



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 8 July 2019; 10:00am
Meeting Number: MSWJDAP/185
Meeting Venue: City of Rockingham Boardroom
Civic Boulevard
Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr Andrew Macliver (Specialist Member)
Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

Officers in attendance

Mr David Banovic (City of Rockingham)
Mr Greg Delahunty (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Alessandro Stagno (Planning Solutions)
Mr Oliver Basson (Planning Solutions)
Mr Stephen Shircore (Dawnmark Holdings Pty Ltd)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:01am on 8 July 2019 and acknowledged the traditional owners and paid respects 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 the meeting is being audio recorded 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 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

Nil

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 Greg Delahunty (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 Application

8.1 Property Location:	Lot 36 (No.137) Dixon Road, East Rockingham
Development Description:	Proposed service station including fuel retailing and minor vehicle repairs
Applicant:	Planning Solutions
Owner:	Dawnmark Holdings Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/19/01585

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Cr Chris Elliott

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

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



- Perspectives, Drawing No. 1, dated Feb 2019;
- Site Plan and Survey Plan, Drawing No. 3, dated May 2019;
- Elevations, Drawing No. 4, dated May 2019;
- Elevation Perspectives, Drawing No. 5, dated Feb 2019;
- Landscape Plan, Drawing No. 6, dated May 2019; and
- Signage, Drawing No. 7 dated Feb 2019;

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

Conditions

1. This decision constitutes development approval only and is valid for a period of 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 applying for a Building Permit, revised drawings shall be provided illustrating only one (1) pylon sign for the approved development, to the satisfaction of the City of Rockingham.
3. Prior to applying for a Building Permit, the applicant/owner is to demonstrate that development shall incorporate Water Management and Rainwater Harvesting System measures, in accordance with the City of Rockingham Planning Policy 3.3.8 - *East Rockingham Design Guidelines (Appendix 3)* and be maintained for duration of the development.
4. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any property or road reserve.

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.

5. The carrying out of motor vehicle servicing must occur in conjunction with the sale of fuel for the duration of the development.
6. Prior to applying for a Building Permit, an acoustic report that demonstrates all mechanical services associated with the development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.
7. Prior to 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 development complies with the Environmental Protection (Noise) Regulations 1997.



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; and
 - iv. frequency of bin collections.

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

9. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham, demonstrating compliance with AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.

External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.

10. A landscaping plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit:
- i. The Location, number and type of existing and proposes trees (including shade trees) and shrubs, indicating calculations for the landscaping area;
 - ii. Any lawns to be established;
 - iii. Those areas to be reticulated or irrigated;
 - iv. Garden edge treatment to all sections where garden areas adjoin turf to provide separation and maintenance;
 - v. Verge areas; and
 - vi. Shade trees for car parking bays at a rate of one tree per four car parking bays.

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

11. 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. These measures are to be detailed in a vegetation retention management plan to the satisfaction of the City of Rockingham.

Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the relocation of all grasstree plants that are specifically identified for removal.

12. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in the Bushfire Management Plan prepared by Entire Fire Management, dated 13 May 2019, must be provided in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas.



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

13. Prior to occupation of the development, the Bushfire Management Plan prepared by Entire Fire Management, dated 13 May 2019 shall be updated to address comments made by the City of Rockingham with regard to maintenance responsibilities of Dixon Road verge.
14. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
15. 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.
16. The carpark must:
 - i. provide a minimum of 35 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 unless otherwise specified by this approval, prior to applying for a Building Permit;
 - iii. provide one car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - iv. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - v. the width of the car parking bay (located adjacent to the compressor) to be at least 2.9m wide (i.e 2.6m plus 0.3m); and
 - vi. comply with the above requirements for the duration of the development.
17. One (1) long-term and two (2) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to commencement of development.

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

18. Access of delivery vehicles is only permitted between the hours of 7:00am and 7:00pm from Monday to Saturday (inclusive) and between 9:00am and 7:00pm on Saturday and public holidays, for the duration of the development.
19. Entries and window frontages facing the street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to



- the development from Dixon Road and Evinrude Bend, for the duration of the development.
20. All plant and roof equipment and other external fixtures are to be screened from view.
 21. Materials, sea containers, goods or bins must not be stored within the car park at any time.
 22. The proponent must remove all approved signage within the Metropolitan Region Scheme Other Regional Road road reservation without seeking compensation from either the City of Rockingham or the WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.
 23. The pylon signs within Metropolitan Region Scheme Other Regional Road road reservation shall not interfere with sightlines, distract drivers, or have the potential to hinder the intersection of or become confused with traffic signals or road signs.

Advice Notes

1. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
2. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
3. 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.
4. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
5. With respect to the Landscape Plan condition, the Dixon Road existing portion of turf on the verge is irrigated and maintained by the City of Rockingham. For clarify of maintenance responsibilities, it is recommended to extend the planting to the existing footpath on Dixon Road which must be maintained by the applicant. The applicant is to contact the City's Park Services Irrigation Supervisor, prior to works commencing on site to discuss terminating the existing irrigation to Evinrude Bend portion of turf verge, which must be irrigated and maintained by the applicant.
6. With respect to the car park condition, the City's Traffic Engineer advises that the design for the proposed kerb ramp in front of the fuel retailing building is to be changed to a maximum gradient of 1 in 8 (12.5%), in accordance with AS1428.1. Manual measurements from the site plan suggests a proposed gradient of 1 in 4 (25% based on a proposed ramp length of 0.6m to accommodate a 150mm height difference), therefore not complying with AS1428.1.



7. With respect to the outstanding matters identified in the Acoustics report, the applicant is to liaise with the City of Rockingham Health Services in this regard.

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

AMENDING MOTION 1

Moved by: Ms Lee O'Donohue

Seconded by: Cr Chris Elliott

That Condition 2 be amended to read as follows:

*Prior to applying for a Building Permit, revised drawings shall be provided illustrating ~~only one (1)~~ **two (2) pylon signs for approval, with the sign for the mechanical service business being relocated further to the north of Evinrude Bend**, for the approved development, to the satisfaction of the City of Rockingham.*

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

For: Ms Lee O'Donohue
Cr Chris Elliott

Against: Mr Tony Arias
Mr Andrew Macliver
Cr Deb Hamblin

AMENDING MOTION 2

Moved by: Ms Lee O'Donohue

Seconded by: Cr Deb Hamblin

That Condition 19 be amended to read as follows:

Entries and window frontages facing the street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, ~~rollerdoors~~ or similar), to ensure that a commercial, interactive frontage is available to the development from Dixon Road and Evinrude Bend, for the duration of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Modified as proposed by the applicant to remove reference of rollerdoors. The motor vehicle servicing component of the proposal includes vehicular entrances facing Evinrude Bend which comprise rollerdoors, which is a standard and common aspect of any vehicle servicing facility.



REPORT RECOMMENDATION (AS AMENDED)

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

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

- Perspectives, Drawing No. 1, dated Feb 2019;
- Site Plan and Survey Plan, Drawing No. 3, dated May 2019;
- Elevations, Drawing No. 4, dated May 2019;
- Elevation Perspectives, Drawing No. 5, dated Feb 2019;
- Landscape Plan, Drawing No. 6, dated May 2019; and
- Signage, Drawing No. 7 dated Feb 2019;

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

Conditions

1. This decision constitutes development approval only and is valid for a period of 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 applying for a Building Permit, revised drawings shall be provided illustrating only one (1) pylon sign for the approved development, to the satisfaction of the City of Rockingham.
3. Prior to applying for a Building Permit, the applicant/owner is to demonstrate that development shall incorporate Water Management and Rainwater Harvesting System measures, in accordance with the City of Rockingham Planning Policy 3.3.8 - *East Rockingham Design Guidelines (Appendix 3)* and be maintained for duration of the development.
4. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any property or road reserve.

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.

5. The carrying out of motor vehicle servicing must occur in conjunction with the sale of fuel for the duration of the development.
6. Prior to applying for a Building Permit, an acoustic report that demonstrates all mechanical services associated with the development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.



7. Prior to 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 development complies with the Environmental Protection (Noise) Regulations 1997.
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; and
 - iv. frequency of bin collections.

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

9. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham, demonstrating compliance with AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.

External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.

10. A landscaping plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit:
 - i. The Location, number and type of existing and proposes trees (including shade trees) and shrubs, indicating calculations for the landscaping area;
 - ii. Any lawns to be established;
 - iii. Those areas to be reticulated or irrigated;
 - iv. Garden edge treatment to all sections where garden areas adjoin turf to provide separation and maintenance;
 - v. Verge areas; and
 - vi. Shade trees for car parking bays at a rate of one tree per four car parking bays.

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

11. 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. These measures are to be detailed in a vegetation retention management plan to the satisfaction of the City of Rockingham.

Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the relocation of all grasstree plants that are specifically identified for removal.



12. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in the Bushfire Management Plan prepared by Entire Fire Management, dated 13 May 2019, must be provided in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas.

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

13. Prior to occupation of the development, the Bushfire Management Plan prepared by Entire Fire Management, dated 13 May 2019 shall be updated to address comments made by the City of Rockingham with regard to maintenance responsibilities of Dixon Road verge.
14. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
15. 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.

16. The carpark must:

- i. provide a minimum of 35 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* unless otherwise specified by this approval, prior to applying for a Building Permit;
- iii. provide one car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
- iv. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- v. the width of the car parking bay (located adjacent to the compressor) to be at least 2.9m wide (i.e 2.6m plus 0.3m); and
- vi. comply with the above requirements for the duration of the development.

17. One (1) long-term and two (2) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to commencement of development.

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

18. Access of delivery vehicles is only permitted between the hours of 7:00am and 7:00pm from Monday to Saturday (inclusive) and between 9:00am and 7:00pm on Saturday and public holidays, for the duration of the development.



19. Entries and window frontages facing the street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or similar), to ensure that a commercial, interactive frontage is available to the development from Dixon Road and Evinrude Bend, for the duration of the development.
20. All plant and roof equipment and other external fixtures are to be screened from view.
21. Materials, sea containers, goods or bins must not be stored within the car park at any time.
22. The proponent must remove all approved signage within the Metropolitan Region Scheme Other Regional Road road reservation without seeking compensation from either the City of Rockingham or the WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.
23. The pylon signs within Metropolitan Region Scheme Other Regional Road road reservation shall not interfere with sightlines, distract drivers, or have the potential to hinder the intersection of or become confused with traffic signals or road signs.

Advice Notes

1. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
2. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
3. 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.
4. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
5. With respect to the Landscape Plan condition, the Dixon Road existing portion of turf on the verge is irrigated and maintained by the City of Rockingham. For clarify of maintenance responsibilities, it is recommended to extend the planting to the existing footpath on Dixon Road which must be maintained by the applicant. The applicant is to contact the City's Park Services Irrigation Supervisor, prior to works commencing on site to discuss terminating the existing irrigation to Evinrude Bend portion of turf verge, which must be irrigated and maintained by the applicant.
6. With respect to the car park condition, the City's Traffic Engineer advises that the design for the proposed kerb ramp in front of the fuel retailing building is to be changed to a maximum gradient of 1 in 8 (12.5%), in accordance with AS1428.1.



Manual measurements from the site plan suggests a proposed gradient of 1 in 4 (25% based on a proposed ramp length of 0.6m to accommodate a 150mm height difference), therefore not complying with AS1428.1.

7. With respect to the outstanding matters identified in the Acoustics report, the applicant is to liaise with the City of Rockingham Health Services in this regard.

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

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

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

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

Nil

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

The Presiding Member noted the following State Administrative Tribunal Applications –

Current Applications		
LG Name	Property Location	Application Description
City of Fremantle	Lot 1 (193) South Terrace, South Fremantle	Mixed Use Development
City of Rockingham	Lot 301 (2-6) Council Avenue, Rockingham	Proposed health studio, restaurant, showrooms and convenience store

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 10:44am.