



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 7 February 2022; 10:00am
Meeting Number: MOJDAP/151
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

In addition to being held in person This DAP meeting was also conducted by electronic means (Zoom) open to the public.

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Mr Ian Birch
Presiding Member, JDAP



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member) – via Zoom
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 Mike Ross (City of Rockingham)
Ms Casey Gillespie (City of Rockingham)

Minute Secretary

Ms Nicole Gardner (City of Rockingham)

Applicants and Submitters

Mr Trent Will (Taylor Burrell Barnett)
Mr Walt Coulston (CK Group) – Via Zoom
Ms Anna Holloway (Insite Architecture) – Via Zoom
Mr Jonathan Riley (Riley Consulting) – Via Zoom

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:06am on 7 February 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 panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

Mr Ian Birch
Presiding Member, JDAP



The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, 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, Cr Buchan and Cr Jones acknowledged that they are 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 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 an Impartiality Interest, are permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Trent Will (Taylor Burrell Barnett) addressed the DAP in support of the recommendation to approve the application at Item 8.1, but seeking revision of certain conditions, and responded to questions from the panel.

7.2 The City of Rockingham officers answered questions from the panel.

Mr Ian Birch
Presiding Member, JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 190 (No. 26) Beckingham Parkway, Baldivis

Development Description: Childcare Premises
Applicant: Taylor Burrell Barnett
Owner: Timothy Houweling as the executor of the will of
Marjorie Elsie Feast
Responsible Authority: City of Rockingham
DAP File No: DAP/221/02091

REPORT RECOMMENDATION

Moved by: Mr Jason Hick

Seconded by: Ms Sheryl Chaffer

With the agreement of the mover and seconder, the following amendments were made en bloc.

- i. That condition no. 2(vi) be deleted:

~~*Provision of a turning bay for vehicles to turn around and exit in forward gear in accordance with AS2890.1.*~~

REASON: Requested by the applicant and agreed upon by the City as a turning space is included in the car park adjacent to bay 15, and is consistent with AS2890.1.

- ii. That condition no. 2(viii) be amended to read as follows:

Plans clearly depicting the site boundaries of the Child Care Premises as amended by above, or in accordance with an approved subdivision plan.

REASON: Requested by the applicant and agreed upon by the City, the condition amended to reference an approved subdivision plan given the future boundaries can only be confirmed via a subdivision approval.

- iii. That condition no. 8 be amended to read as follows:

A 2.0m wide footpath connecting to the existing footpath network, extending along Reushaw Link from the eastern side of the vehicle crossover connecting to Nairn Drive footpath, to the City's standard specifications shall be provided. A pedestrian crossing and pram ramp will be required for the connection to the northern side of Reushaw Link to connect to the existing footpath network and shall be located to not interfere with existing crossover to the City's standard specifications.

REASON: Requested by the applicant and agreed upon by the City, the condition may infer that the footpath is required to extend to the entire frontage of Lot 190 Reushaw Link. The Child Care Premises occupies only a portion of Lot 190, therefore it was requested the footpath is only required to extend the front of the child care premises, and not across the future residential lots as there is an existing footpath on the north side of Reushaw Link.

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- iv. That condition no.16 (viii) be deleted:

~~A 2.0 wide footpath extending the length of Reushaw Link connecting to the existing Nairn Drive footpath.~~

REASON: Requested by the applicant and agreed upon by the City, this condition is no longer needed as amended condition no.8 clarifies that the footpath can terminate at the eastern edge of the crossover, near the pedestrian entry of the child care premises.

- v. That condition no.13 (iv) be amended to read as follows:

~~frequency and timing of bin collections of which are to be conducted outside of operating hours only.~~

REASON: Requested by the applicant and agreed upon by the City, the condition does not need to refer specially to collection times as this will be resolved through the preparation of an amended Waste Management Plan.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP21/2091 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. Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham showing the following modifications:
 - (i) Deletion of the 'Demolition and Consolidation Plan' forming part of the Site Plan;
 - (ii) Fencing heights and treatments to the site boundaries shall be consistent with the recommendations contained within the Environmental Acoustic Assessment (Reference 28391-3-2129; Rev 2), prepared by Herring Storer Acoustics and dated September 2021;
 - (iii) Fencing heights to the Reushaw Link frontage shall have a finished maximum solid height of 1.4m above natural ground level, with any fence treatment above the 1.4m height being visually permeable as defined by the R-Codes;
 - (iv) Uniform fencing (solid walls), contiguous with the adjoining fencing abutting the site to the south, along the Nairn Drive frontage shall be provided;
 - (v) Delete all 'Gate' references from the vehicle crossing entry;

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- (vi) Tree numbers T10, T11, T12, T50, T40, T34, T35, T38, T39, T43, T44, T45, T46, T47, T48, T49 as shown on the Tree Reference Table and the Floor Plan shall be retained;
 - (vii) Plans clearly depicting the site boundaries of the Child Care Premises as amended by above, or in accordance with an approved subdivision plan.
3. No more than 82 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
4. No more than fifteen (15) staff are permitted at the Child Care Premises at any time, for the duration of the development, and generally only during the peak periods of operation being 9.30am to 4.00pm weekdays.
5. 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.
6. 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.
7. Prior to the commencement of works 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.

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8. A 2.0m wide footpath connecting to the existing footpath network, extending along Reushaw Link from the eastern side of the vehicle crossover connecting to Nairn Drive footpath, to the City's standard specifications shall be provided. A pedestrian crossing and pram ramp will be required for the connection to the northern side of Reushaw Link to connect to the existing footpath network and shall be located to not interfere with existing crossover to the City's standard specifications.
9. The crossover shall be designed and constructed in accordance with the City's Commercial Crossover Specifications.
10. The carpark must:
 - (i) provide a minimum of 23 car parking spaces;
 - (ii) 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 prior to applying for a Building Permit;
 - (iii) provide one (1) 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;
 - (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 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
11. Prior to applying for a Building Permit, the Parking Restriction Plan contained within the Environmental Acoustic Assessment (reference 28391-3-21295; Rev 2), prepared by Herring Storer Acoustics and dated September 2021, shall be updated to correctly reflect the car parking layout and development plans as amended by the condition of this Development Approval.
12. Car parking shall be managed for the duration of the development in accordance with the Parking Restriction Plan required by condition 11.

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13. Prior to applying for a Building Permit, an amended Waste Management Plan generally in accordance with Waste Management Plan (Project No. TW21097) prepared by Talis Consultants and dated 22 September 2021 must be prepared for the Childcare Premises development only 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.
- All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
14. 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.
15. 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.
16. 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) Any natural landscape areas and trees to be "retained" or "possible retention" as shown on the approved plans;
 - (iv) Tree Protection Zones and Structural Root Zones for all trees identified in (iii) above across the site;
 - (v) Those areas to be reticulated or irrigated, acknowledging that groundwater source cannot be used for this site.
 - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;

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- (vii) Shade trees at a rate of one (1) per four (4) car parking bays.

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.

17. Prior to applying for a Building Permit, a Vegetation Retention Management Plan shall be submitted to and approved to the satisfaction of the City of Rockingham for all trees identified for retention on the approved plans. The Vegetation Retention Management Plan shall detail the measures for retention during the construction period, in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

Should any of the earmarked trees become no longer suitable for retention or possible retention due to damage caused by site works, prior written approval is required from the City in order to remove the tree.

18. Groundwater abstraction shall be prohibited.

Advice

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. Any existing effluent disposal system servicing the dwelling may need to be decommissioned with any demolition works; the applicant and owner should liaise with the City's Health Services in this regard.
4. 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.
5. 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.
6. 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.
7. With respect to Condition 16, the applicant and owner should liaise with the City's Land Infrastructure and Development Services to confirm requirements for landscaping plans.

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8. 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 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.
9. The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment Regulation in this regard.
10. The applicant is reminded of the obligation to refer the proposed action to the Department of Agriculture, water and Environment (DAWE) to determine whether the assessment requires formal assessment and approval by the Federal Government for impacts to the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.
11. The applicant is advised that in respect of Condition 6, 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.
12. It is recommended that the applicant engage a suitably qualified arborist to provide advice on construction techniques when works encroach within a Tree Protection Zone.
13. In respect of Condition 18, Lot 190 on Deposited Plan 60727, as shown on certificate of title 2707/136, was part of former Lot 308 on Deposited Plan 202704, as shown on certificate of title 1693/675. Lot 308 was classified under the Contained Site Act as remediated for restricted use on 9 September 2009 and a memorial (reference number K893623) was placed on the certificate of title. Based on the information provided, former Lot 308 and therefore current Lot 190 is regarded suitable for residential and other sensitive land uses (such as primary schools and childcare centres) provided groundwater is not abstracted for residential purposes.

AMENDING MOTION

Moved by: Cr Mark Jones

Seconded by: Mr Jason Hick

That Condition No. 2(vii) be amended to read as follows:

Tree numbers T10, T11, T12, T50, T40, T34, T35, T38, T39, T43, T44, T45, T46, T47, T48, T49 as shown on the Tree Reference Table and the Floor plan shall be included within the boundaries of the Child Care Premises and retained;

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Tree T12 has been assessed as having 'low retention value' and is badly topped with areas of decay, the City agrees to the removal of this tree.

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Tree T49 is a Marri tree is assessed as important that it is retained as part of the protected grove. The deleted words leaves it open for the possibility to be explored that the tree be included within the planned residential lot immediately to the south of the child care centre, subject to its protection by way of a condition of subdivision approval.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP21/2091 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. Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham showing the following modifications:
 - (i) Deletion of the 'Demolition and Consolidation Plan' forming part of the Site Plan;
 - (ii) Fencing heights and treatments to the site boundaries shall be consistent with the recommendations contained within the Environmental Acoustic Assessment (Reference 28391-3-2129; Rev 2), prepared by Herring Storer Acoustics and dated September 2021;
 - (iii) Fencing heights to the Reushaw Link frontage shall have a finished maximum solid height of 1.4m above natural ground level, with any fence treatment above the 1.4m height being visually permeable as defined by the R-Codes;
 - (iv) Uniform fencing (solid walls), contiguous with the adjoining fencing abutting the site to the south, along the Nairn Drive frontage shall be provided;
 - (v) Delete all 'Gate' references from the vehicle crossing entry;
 - (vi) Tree numbers T10, T11, T50, T40, T34, T35, T38, T39, T43, T44, T45, T46, T47, T48, T49 as shown on the Tree Reference Table and the Floor Plan shall be retained;
 - (vii) Plans clearly depicting the site boundaries of the Child Care Premises as amended by above, or in accordance with an approved subdivision plan.
3. No more than 82 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
4. No more than fifteen (15) staff are permitted at the Child Care Premises at any time, for the duration of the development, and generally only during the peak periods of operation being 9.30am to 4.00pm weekdays.

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5. 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.
6. 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.
7. Prior to the commencement of works 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.
8. A 2.0m wide footpath connecting to the existing footpath network, extending along Reushaw Link from the eastern side of the vehicle crossover connecting to Nairn Drive footpath, to the City's standard specifications shall be provided. A pedestrian crossing and pram ramp will be required for the connection to the northern side of Reushaw Link to connect to the existing footpath network and shall be located to not interfere with existing crossover to the City's standard specifications.
9. The crossover shall be designed and constructed in accordance with the City's Commercial Crossover Specifications.

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10. The carpark must:
- (i) provide a minimum of 23 car parking spaces;
 - (ii) 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 prior to applying for a Building Permit;
 - (iii) provide one (1) 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;
 - (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 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
11. Prior to applying for a Building Permit, the Parking Restriction Plan contained within the Environmental Acoustic Assessment (reference 28391-3-21295; Rev 2), prepared by Herring Storer Acoustics and dated September 2021, shall be updated to correctly reflect the car parking layout and development plans as amended by the condition of this Development Approval.
12. Car parking shall be managed for the duration of the development in accordance with the Parking Restriction Plan required by condition 11.
13. Prior to applying for a Building Permit, an amended Waste Management Plan generally in accordance with Waste Management Plan (Project No. TW21097) prepared by Talis Consultants and dated 22 September 2021 must be prepared for the Childcare Premises development only 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.

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

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14. 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.
15. 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.
16. 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) Any natural landscape areas and trees to be "retained" or "possible retention" as shown on the approved plans;
 - (iv) Tree Protection Zones and Structural Root Zones for all trees identified in (iii) above across the site;
 - (v) Those areas to be reticulated or irrigated, acknowledging that groundwater source cannot be used for this site.
 - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (vii) Shade trees at a rate of one (1) per four (4) car parking bays;

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.

17. Prior to applying for a Building Permit, a Vegetation Retention Management Plan shall be submitted to and approved to the satisfaction of the City of Rockingham for all trees identified for retention on the approved plans. The Vegetation Retention Management Plan shall detail the measures for retention during the construction period, in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

Should any of the earmarked trees become no longer suitable for retention or possible retention due to damage caused by site works, prior written approval is required from the City in order to remove the tree.

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18. Groundwater abstraction shall be prohibited.

Advice

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. Any existing effluent disposal system servicing the dwelling may need to be decommissioned with any demolition works; the applicant and owner should liaise with the City's Health Services in this regard.
4. 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.
5. 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.
6. 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.
7. With respect to Condition 16, the applicant and owner should liaise with the City's Land Infrastructure and Development Services to confirm requirements for landscaping plans.
8. 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 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.
9. The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment Regulation in this regard.
10. The applicant is reminded of the obligation to refer the proposed action to the Department of Agriculture, water and Environment (DAWE) to determine whether the assessment requires formal assessment and approval by the Federal Government for impacts to the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.

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Presiding Member, JDAP



11. The applicant is advised that in respect of Condition 6, 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.
12. It is recommended that the applicant engage a suitably qualified arborist to provide advice on construction techniques when works encroach within a Tree Protection Zone.
13. In respect of Condition 18, Lot 190 on Deposited Plan 60727, as shown on certificate of title 2707/136, was part of former Lot 308 on Deposited Plan 202704, as shown on certificate of title 1693/675. Lot 308 was classified under the Contained Site Act as remediated for restricted use on 9 September 2009 and a memorial (reference number K893623) was placed on the certificate of title. Based on the information provided, former Lot 308 and therefore current Lot 190 is regarded suitable for residential and other sensitive land uses (such as primary schools and childcare centres) provided groundwater is not abstracted for residential purposes.

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

REASON: As per the Responsible Authority Report the application has been well considered by the applicants and is assessed as satisfying the City's planning requirements. Site development and future operational management matters are covered by conditions of approval. The portion of the former rural site that the application is situated on demonstrates an appropriate response to site conditions. The recommendation for approval, with above amendments, is supported.

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

Nil

Mr Ian Birch
Presiding Member, JDAP



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/21/02000 DR203.2021	City of Joondalup	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo	Proposed Child Care Centre	28/09/2021
DAP.21/02016 DR207/2021	City of Joondalup	Centre Lot 667 (73) Kingsley Drive & Kit 666 (22) Woodford Wells Way, Kingsley	Child care Centre	28/09/2021
DAP/21/2047 DR	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

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 11:06am.

Mr Ian Birch
Presiding Member, JDAP