



## Metro South West Development Assessment Panel Minutes

**Meeting Date and Time:** 8 April 2020; 1:30pm  
**Meeting Number:** MSWJDAP/211  
**Meeting Venue:** via electronic means

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

### Attendance

#### DAP Members

Mr Tony Arias (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Taylor (A/Specialist Member)

#### *Item 8.1*

Cr Mark Jones (Local Government Member, City of Rockingham)  
Cr Deb Hamblin (Local Government Member, City of Rockingham)

#### *Item 9.1*

Cr Andrew Sullivan (Local Government Member, City of Fremantle)  
Cr Rachel Pemberton (Local Government Member, City of Fremantle)

### Officers in attendance

#### *Item 8.1*

Mr David Banovic (City of Rockingham)  
Mr Michael Ross (City of Rockingham)  
Mr Greg Delahunty (City of Rockingham)  
Mr Rory Garven (City of Rockingham)

#### *Item 9.1*

Ms Julia Kingsbury (City of Fremantle)

### Minute Secretary

Mr Phil Goodwin (DAP Secretariat)  
Ms Megan Ventris (DAP Secretariat)

### Applicants and Submitters

#### *Item 8.1*

Mr Alessandro Stagno (Planning Solutions)  
Mr Shane Mauger (YMCA)  
Mr Elton Swarts (Claradon)

#### *Item 9.1*

Nil



## Members of the Public / Media

Mr Aaron Corlett from Community News was in attendance.

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 1.34pm on 8 April 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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.

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.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

### 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 Mark Jones and Cr Deb Hamblin, 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 Jones and Cr Hamblin acknowledged that they were 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 2017, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, are 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 Andrew Sullivan and Cr Rachel Pemberton, declared that they participated in a prior Council meeting in relation to the application at item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Andrew Sullivan and Cr Rachel Pemberton acknowledged that they were 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 2017, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

## **7. Deputations and Presentations**

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

**7.2** Mr Shane Mauger (YMCA) responded to questions from the panel.

**7.3** The City of Rockingham responded to questions from the panel.

***The presentation at Items 7.1-7.3 was heard prior to the application at Item No. 8.1***

**7.4** The City of Fremantle responded to questions from the panel.

***The presentation at Items 7.4 was heard prior to the application at Item No. 9.1.***

## **PROCEDURAL MOTION**

**Moved by:** Ms Lee O'Donohue

**Seconded by:** Cr Rachel Pemberton

That the application at Item 9.1 be heard prior to the application at Item 8.1.

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

**REASON:** The panel members deemed it appropriate to allow the minor amendment application at Item 9.1 to be determined prior to the new application at Item 8.1.



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

8.1 Property Location:	Lot 726 (No.591) Eighty Road, Baldivis Lot 107 (No.577) Eighty Road, Baldivis
Development Description:	Child Care Premises
Applicant:	Planning Solutions
Owner:	Mr George & Mrs Margaret Yiannakis
Responsible Authority:	City of Rockingham
DAP File No:	DAP/19/01660

### REPORT RECOMMENDATION

**Moved by:** Cr Mark Jones

**Seconded by:** Cr Deb Hamblin

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

**Approve** the DAP Application reference DAP/19/01660 and accompanying plans:

- Locality Plan, Sheet 01, Revision 03, dated 22 August 2019;
- Demolition Plan, Sheet 02, Revision 03, dated 22 August 2019;
- Site Plan, Sheet 03, Revision 03, dated 22 August 2019;
- Floor Plan, Sheet 04, Revision 03, dated 22 August 2019;
- Elevations, Sheet 05, Revision 03, dated 22 August 2019;
- Streetscape, Sheet 06, Revision 03, dated 22 August 2019;
- Carpark Plan, Sheet 07, Revision 03, dated 22 August 2019;
- Landscape Plan, Sheet 08, Revision 03, dated 22 August 2019;
- Activity Plan, Sheet 09, Revision 03, dated 22 August 2019;
- Roof Plan, Sheet 10, Revision 03, dated 22 August 2019;
- Fencing Plan, Sheet 11, Revision 03, dated 22 August 2019;

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

### Conditions

1. This decision constitutes development 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.
2. Prior to commencement of development, a Stormwater Management Plan must be prepared by a suitably qualified engineer 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. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970— 2009, Protection of trees on development sites.

Arrangements must be made to the satisfaction of the City of Rockingham for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

4. Prior to applying for a Building Permit, an updated Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following:
  - (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 to be retained, including retention of all existing street trees adjoining the site;
  - (iv) those areas to be reticulated or irrigated;
  - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas;
  - (vi) all existing street trees to be retained unless otherwise required to allow for vehicle access;
  - (vii) four (4) additional Agnois flexuosa trees with a minimum 100Lt size are to be installed within the Eighty Road reserve; and
  - (viii) proposed tree species within the carpark area are to be Eucalyptus torquate shade tree with a minimum 100Lt size, with two (2) additional shade trees installed in the second row of the carpark closest to the building and one (1) additional shade tree adjacent to the access-driveway, as shown on the approved Landscape Plan.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and the approved Landscaping Plan must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

5. Prior to applying for a Building Permit, the applicant must submit a Revegetation Plan to satisfaction of the City of Rockingham. The plan must contain detail on the revegetation of the Conservation Category Wetland buffer zone, excluding the buffer area occupied by the proposed outdoor play area. The Revegetation Plan must detail areas to be planted, site preparation and weed control, and a list of



wetland species endemic to the Baldivis area. The revegetation must be completed in winter following approval of the Revegetation Plan.

6. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019 shall be revised to account for the wetland buffer revegetation to the satisfaction of the City.
7. Prior to occupation of the development, the Asset Protection Zone, as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019, must be implemented in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must be maintained for the duration of the development.
8. Prior to the occupation of the development the landowner/s of Lot 107 Eighty Road, Baldivis and Lot 726 Eighty Road, Baldivis, shall enter into a legal agreement with the City of Rockingham to ensure that appropriate arrangements are put in place for the ongoing maintenance of the Asset Protection Zone as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019.
9. 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;
  - (iv) frequency of bin collections; and
  - (v) the collection of the bins from an approved position.

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

10. Prior to applying for a Building Permit, the applicant shall submit revised fencing details for the section of proposed link fencing within the front setback area, so as to comply with Schedule 3 of the City of Rockingham Local Fencing Law 2000. The modified fencing shall thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.
11. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the 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.

12. Prior to occupation of the development site, a 1.8m high acoustic wall shall be erected around the perimeter of the building and play area to the satisfaction of the City of Rockingham.
13. Prior to occupation of the development, applicant shall implement the recommendations detailed in the Environmental Noise Assessment report prepared by Lloyd George Acoustics, dated 19 August 2019.  
  
The recommendations of the report must be implemented for the duration of the development.
14. Prior to the occupation of the development, the verge must be reinstated to the satisfaction of the City of Rockingham.
15. 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.
16. The proposed Pylon Sign does not form part of this Development Approval.
17. No more than 92 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
18. No more than 18 staff are permitted at the Child Care Premises, at any time, for the duration of the development.
19. 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.
20. 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.
21. The on-site car park area shall:
  - (i) be provided with a minimum of 30 parking spaces;



- (ii) 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;
- (iii) include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, 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*;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (v) have lighting installed, prior to the occupation of the development, with all illumination confined 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, for the duration of the development.

The car parking area must comply with the above requirements for the duration of the development.

- 22. Eighteen staff parking bays and twelve-visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development.
- 23. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
- 24. A bin storage area must be designed with a size suitable to service the development and be 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.

- 25. The proposed crossover for the child care premises shall be spaced a minimum of 30m from the relocated crossover on Lot 107 as per Austroads' *Guide to Road Design Part 4 – Intersections and Crossings General*.
- 26. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any development works are commenced. Where an acid sulfate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan.





## 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 new application for Development Approval must be submitted to the City of Rockingham.
2. A Certified Building Permit must be obtained prior to 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 *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
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 should liaise with the City's Building Services in this regard.
6. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for the landscaping plan, including the requirements for developing and maintaining of the street verges abutting the development site.
7. With respect to the revegetation plan, the applicant and owner should liaise with the City of Rockingham's Environmental and Sustainability team to confirm requirements for the plan. It is advised that revegetation should take place outside of the development's Asset Protection Zone and not increase the assessed Bushfire Attack Level.
8. All works in the road reserve, including construction of a crossover or footpath and any 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.
9. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.
10. The applicant is to seek approval for a Form 2 - Maximum Accommodation Certificate from the City in addition to the Development Approval.
11. Proposed playground installations are to be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments.



## AMENDING MOTION 1

The following amendments were made en bloc:

**Moved by:** Cr Mark Jones

**Seconded by:** Ms Lee O'Donohue

That Condition 4 be amended to read as follows:

- (i) *Prior to applying for a Building Permit, an updated Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following:*
- (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 to be retained, including retention of all existing street trees adjoining the site;*
  - (iv) *those areas to be reticulated or irrigated;*
  - (v) *proposed upgrading to landscaping, paving and reticulation of all verge areas;*
  - (vi) *all existing street trees to be retained unless otherwise required to allow for vehicle access;*
  - (vii) *four (4) additional Agnois flexuosa trees with a minimum 100Lt size are to be installed within the Eighty Road reserve; and*
  - (viii) *proposed tree species within the carpark area are to be Eucalyptus torquate shade tree with a minimum 400Lt **45Lt** size, with two (2) additional shade trees installed in the second row of the carpark closest to the building and one (1) additional shade tree adjacent to the access-driveway, as shown on the approved Landscape Plan.*

*The landscaping, paving and reticulation must be completed prior to the occupation of the development, and the approved Landscaping Plan must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.*

**REASON:** The proposed change reflected the tree specification depicted on the applicants landscaping plan, which formed part of the Application and was supported by the Responsible Authority.

- (ii) That Condition 12 be amended to read as follows:

*Prior to occupation ~~of the development site~~, a 1.8m high acoustic wall shall be erected **along the southern boundary of the development site, where it abuts the existing dwelling on Lot 726 in accordance with the recommendations detailed in the Environment Noise Assessment prepared by Lloyd George***



**Acoustics (dated 19 August 2019) around the perimeter of the building and play area to the satisfaction of the City of Rockingham.**

**REASON:** The proposed change was consistent with the specifications in the Environment Noise Assessment prepared by Lloyd George Acoustics (dated 19 August 2019) and was supported by the Responsible Authority.

(iii) That Condition 19 be amended to read as follows:

*The Child Care Premises must ~~only operate between the hours of 6:30am to~~ **not operate before 5:30am or after 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am, in accordance with the acoustic assessment prepared by Lloyd George Acoustics (dated 19 August 2019).***

**REASON:** The proposed change is consistent with the acoustic assessment prepared by Lloyd George Acoustics (dated 19 August 2019), provided greater flexibility for parent drop offs and was generally supported by the Responsible Authority.

(iv) That Condition 25 be amended to read as follows:

*The proposed crossover for the child care premises shall be spaced a minimum of ~~30m~~ **27m from the relocated crossover on Lot 726 to the satisfaction of the City of Rockingham** ~~107 as per Austroads' Guide to Road Design Part 4 - Intersections and Crossings General.~~*

**REASON:** The proposed change was desirable to avoid removal of a large verge tree and was supported by the Responsible Authority.

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

#### **AMENDING MOTION 2**

**Moved by:** Cr Mark Jones

**Seconded by:** Cr Deb Hamblin

That Condition 16 be amended to read as follows:

*~~The proposed Pylon Sign does not form part of this Development Approval.~~ **Prior to applying for a Building Permit the proposed Pylon Sign shall be modified to meet the requirements for a Rural Business Sign as per the City of Rockingham Local Planning Policy 3.3.1 Control of Advertisements.***

**The Amending Motion was put and CARRIED (4/1).**

For: Cr Mark Jones  
Cr Deb Hamblin  
Ms Lee O'Donohue  
Mr John Taylor

Against: Mr Tony Arias



**REASON:** Given the location of the land within the Rural zone and its landscape setting it was more appropriate for a “Rural Business Sign” be used in compliance with the City of Rockingham Local Planning Policy 3.3.1 Control of Advertisements.

### **AMENDING MOTION 3**

**Moved by:** Mr Tony Arias

**Seconded by:** Ms Lee O’Donohue

That Condition 1 be amended to read as follows:

*This decision constitutes development approval only and is valid for a period of 2 3 years from the date of approval. If the subject development is not substantially commenced within the 2 3 year period, the approval shall lapse and be of no further effect.*

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

**REASON:** COVID-19 is likely to result in delays in development and the additional approval time reflects the possible impacts on the development process.

### **AMENDING MOTION 4**

**Moved by:** Mr Tony Arias

**Seconded by:** Ms Lee O’Donohue

The following amendments were made en bloc:

(i) That Condition 5 be amended to read as follows:

*Prior to applying for a Building Permit, the applicant must submit a Revegetation Plan to satisfaction of the City of Rockingham **for any area disturbed as part of the proposed development works.** ~~The plan must contain detail on the revegetation of the Conservation Category Wetland buffer zone, excluding the buffer area occupied by the proposed outdoor play area. The Revegetation Plan must detail areas to be planted, site preparation and weed control, and a list of wetland species endemic to the Baldivis area. The revegetation must be completed in winter following approval of the Revegetation Plan.~~*

(ii) That Condition 6 be deleted and Conditions be renumbered accordingly.

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

For: Mr Tony Arias  
Ms Lee O’Donohue  
Mr John Taylor

Against: Cr Deb Hamblin  
Cr Mark Jones

**REASON:** The proposed condition was considered unreasonable and onerous as the proposed development had minimal impact on the Conservation Category Wetland (CCW) buffer. It was also noted that the Department of Water and Environmental



Regulation (DWER) and the Department of Biodiversity, Conservation and Attractions (DBCA) had not requested revegetation of the buffer area.

The modified condition would address revegetation requirements in the event any area within the Conservation Category Wetland (CCW) buffer are disturbed as part of the proposed development works

### **AMENDING MOTION 5**

**Moved by:** Cr Mark Jones

**Seconded by:** Cr Deb Hamblin

That Advice Note 9 be changed to a new Condition 26 and Advice Notes be renumbered accordingly.

*Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.*

**REASON:** It was felt that this was more appropriate as a Condition and not an Advice Note.

### **REPORT RECOMMENDATION (AS AMENDED)**

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

**Approve** the DAP Application reference DAP/19/01660 and accompanying plans:

- Locality Plan, Sheet 01, Revision 03, dated 22 August 2019;
- Demolition Plan, Sheet 02, Revision 03, dated 22 August 2019;
- Site Plan, Sheet 03, Revision 03, dated 22 August 2019;
- Floor Plan, Sheet 04, Revision 03, dated 22 August 2019;
- Elevations, Sheet 05, Revision 03, dated 22 August 2019;
- Streetscape, Sheet 06, Revision 03, dated 22 August 2019;
- Carpark Plan, Sheet 07, Revision 03, dated 22 August 2019;
- Landscape Plan, Sheet 08, Revision 03, dated 22 August 2019;
- Activity Plan, Sheet 09, Revision 03, dated 22 August 2019;
- Roof Plan, Sheet 10, Revision 03, dated 22 August 2019;
- Fencing Plan, Sheet 11, Revision 03, dated 22 August 2019;

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

### **Conditions**

1. This decision constitutes development approval only and is valid for a period of 3 years from the date of approval. If the subject development is not substantially commenced within the 3 year period, the approval shall lapse and be of no further effect.



2. Prior to commencement of development, a Stormwater Management Plan must be prepared by a suitably qualified engineer 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. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970— 2009, Protection of trees on development sites.

Arrangements must be made to the satisfaction of the City of Rockingham for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

4. Prior to applying for a Building Permit, an updated Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following:
  - (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 to be retained, including retention of all existing street trees adjoining the site
  - (iv) those areas to be reticulated or irrigated;
  - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas;
  - (vi) all existing street trees to be retained unless otherwise required to allow for vehicle access
  - (vii) four (4) additional *Agnois flexuosa* trees with a minimum 100Lt size are to be installed within the Eighty Road reserve; and
  - (viii) proposed tree species within the carpark area are to be *Eucalyptus torquate* shade tree with a minimum 45Lt size, with two (2) additional shade trees installed in the second row of the carpark closest to the building and one (1) additional shade tree adjacent to the access-driveway, as shown on the approved Landscape Plan.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and the approved Landscaping Plan must be



maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

5. Prior to applying for a Building Permit, the applicant must submit a Revegetation Plan to satisfaction of the City of Rockingham for any area disturbed as part of the proposed development works. The revegetation must be completed in winter following approval of the Revegetation Plan.
6. Prior to occupation of the development, the Asset Protection Zone, as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019, must be implemented in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must be maintained for the duration of the development.
7. Prior to the occupation of the development the landowner/s of Lot 107 Eighty Road, Baldivis and Lot 726 Eighty Road, Baldivis, shall enter into a legal agreement with the City of Rockingham to ensure that appropriate arrangements are put in place for the ongoing maintenance of the Asset Protection Zone as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019.
8. 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;
  - (iv) frequency of bin collections; and
  - (v) the collection of the bins from an approved position.

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

9. Prior to applying for a Building Permit, the applicant shall submit revised fencing details for the section of proposed link fencing within the front setback area, so as to comply with Schedule 3 of the City of Rockingham Local Fencing Law 2000. The modified fencing shall thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.
10. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the 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.

11. Prior to occupation, a 1.8m high acoustic wall shall be erected along the southern boundary of the development site, where it abuts the existing dwelling on Lot 726 in accordance with the recommendations detailed in the Environment Noise Assessment prepared by Lloyd George Acoustics (dated 19 August 2019) to the satisfaction of the City of Rockingham.
12. Prior to occupation of the development, applicant shall implement the recommendations detailed in the Environmental Noise Assessment report prepared by Lloyd George Acoustics, dated 19 August 2019.

The recommendations of the report must be implemented for the duration of the development.

13. Prior to the occupation of the development, the verge must be reinstated to the satisfaction of the City of Rockingham.
14. 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.
15. Prior to applying for a Building Permit the proposed Pylon Sign shall be modified to meet the requirements for a Rural Business Sign as per the City of Rockingham Local Planning Policy 3.3.1 Control of Advertisements.
16. No more than 92 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
17. No more than 18 staff are permitted at the Child Care Premises, at any time, for the duration of the development.
18. The Child Care Premises must not operate before 5:30am or after 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am, in accordance with the acoustic assessment prepared by Lloyd George Acoustics (dated 19 August 2019).
19. 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.





20. The on-site car park area shall:
- (i) be provided with a minimum of 30 parking spaces;
  - (ii) 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;
  - (iii) include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, 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*;
  - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (v) have lighting installed, prior to the occupation of the development, with all illumination confined 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, for the duration of the development.

The car parking area must comply with the above requirements for the duration of the development.

21. Eighteen staff parking bays and twelve-visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development.
22. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
23. A bin storage area must be designed with a size suitable to service the development and be 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.
24. The proposed crossover for the child care premises shall be spaced a minimum of 27m from the relocated crossover on Lot 726 to the satisfaction of the City of Rockingham.
25. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any development works are commenced. Where an acid sulfate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan.



26. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.

### 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 new application for Development Approval must be submitted to the City of Rockingham.
2. A Certified Building Permit must be obtained prior to 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 *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
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 should liaise with the City's Building Services in this regard.
6. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for the landscaping plan, including the requirements for developing and maintaining of the street verges abutting the development site.
7. With respect to the revegetation plan, the applicant and owner should liaise with the City of Rockingham's Environmental and Sustainability team to confirm requirements for the plan. It is advised that revegetation should take place outside of the development's Asset Protection Zone and not increase the assessed Bushfire Attack Level.
8. All works in the road reserve, including construction of a crossover or footpath and any 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.
9. The applicant is to seek approval for a Form 2 - Maximum Accommodation Certificate from the City in addition to the Development Approval.
10. Proposed playground installations are to be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments.

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motions.



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

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

**9.1** Property Location: No. 7-15 (Lot 502) Bannister Street, Fremantle  
Development Description: Four Storey with Loft Addition to Existing Hotel  
Proposed Amendments: Extension of substantial commencement time  
Applicant: Red Rock Consolidated Pty Ltd  
Owner: Red Rock Consolidated Pty Ltd  
Responsible Authority: City of Fremantle  
DAP File No: DAP/15/00916

**REPORT RECOMMENDATION**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Rachel Pemberton

That the South West Joint resolves to:

**1. Accept** that the DAP Application reference DAP/15/00916 as detailed on the DAP Form 2 dated 9 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

**2. Approve** the DAP Application reference DAP/15/00916 as detailed on the DAP Form 2 dated 9 January 2020 and accompanying plans dated 20 April 2016 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Fremantle Local Planning Scheme No.4, the proposed extension of term of approval for a period of 2 years from the date of this determination for the approved four storey with loft addition to the existing hotel at No.7-15 Bannister Street, Fremantle.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** In accordance with details contained in the Responsible Authority Report.

*Cr Andrew Sullivan and Cr Rachel Pemberton left the panel at 1:45am.*

*Cr Mark Jones and Cr Deb Hamblin joined the panel at 1:45pm.*

**10. Appeals to the State Administrative Tribunal**

Nil

**11. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 2.44am.