscape assets along Bannardale Road, Viva Boulevard and Sixty Eight Road during the course of construction. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the City of Rockingham. It is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.
18. In accordance with the City of Rockingham Planning Policy No. 3.3.14 – Bicycle Parking and End of Trip Facilities, one short-term bicycle parking spaces and two long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle Parking Facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
2. A Certified Building Permit must be obtained prior to any demolition or construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City's Health Services in this regard.
4. 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.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road

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carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.

7. The applicant is advised that in respect of Condition 5, 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.
8. As the proposed buildings will be classed as 9b, plans will need to be lodged with DFES BEB for assessment. The building is over 500m² and will require a fire hydrant onsite, the fire hydrant located on Sixty Eight Road looks to be located below the level of the block and usage will be hindered by retaining wall and stormwater sump. The building may be required to comply with Specification 43 of the NCC 2022 which comes into enforcement as of the 1st October but does have a 12 month transitional period. DFES advocated these requirements early in the design of the building.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that the proposed development was consistent with the Planning Framework for the locality and the siting of the building on the land , proposed acoustic walls and location of outdoor play areas has mitigated noise impacts on adjoining residential properties.

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 -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02148 DR146/2022	City of Rockingham	Lot 53 (No 67) Folly Road, Baldivis	Proposed place of worship (Hindu Temple)	26/08/2022
DAP/22/02220 DR162/2022	City of Kwinana	Lot 9507 Berthold Street, Orelia	Proposed Child Care Centre	28/09/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022



11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 9:40am.