



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 8 November 2019; 9:00am
Meeting Number: MSWJDAP/194
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 Deb Hamblin (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

Mr Greg Delahunty (City of Rockingham)
Mr Stephen Sullivan (City of Rockingham)
Mr Chris Parlane (City of Rockingham)
Mr Mike Ross (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Item 8.1

Mr Josh Watson (Planning Solutions)
Mr Matthew Elliott (Accord Property)

Item 8.2

Mr Samuel Klopper (Klopper & Davis Architects)
Mr Mitch Cook (Klopper & Davis Architects)
Mr Mark Butler (Property Consultants Australia Pty Ltd)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 9.01am on 8 November 2019 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 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 Josh Watson (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 8.1.

7.2 Mr Mark Butler (Property Consultants Australia Pty Ltd) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

7.3 Mr Samuel Klopper (Klopper & Davis Architects) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.2 - 7.3 were heard prior to the application at Item 8.2.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 436 (1), Lot 9503 Pedicel Avenue & Lot 437 (2) Olearia Street, Baldivis
Development Description:	Proposed Child Care Premises
Applicant:	Planning Solutions
Owner:	Perron Development Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/19/01637

REPORT RECOMMENDATION

Moved by: Cr Deb Hamblin

Seconded by: Ms Lee O'Donohue

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

Approve DAP Application reference DAP/19/01637 as detailed on the DAP Form 1 dated 19 July 2019 and accompanying revised plans received on the 28th August 2019:

- SK01a – Location Plan - Job No: 2734, dated June 2019;
- SK02f – Location Plan - Relationship of ELC & School Crossovers - Job No: 2734, dated June 2019;
- SK03h – Site & Floor Plan - Job No: 2734, dated June 2019;
- SK03h – Site & Floor Plan (coloured) - Job No: 2734, dated June 2019;
- SK04e – Roof Plan - Job No: 2734, dated June 2019;
- SK05f – Elevations - Job No: 2734, dated June 2019;
- SK05f – Elevations (coloured) - Job No: 2734, dated June 2019;
- SK06d – Elevations-Boundary Fence - Job No: 2734, dated June 2019;
- SK06d – Elevations-Boundary Fence (coloured) - Job No: 2734, dated June 2019;
- SK07g – Landscaping Plan - Job No: 2734, dated June 2019
- SK08d – Outdoor Play area Landscaping Plan - Job No: 2734, dated June 2019
- SK09 – Sections - Job No: 2734, dated August 2019;
- SK10 – Site Survey - Job No: 2734, dated June 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 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:

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, arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of Lots 436, 437 and portion of Lot 9503 (No.1) Pedicel Avenue/Nyilla Approach/Olearia Street, Baldivis into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.



3. No more than 86 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
4. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am.
5. 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.
6. Prior to applying for a Building Permit, 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.

7. 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 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 to be retained, including retention of all existing street trees adjoining the site;
 - (iv) those areas to be reticulated or irrigated; and
 - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas.

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.

8. The on-site car park area shall:
 - (i) be provided with a minimum of 24 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) include one turning bay in accordance with the submitted plans;
- (v) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (vi) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham.

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

9. Sixteen staff parking bays, seven visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development.
10. Prior to applying for a Building Permit, a revised car parking layout plan is to be submitted to the satisfaction of the City of Rockingham, such plan showing:
 - (i) Car parking space No. 24 identified and marked as a visitor car parking space. The dimensions of the car parking space shall be modified so that it meets the minimum requirements for a visitor car parking space having regard to the proposed land use; and
 - (ii) The transition grades between the Pedicel road pavement and the internal driveway shall be modified to comply with AS2890.1; and
 - (iii) The car parking space abutting the eastern side of the bin area being modified to comply with the minimum car parking width.
11. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
12. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham.

The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.

13. Prior to 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;
 - (v) the collection of the bins from an approved position on the Pedicel Avenue road reserve.

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



14. Any security treatment to windows fronting the street must be located on the inside of the windows, must be open style, must only be used outside normal trading hours and must ensure the windows remain transparent at all times.
15. Prior to applying for a Building Permit, a final 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. 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.

17. Prior to applying for a Building Permit, the applicant shall submitted revised fencing details to the satisfaction of the City of Rockingham for the sections of fencing that abut the road reserves. Such fencing is to:
 - (i) be 50% visually permeable above 1.2 metres;
 - (ii) have transparent Perspex or similar, installed to the rear of the openings in the fencing to Pedicel Avenue, Nyilla Approach and Olearia Street, to address noise generated from the use of the play areas. A sample of the proposed material shall be submitted with revised plans; and
 - (iii) be designed by a Structural Engineer to minimise the risk of a wall collapsing into the walled play areas from a vehicle colliding with the front fence. If an alternative design option/solution is proposed, details of the alternative design option are to be submitted for consideration by the City of Rockingham.
18. The modified fencing, the subject of condition 17, shall thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.
19. Prior to occupation of the development site, a 1.8m high acoustic wall shall be erected to the northern boundaries of the site to the satisfaction of the City of Rockingham.
20. Prior to the occupation of the development, the verge, footpath and kerbing must be reinstated to the satisfaction of the City of Rockingham.
21. A fire hydrant is to be provided onsite so coverage can be achieved through the main entrance doors, and is to be maintained on a regular basis.



22. The applicant must demonstrate that the proposal complies with the acid Sulfate soils management regime that was approved by DWER as part of the Subdivision Application for the Edge (Stage 1).

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 the street verges abutting the development site.
7. 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.
8. The applicant is responsible for protecting any existing City streetscape assets along Olearia Street, Nyilla Approach and Pedicel Avenue during the course of the project. This includes any existing streetscape lighting, kerbing, footpaths, trees, irrigation etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the Manager Land and Development Infrastructure. It is recommended that a dilapidation report is undertaken by the applicant, to record the current condition of these assets.
9. Existing 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 of Rockingham in addition to the Development Approval.



11. Proposed playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments.

AMENDING MOTION 1

Moved by: Mr Tony Arias

Seconded by: Cr Deb Hamblin

The following amendments were made en bloc:

- (i) That Plan SK07g- Landscaping Plan – Job No. 2734, dated June 2019 be removed from the accompanying revised plans forming part of the approval.
- (ii) That Condition 7 be amended to read as follows:

Prior to applying for a Building Permit, ~~an updated~~ a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:

- (i) *the location, number and type of existing and proposed trees and shrubs, including calculation 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; and*
- (v) *proposed upgrading to landscaping, paving and reticulation of all verge areas.*

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

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The current landscaping plan requires refinement as requested by the City of Rockingham, which has been agreed by the proponent.

AMENDING MOTION 2

Moved by: Mr Tony Arias

Seconded by: Ms Lee O'Donohue

That Condition 13 be amended to read as follows:

The Waste Management Plan received from CSA Solutions by the City of Rockingham on the 27th August 2019 is approved. The approved works/method of operation must be carried out in accordance with the approved Waste Management Plan for the duration of development and maintained at all times, unless otherwise approved by the City of Rockingham.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There is agreement between the proponent and the City of Rockingham in terms of clarifying the condition.



AMENDING MOTION 3

Moved by: Mr Tony Arias

Seconded by: Cr Joy Stewart

That Condition 19 be amended to replace the wording of 'wall' with 'fence' and the condition to read as follows:

*Prior to occupation of the development site, a 1.8m high acoustic ~~wall~~ **fence** shall be erected to the northern boundaries of the site to the satisfaction of the City of Rockingham.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There is agreement that the terminology is not necessary.

REPORT RECOMMENDATION (AS AMENDED)

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

Approve DAP Application reference DAP/19/01637 as detailed on the DAP Form 1 dated 19 July 2019 and accompanying revised plans received on the 28th August 2019:

- SK01a – Location Plan - Job No: 2734, dated June 2019;
- SK02f – Location Plan - Relationship of ELC & School Crossovers - Job No: 2734, dated June 2019;
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- SK03h – Site & Floor Plan (coloured) - Job No: 2734, dated June 2019;
- SK04e – Roof Plan - Job No: 2734, dated June 2019;
- SK05f – Elevations - Job No: 2734, dated June 2019;
- SK05f – Elevations (coloured) - Job No: 2734, dated June 2019;
- SK06d – Elevations-Boundary Fence - Job No: 2734, dated June 2019;
- SK06d – Elevations-Boundary Fence (coloured) - Job No: 2734, dated June 2019;
- SK08d – Outdoor Play area Landscaping Plan - Job No: 2734, dated June 2019
- SK09 – Sections - Job No: 2734, dated August 2019;
- SK10 – Site Survey - Job No: 2734, dated June 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 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:

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, arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of Lots 436, 437 and portion of Lot 9503 (No.1) Pedicel Avenue/Nyilla Approach/Olearia Street,



Baldivis into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.

3. No more than 86 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
4. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am.
5. 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.
6. Prior to applying for a Building Permit, 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.

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 - (iv) those areas to be reticulated or irrigated; and
 - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas.

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

8. The on-site car park area shall:
 - (i) be provided with a minimum of 24 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) include one turning bay in accordance with the submitted plans;
- (v) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (vi) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham.

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

9. Sixteen staff parking bays, seven visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development.
10. Prior to applying for a Building Permit, a revised car parking layout plan is to be submitted to the satisfaction of the City of Rockingham, such plan showing:
 - (i) Car parking space No. 24 identified and marked as a visitor car parking space. The dimensions of the car parking space shall be modified so that it meets the minimum requirements for a visitor car parking space having regard to the proposed land use; and
 - (ii) The transition grades between the Pedicel road pavement and the internal driveway shall be modified to comply with AS2890.1; and
 - (iii) The car parking space abutting the eastern side of the bin area being modified to comply with the minimum car parking width.
11. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
12. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham.

The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.

13. The Waste Management Plan received from CSA Solutions by the City of Rockingham on the 27th August 2019 is approved. The approved works/method of operation must be carried out in accordance with the approved Waste Management Plan for the duration of development and maintained at all times, unless otherwise approved by the City of Rockingham.
14. Any security treatment to windows fronting the street must be located on the inside of the windows, must be open style, must only be used outside normal trading hours and must ensure the windows remain transparent at all times.
15. Prior to applying for a Building Permit, a final 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. 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.

17. Prior to applying for a Building Permit, the applicant shall submitted revised fencing details to the satisfaction of the City of Rockingham for the sections of fencing that abut the road reserves. Such fencing is to:
- (i) be 50% visually permeable above 1.2 metres;
 - (ii) have transparent Perspex or similar, installed to the rear of the openings in the fencing to Pedicel Avenue, Nyilla Approach and Olearia Street, to address noise generated from the use of the play areas. A sample of the proposed material shall be submitted with revised plans; and
 - (iii) be designed by a Structural Engineer to minimise the risk of a wall collapsing into the walled play areas from a vehicle colliding with the front fence. If an alternative design option/solution is proposed, details of the alternative design option are to be submitted for consideration by the City of Rockingham.
18. The modified fencing, the subject of condition 17, shall thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.
19. Prior to occupation of the development site, a 1.8m high acoustic fence shall be erected to the northern boundaries of the site to the satisfaction of the City of Rockingham.
20. Prior to the occupation of the development, the verge, footpath and kerbing must be reinstated to the satisfaction of the City of Rockingham.
21. A fire hydrant is to be provided onsite so coverage can be achieved through the main entrance doors, and is to be maintained on a regular basis.
22. The applicant must demonstrate that the proposal complies with the acid Sulfate soils management regime that was approved by DWER as part of the Subdivision Application for the Edge (Stage 1).

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 the street verges abutting the development site.
 7. 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.
 8. The applicant is responsible for protecting any existing City streetscape assets along Olearia Street, Nyilla Approach and Pedicel Avenue during the course of the project. This includes any existing streetscape lighting, kerbing, footpaths, trees, irrigation etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the Manager Land and Development Infrastructure. It is recommended that a dilapidation report is undertaken by the applicant, to record the current condition of these assets.
 9. Existing 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 of Rockingham in addition to the Development Approval.
 11. Proposed playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments.

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

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



8.2 Property Location: Lot 636 Thundelarra Drive, Golden Bay
Development Description: 4-5 Storey Mixed-Use Project
Applicant: Klopper & Davis Architects
Owner: 636 Golden Bay Pty Ltd
Responsible Authority: City of Rockingham
DAP File No: DAP/19/01646

REPORT RECOMMENDATION

Moved by: Cr Deb Hamblin

Seconded by: Ms Lee O'Donohue

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

Refuse DAP Application reference DAP/18/01646 and accompanying plans:

- Location Plan, Drawing No.A102, Rev K dated 17/09/19;
- Site Plan, Drawing No.A103, Rev K dated 17/09/19;
- Basement Floor Plan, Drawing No.A104, Rev K dated 17/09/19;
- Ground Floor Plan, Drawing No.A105, Rev K dated 17/09/19;
- First Floor Plan, Drawing No.A106, Rev K dated 17/09/19;
- Second Floor Plan, Drawing No.A107, Rev K dated 17/09/19;
- Third Floor Plan, Drawing No.A108, Rev K dated 17/09/19;
- Fourth Floor Plan, Drawing No.A109, Rev K dated 17/09/19;
- Roof Plan, Drawing No.A110, Rev K dated 17/09/19;
- Apartment Plans (1 Bed), Drawing No.A111, Rev K dated 17/09/19;
- Apartment Plans (2 Bed), Drawing No.A112, Rev K dated 17/09/19;
- Apartment Plans (2 Bed) Drawing No.A113, Rev K dated 17/09/19;
- Apartment Plans (3 Bed), Drawing No.A114, Rev K dated 17/09/19;
- Elevations, Drawing No.A201, Rev K dated 17/09/19;
- Elevations, Drawing No.A202, Rev K dated 17/09/19;
- Sections, Drawing No.A301 Rev K dated 17/09/19; and
- Sections, Drawing No.A302 Rev K dated 17/09/19;

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

Reasons

1. The proposal results in an inappropriate scale of development given its location in proximity to the Golden Bay Neighbourhood Centre and the surrounding residential land. As such, the development is not considered to positively contribute to the amenity of the locality as required by Clause 4.6.2 of City of Rockingham Town Planning Scheme No.2.
2. The development fails to respond to and enhance the distinctive characteristics of the local area, as required by Design Principle 1 of State Planning Policy 7.0 Design of the Built Environment.
3. The development is not of a massing and height appropriate to its setting and it fails to successfully negotiate between existing built form and the intended



future character of the local area, as required by Design Principle 3 of State Planning Policy 7.0 Design of the Built Environment.

4. The development fails to provide sufficient car parking on site for the proposed range of uses.

ALTERNATE RECOMMENDATION

Moved by: Mr Andrew Macliver

Seconded by: Cr Joy Stewart

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

Approve DAP Application reference DAP/18/01646 as detailed on the DAP Form 1 dated 11 June 2019 and accompanying revised plans received on the 17th September 2019:

- Location Plan, Drawing No.A102, Rev K dated 17/09/19;
- Site Plan, Drawing No.A103, Rev K dated 17/09/19;
- Basement Floor Plan, Drawing No.A104, Rev K dated 17/09/19;
- Ground Floor Plan, Drawing No.A105, Rev K dated 17/09/19;
- First Floor Plan, Drawing No.A106, Rev K dated 17/09/19;
- Second Floor Plan, Drawing No.A107, Rev K dated 17/09/19;
- Third Floor Plan, Drawing No.A108, Rev K dated 17/09/19;
- Fourth Floor Plan, Drawing No.A109, Rev K dated 17/09/19;
- Roof Plan, Drawing No.A110, Rev K dated 17/09/19;
- Apartment Plans (1 Bed), Drawing No.A111, Rev K dated 17/09/19;
- Apartment Plans (2 Bed), Drawing No.A112, Rev K dated 17/09/19;
- Apartment Plans (2 Bed) Drawing No.A113, Rev K dated 17/09/19;
- Apartment Plans (3 Bed), Drawing No.A114, Rev K dated 17/09/19;
- Elevations, Drawing No.A201, Rev K dated 17/09/19;
- Elevations, Drawing No.A202, Rev K dated 17/09/19;
- Sections, Drawing No.A301 Rev K dated 17/09/19;
- Sections, Drawing No.A302 Rev K dated 17/09/19; and
- "Sustainability Design Assessment Report – Development Approval" prepared by Sustainability WA (dated 19th June 2019 ref:19-1115)

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:

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 development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure



items pursuant to clause 5.5.14 of the City of Rockingham *Town Planning Scheme No.2*.

3. Prior to applying for a Building Permit, a Restrictive Covenant must be registered on the Certificate of Title for the land, pursuant to section 70A of the *Transfer of Land Act 1893* or section 6(1) of the *Strata Titles Act 1985*. This Covenant must include the following detail:

“At least one occupant of each dwelling must be aged 55 or over, or the surviving spouse of that person”.

4. 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.
5. Prior to applying for a Building Permit, 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.

6. 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 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 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 including street trees at a minimum rate of 1 tree per 14m, and
- (vi) maintenance measures to ensure that all landscaping for the development, including landscaping on the building structure is effectively retained and managed in perpetuity.

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.

7. The on-site car park area shall:
 - (i) be provided with a minimum of 96 car parking spaces (to allow for point (iv) below);



- (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) include turning bays at the end of the traffic aisles;
- (v) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (vi) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham.

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

8. Prior to applying for a Building Permit, an updated Parking Control and Management Plan must be prepared to the satisfaction of the City of Rockingham and include the following details:

- (i) Showing the location, number and type of car parking bays allocated for the residential occupants, residential visitors & commercial use parking within the basement car park;
- (ii) Providing a clear description of how the use of the car parking bays will be effectively managed to provide convenient, legible and practical parking options for the residents, residential visitors, commercial tenants and commercial customers utilising the development;
- (iii) Specifying the wording of a by-law that shall be registered on the Stata Management Statement in the event the development is subject to an application for Strata Title. The by-law shall describe the basis upon which car parking within the development is to be managed, and shall not be amended without the approval of the City of Rockingham.

The Parking Control and Management Plan must be implemented for the duration of the development.

9. Twelve car parking bays shall be provided for the commercial uses, of which seven must be provided for after-hours residential visitor car parking and must be clearly marked on-site for the duration of the development.
10. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.



11. The Waste Management Plan prepared by Talis (Ref: TW19043) included with the application shall be implemented for the duration of development and maintained at all times.
12. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from vehicles entering and exiting the secure gate area of the premises, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.
13. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to 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.

14. Prior to applying for a Building Permit the ground floor commercial tenancies (including the adaptable residential units) must be designed in accordance with Australian Standard AS1428 Design for Access & Mobility.
15. The "Sustainable Design Assessment Report - Development Approval" prepared by Sustainability WA (dated 19th June 2019 ref:19-1115) submitted with the development application shall be implemented to the satisfaction of the City of Rockingham for the duration of the development.
16. Prior to applying for a Building Permit, a schedule of the colour and texture of the building materials must be provided to the satisfaction of the City of Rockingham, demonstrating consistency with the plans the subject of this development approval. The development must be finished in accordance with the schedule provided and approved by the City of Rockingham, prior to occupation of the development.
17. 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.
18. All doors to commercial units facing the Thundelarra Drive frontage of the building must be kept unlocked during all hours when the subject premises are trading.



19. Public or customer access to the commercial tenancies must be from Thundelarra Drive.
20. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing of commercial tenancies (including the adaptable residential units) fronting Thundelarra Drive and Carlinde Parkway have a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from all streets. The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.
21. Entries and window frontages facing the street of ground floor commercial tenancies 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 Thundelarra Drive and Carlinde Parkway, for the duration of the development.
22. Prior to applying for a Building Permit, fencing nominated on the approved plans for the adaptable units must be no more than 1.8m high, be at least 50% visually permeable above 0.9 metres and must thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.
23. Clothes drying facilities (excluding electric clothes dryers) must be designed for each Multiple Dwelling, be screened from public view prior to applying for a Building Permit, and implemented as such for the duration of the development.
24. Above-ground meter boxes must not be located in a street setback area at any time.
25. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
26. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham.

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. 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.
5. 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.
6. 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.
7. The applicant is responsible for protecting any existing City streetscape assets during the course of the project. This includes any existing streetscape lighting, kerbing, footpaths, trees, irrigation etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the Manager Land and Development Infrastructure. It is recommended that a dilapidation report is undertaken by the applicant, to record the current condition of these assets.
8. The applicant is advised that the swimming pool is deemed to be a public pool, and as such requires approval from the Department of Health WA prior to lodgement of a Certified Building Permit application.
9. 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.
10. As per the definition in State Planning Policy 7.3 – Residential Design Codes Volume 1, an Aged person is a person who is aged 55 years or over.
11. The applicant is advised that the proposal to relocate street lighting in Jundee Lane in order to accommodate the development requires the approval of Western Power.

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

For: Mr Andrew Macliver
Cr Joy Stewart

Against: Mr Tony Arias
Ms Lee O'Donohue
Cr Deb Hamblin

REASON: It is considered that the design principles and objectives outlined in the very comprehensive new Design WA R Codes document have been resolved in an intelligent, creative and elegant way. The Design Review Panel have given the proposal a resounding endorsement. It is also considered that the parking issues within the development have been addressed quite well in the context of the types of users.

In consideration of the Local Development Plan objectives for the site, this development fundamentally satisfies the need to establish a main street based neighbourhood



activity centre with the focal point of a residential community and that it provides context for higher density residential development that capitalises on proximity to local services.

PROCEDURAL MOTION

Moved by: Mr Tony Arias

Seconded by: Ms Lee O'Donohue

That the consideration of DAP Application DAP/19/01646 be deferred until 10 February 2020, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- For the applicant to provide greater clarity and explain how the variations sought on building bulk, height and carparking comply with the performance criteria of the R-Codes V2 Apartments and local planning framework.
- To allow the proponent to provide sufficient justification to the City of Rockingham by 29 November 2019.
- The City of Rockingham's revised Responsible Authority Report must be submitted to the DAP Secretariat by midday on 29 January 2020.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The variations sought by the Application relating to building bulk, height and carparking, to the R-Codes V2 Apartments and local planning framework had not been sufficiently addressed. The deferral provides the opportunity for the proponent to comprehensively address variations relating to building bulk, height and carparking; compliance with the performance criteria of the R-Codes V2 Apartments and local planning framework; outline specific justification for the variations and to interact with the City of Rockingham regarding these matters.

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

Nil

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 11:04am.