



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 9 February 2021; 9:30am
Meeting Number: MOJDAP/66
Meeting Venue: Via Zoom

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

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

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

Item 8.2

Mayor Carol Adams (Local Government Member, City of Kwinana)
Cr Matthew Rowse (Local Government Member, City of Kwinana)

Officers in attendance

Item 8.1

Mr Mike Ross (City of Rockingham)

Item 8.2

Ms Chloe Johnston (City of Kwinana)
Mr Jared Veenendaal (City of Kwinana)
Mr Paul Neilson (City of Kwinana)

Minute Secretary

Ms Megan Ventris (DAP Secretariat)
Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Oliver Basson (Planning Solutions)
Mr Josh Watson (Planning Solutions)
Mr Cameron Leckey (Rise Urban)
Mr Martti Warpenius (Reverberate Consulting)
Mr Benham Bordbar (Transcore)
Mr Lance Meyer (Accord Property)
Mr Connor Brown (Accord Property)
Mr Matthew Elliott (Accord Property)
Mr Hugh Thomson (Grass Roots Childcare)
Mr Harry Reynolds (Grass Roots Childcare)
Mr Damien Forbes (Brown Falconer)

Item 8.2

Mr Giles Harden Jones (Harden Jones Architect)

Members of the Public / Media

Nil.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 9 February 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

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

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

DAP Member, Mr Jason Hick, declared an Impartiality Interest in item 8.1. Mr Hick is a shareholder, Director and employee of Emerge Environmental Services Pty Ltd. (Emerge). Emerge has previously undertaken work for entities related to the landowner (Peet Golden Bay Pty Ltd.) and the Housing Authority, but neither Emerge nor Mr Hick has had any involvement with the application being considered at Item 8.1 or the broader landholding.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was 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 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 are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Carol Adams and Cr Matthew Rowse, declared that they participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Adams and Cr Rowse acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

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

7. Deputations and Presentations

- 7.1** Mr Cameron Leckey (Rise Urban) Mr Hugh Thomson (Grass Roots Childcare) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Martti Warpenius (Reverberate Consulting) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Matthew Elliott (Accord Property) responded to questions from the panel in regard to item 8.1.
- 7.5** Mr Damien Forbes (Brown Falconer) responded to questions from the panel in regard to item 8.1.
- 7.6** Mr Benham Bordbar (Transcore) responded to questions from the panel in regard to item 8.1.
- 7.7** The City of Rockingham Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Items 7.1 - 7.7 were heard prior to the application at Item 8.1.



7.8 Mr Giles Harden Jones (HJ Architects) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.9 The City of Kwinana Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.8 - 7.9 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 263 (15) Aurea Blvd, Golden Bay

Development Description:	Proposed Child Care Premises
Applicant:	Planning Solutions
Owner:	Housing Authority / Peet Golden Bay Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/20/01873

REPORT RECOMMENDATION

Moved by: Cr Mark Jones

Seconded by: Ms Sheryl Chaffer

With the agreement of the mover and seconder, the following amendment was made:

- i. That condition no. 2 be amended to read as follows:

*This decision constitutes development approval only and is valid for a period of four years from the date of approval (**this is inclusive of the additional two years available under ‘Clause 78H Notice of Exemption from planning requirements during State of Emergency’, issued by the Minister for Planning on 8 April 2020**). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

REASON: To clarify that the approval period was in accordance with the State of Emergency provisions.

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DA/20/01873 and accompanying plans:

- Survey Plan, Drawing No. 3354 02, Rev C, dated 3 December 2020;
- Site Plan, Drawing No. 3354 03, Rev E, dated 7 December 2020;
- Floor Plan, Drawing No. 3354 04, Rev F, dated 7 December 2020;
- Roof Plan, Drawing No. 3354 05, Rev D, dated 3 December 2020;
- Elevation Plan, Drawing No. 3354 06, Rev E, dated 3 December 2020;
- Sections Plan, Drawing No. 3354 07, Rev C, dated 3 December 2020;
- 3D Views, Drawing No. 3354 08, Rev D, dated 3 December 2020;
- Reference Plan, Drawing No. 3354 09, Rev D, dated 3 December 2020;



in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 68(2)(b) of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes development approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency', issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to the commencement of site works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.

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 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.

6. Prior to applying for a Building Permit, a 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) three (3) additional street trees, with a 100 litre pot size, in the verge along Kalli Street; and
- (viii) 100 litre pot sizes for trees proposed to be located within the carpark.

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. Existing street trees adjacent to the development site must be protected throughout construction in accordance with *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.
8. The applicant/landowner is responsible for protecting any existing City of Rockingham streetscape assets along Aurea Boulevard, Thundelarra Drive and Kalli Street during construction. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, graded gully pits, side entry pits, trees, turf etc. Any damage caused to the existing assets (identified to be retained), must be rectified to the satisfaction of the City of Rockingham.
9. All works must be carried out in accordance with the "Accord Property Golden Bay Child Care Centre Waste Management Plan", prepared by rawtec dated 9 October 2020, for the duration of development and maintained at all times.
10. 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.

11. Waste collection must only take place between the hours of 10.00am and 2.00pm Monday to Friday.
12. 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.



13. Prior to occupation of the development, the applicant/landowner shall implement the recommendations detailed in the acoustic reports prepared by Lloyd George Acoustics, dated 25 September 2020 and Reverberate dated 4 December 2020.

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

14. No more than 100 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
15. No more than 18 staff are permitted at the Child Care Premises, at any time, for the duration of the development.
16. The Child Care Premises must only operate between the hours of 7:00am to 6:30pm, Monday to Friday.
17. The on-site car park area shall:
- (i) be provided with a minimum of 27 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.

18. Eighteen staff parking bays and nine visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development. The tandem car parking bays must not form part of the visitor parking allocation.
19. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, two short-term bicycle parking spaces and two long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities* and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

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



20. 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.
21. In accordance with the requirements of the Golden Bay Neighbourhood Centre Detailed Area Plan, the building must be designed with a minimum floor-to-ceiling height of 3.2m prior to applying for a Building Permit.
22. In accordance with the requirements of the Golden Bay Neighbourhood Centre Detailed Area Plan, street awnings must be provided to Thundelarra Drive across the full width of the proposed building at a minimum width of 2.5m, with lighting being provided under the street awnings.
23. Public or customer access must be from Thundelarra Drive, for the duration of the development.
24. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting Thundelarra Drive has 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 Thundelarra Drive. The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.
25. In accordance with the requirements of the Golden Bay Neighbourhood Centre Detailed Area Plan entries and window frontages facing the street of ground floor 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, for the duration of the development
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.
27. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

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.

It is advised that although there is existing City operated irrigation located within the verge areas of Kalli Street, Thundelarra Drive and Aurea Boulevard, the verge area is to be disconnected from the City's system and irrigated and maintained by the proposed development. The applicant/landowner is advised to contact the City's Irrigation Supervisor prior to undertaking any works within these verge areas.

7. It is advised that the species *Casuarina obesa*, which has been proposed within the car parking area, is not considered to be appropriate due to their size, and tendency to drop nuts and leaf litter onto cars. It is recommended that an alternative specie is considered. Possible recommendations include: *Corymbia citriodora* 'Scentuous' or *Eucalyptus victrix*.
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.

AMENDING MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Deb Hamblin

- i) That condition no. 15 be amended to read as follows:

*No more than 18 staff are permitted at the Child Care Premises, at any time, for the duration of the development. **During the hours of 10am to 3pm the staff may be increased to 21 to allow for staff change over.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To accommodate limited additional staff during the non-peak parking periods.



Moved by: Ms Sheryl Chaffer

Seconded by: Mr Jason Hick

ii) That condition no. 16 be amended to read as follows:

*The Child Care Premises must only operate between the hours of ~~6:30am~~7:00am to 6:30pm, Monday to Friday. **No outdoor play is permitted prior to 7:00am. A Parking Management Plan is to be prepared to the satisfaction of the City to ensure compliance with the noise regulations prior to 7:00am***

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

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick

Against: Cr Mark Jones
Cr Deb Hamblin

REASON: While acknowledging the concerns raised in submissions regarding potential noise impacts the majority of Panel members supported the requested 6.30am, recognising increasing demands for childcare facilities to accommodate parents flexible work times and shift workers.

The applicant had demonstrated that potential noise impacts to nearby residential properties could be managed by acoustic treatments and designated use of specific parking spaces prior to 7.00am. A parking management plan is required to facilitate implementation and enforcement of the condition.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DA/20/01873 and accompanying plans:

- Survey Plan, Drawing No. 3354 02, Rev C, dated 3 December 2020;
- Site Plan, Drawing No. 3354 03, Rev E, dated 7 December 2020;
- Floor Plan, Drawing No. 3354 04, Rev F, dated 7 December 2020;
- Roof Plan, Drawing No. 3354 05, Rev D, dated 3 December 2020;
- Elevation Plan, Drawing No. 3354 06, Rev E, dated 3 December 2020;
- Sections Plan, Drawing No. 3354 07, Rev C, dated 3 December 2020;
- 3D Views, Drawing No. 3354 08, Rev D, dated 3 December 2020;
- Reference Plan, Drawing No. 3354 09, Rev D, dated 3 December 2020;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 68(2)(b) of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:



Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes development approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency', issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to the commencement of site works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.

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 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.

6. Prior to applying for a Building Permit, a 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) three (3) additional street trees, with a 100 litre pot size, in the verge along Kalli Street; and
 - (viii) 100 litre pot sizes for trees proposed to be located within the carpark.



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. Existing street trees adjacent to the development site must be protected throughout construction in accordance with *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.
8. The applicant/landowner is responsible for protecting any existing City of Rockingham streetscape assets along Aurea Boulevard, Thundelarra Drive and Kalli Street during construction. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, grated gully pits, side entry pits, trees, turf etc. Any damage caused to the existing assets (identified to be retained), must be rectified to the satisfaction of the City of Rockingham.
9. All works must be carried out in accordance with the "Accord Property Golden Bay Child Care Centre Waste Management Plan", prepared by rawtec dated 9 October 2020, for the duration of development and maintained at all times.
10. 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.

11. Waste collection must only take place between the hours of 10.00am and 2.00pm Monday to Friday.
12. 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.
13. Prior to occupation of the development, the applicant/landowner shall implement the recommendations detailed in the acoustic reports prepared by Lloyd George Acoustics, dated 25 September 2020 and Reverberate dated 4 December 2020.

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



14. No more than 100 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
15. No more than 18 staff are permitted at the Child Care Premises, at any time, for the duration of the development. During the hours of 10am to 3pm the staff may be increased to 21 to allow for staff change over.
16. The Child Care Premises must only operate between the hours of 6:30am–to 6:30pm, Monday to Friday. No outdoor play is permitted prior to 7:00am. A Parking Management Plan is to be prepared to the satisfaction of the City to ensure compliance with the noise regulations prior to 7:00am.
17. The on-site car park area shall:
 - (i) be provided with a minimum of 27 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.

18. Eighteen staff parking bays and nine visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development. The tandem car parking bays must not form part of the visitor parking allocation.
19. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, two short-term bicycle parking spaces and two long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities* and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

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

20. 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.



21. In accordance with the requirements of the Golden Bay Neighbourhood Centre Detailed Area Plan, the building must be designed with a minimum floor-to-ceiling height of 3.2m prior to applying for a Building Permit.
22. In accordance with the requirements of the Golden Bay Neighbourhood Centre Detailed Area Plan, street awnings must be provided to Thundelarra Drive across the full width of the proposed building at a minimum width of 2.5m, with lighting being provided under the street awnings.
23. Public or customer access must be from Thundelarra Drive, for the duration of the development.
24. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting Thundelarra Drive has 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 Thundelarra Drive. The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.
25. In accordance with the requirements of the Golden Bay Neighbourhood Centre Detailed Area Plan entries and window frontages facing the street of ground floor 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, for the duration of the development
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.
27. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

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.

It is advised that although there is existing City operated irrigation located within the verge areas of Kalli Street, Thundelarra Drive and Aurea Boulevard, the verge area is to be disconnected from the City's system and irrigated and maintained by the proposed development. The applicant/landowner is advised to contact the City's Irrigation Supervisor prior to undertaking any works within these verge areas.

7. It is advised that the species *Casuarina obesa*, which has been proposed within the car parking area, is not considered to be appropriate due to their size, and tendency to drop nuts and leaf litter onto cars. It is recommended that an alternative specie is considered. Possible recommendations include: *Corymbia citriodora* 'Scentuous' or *Eucalyptus victrix*.
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.

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

REASON: The Panel was satisfied with the assessment in the Responsible Authority report, which supports the location of the Child Care Premises within the neighbourhood centre and subject to meeting certain conditions, the development is consistent with the planning standards for the centre and compatible with the amenity of the surrounding area.

*Cr Deb Hamblin and Cr Mark Jones (City of Rockingham) left the panel at 11:42am.
Mayor Carol Adams and Cr Matthew Rowse (City of Kwinana) joined the panel at 11:42am.*



8.2 Lot 3 (101) Johnson Road, Bertram

Development Description: 34 multiple dwellings
Applicant: Harden Jones Architects
Owner: Renel Pty Ltd
Responsible Authority: City of Kwinana
DAP File No: DAP/20/01881

REPORT RECOMMENDATION

Moved by: Mayor Carol Adams

Seconded by: Mr Jason Hick

With the agreement of the mover and seconder, the following amendment was made:

- i. That condition no. 4 be amended to read as follows:

Arrangements being made with the City of Kwinana to the satisfaction on advice of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community infrastructure as established through Amendment 145 (when gazetted) to the City of Kwinana Local Planning Scheme No. 2.

REASON: *The City is the relevant clearing authority for conditions of approval. This responsibility cannot be assigned to another authority.*

That the Metro Outer JDAP resolves to:

- Approve** DAP Application reference DAP/20/01881 and accompanying plans:
Drawing No: A.001 – Feature Survey
Drawing No: A.002 – Site Plan
Drawing No: A.201 – Ground Floor Plan
Drawing No: A.202 – First Floor Plan
Drawing No: A.203 – Roof Plan
Drawing No: A.204 – Floor Plan 1
Drawing No: A.205 – Floor Plan 2
Drawing No: A.206 – Floor Plan 3
Drawing No: A.207 – Floor Plan 4
Drawing No: A.208 – Floor Plan 5
Drawing No: A.401 – Elevation Plan 1
Drawing No: A.402 – Elevation Plan 2
Drawing No: A.403 – Elevation Plan 3
Drawing No: A.404 – Elevation Plan 4
Drawing No: A.405 – Elevation Plan 5
Drawing No: A.300 – Solar Plan 1
Drawing No: A.301 – Solar Plan 2
Drawing No: A.302 – Ventilation Plan 1
Drawing No: A.303 – Ventilation Plan 2
Drawing No: A.501 – Shadow Diagram
in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Clause 6.1 of the City of Kwinana Local Planning Scheme No. 2, subject to the following conditions:



Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. The proponent shall meet the requirements of Local Planning Policy No.5 – Development Contribution Towards Public Art (LPP5) through one of the following options:
 - a. Prior to the lodgement of a building permit, submit a Public Art Report in accordance with LPP No. 5 to the City of Kwinana that details the public art to be developed as a component of the development. Prior to the occupation of the development, the approved artwork shall be installed on site to the satisfaction of the City of Kwinana; or
 - b. Prior to the occupation of the development, the proponent shall provide a financial contribution of \$40,900 (1% of the development cost) to the City of Kwinana in lieu of installing art work on site to the satisfaction of the City of Kwinana.
3. Prior to occupation of the proposed development, the proponent shall submit a Mosquito & Midge Management Strategy for approval by the City of Kwinana.
4. Arrangements being made with the City of Kwinana on advice of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community infrastructure as established through Amendment 145 (when gazetted) to the City of Kwinana Local Planning Scheme No. 2.
5. Prior to occupation of the proposed development, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Kwinana Local Planning Scheme No. 2.
6. Prior to the commencement of site works, fencing in accordance with AS 4970-2009 is to be installed and maintained for the duration of all development works around retained trees as identified in Figure 1 of the Preliminary Tree Survey Report prepared by David Cuddihy, dated 18/10/2020 to the satisfaction of the City of Kwinana; and,

The recommendations of the Preliminary Tree Survey Report prepared by David Cuddihy, dated 18/10/2020 to be implemented to the satisfaction of the City of Kwinana.
7. The applicant shall implement dust control measure for the duration of site works to the satisfaction of the City of Kwinana.
8. Prior to the submission of an application for building permit, a lighting plan for the following areas is to be submitted to and approved by the City of Kwinana:
 - a) Pathways;
 - b) Communal open space;
 - c) Pedestrian and vehicle entry points; and
 - d) Vehicle access and car parking area.



9. Prior to the submission of an application for building permit, the Waste Management Plan prepared by Harden Jones Architects (Rev A) and dated 09/12/2020 is to be amended to the satisfaction of the City of Kwinana; and

The approved Waste Management Plan shall be implemented thereafter, prior to the occupation of the development, to the satisfaction of the City of Kwinana.

10. Prior to the submission of an application for building permit, the plans are to be amended to show car parking bay no.22 being relocated to be a tandem arrangement with car parking bay no.36.
11. Prior to the submission of an application for building permit, the plans are to be amended to be consistent with the approved landscaping plan, specifically in relation to the design of the outdoor living paved area for Units 6 and 7.
12. All bin storage areas are to be constructed of the same design and materials as the Multiple Dwellings to the satisfaction of the City of Kwinana.
13. Prior to the submission of an application for building permit, an Energy Efficiency Plan demonstrating adoption of at least one (1) energy efficiency initiative is to be submitted to and approved by the City. The approved Energy Efficiency Plan shall be implemented thereafter prior to the occupation of the development to the satisfaction of the City of Kwinana.
14. Prior to the submission of an application for building permit, details of all external fixtures, utilities and facilities (including the location and size of plant equipment, vents, water heaters and air conditioning units) are to be submitted to and approved by the City; and

Prior to occupation of the development, all external fixtures, utilities and facilities are to be installed in accordance with the approved details and adequately screened from view from surrounding streets and residents or public realm, and integrated into the design of the development to the satisfaction of the City.

15. Prior to submission of a building permit, the landscaping plan is to be amended to indicate the following to the satisfaction of the City of Kwinana:
- Vegetation on trellis wire where noted on the plan no. A202 adjacent to the Common Area and 'Block E' dwellings.
 - Additional 'Small' trees (100L) on the north, east and southern boundaries.

The Landscaping shall be installed in accordance with the approved Landscaping Plan (as amended) prior to the occupation of the development and maintained thereafter to the satisfaction of the City of Kwinana.

16. Prior to occupation of the development permanent fixed and obscure glazing is to be installed for all major openings indicated on the approved plans to be screened and/or installed with white glass to 1.65m to the satisfaction of the City of Kwinana.
17. Prior to the occupation of the development, vehicle parking bays are to be constructed in accordance with AS2890, clearly marked on the ground and drained prior to occupation of the development to the satisfaction of the City of Kwinana.
18. Prior to the occupation of the development, two on site visitor parking bays are to be sign posted and thereafter maintained to the satisfaction of the City of Kwinana.



19. Prior to occupation of the development, electric clothes drying facilities shall be provided for all multiple dwellings to the satisfaction of the City of Kwinana.
20. The development shall at all times comply with the requirements and recommendations of the Bushfire Management Plan prepared by Working On Fire Planning Pty Ltd and dated 16 December 2020, reference number: 20200908 (Rev 2) to the satisfaction of the City of Kwinana.
21. Stormwater is to be contained and disposed of on site to the satisfaction of the City of Kwinana.
22. The crossover is to be constructed to the satisfaction of the City of Kwinana. The existing footpath is to remain in place as it currently exists and the crossover to tie in with it.
23. Vehicle parking is not permitted within the Johnson Road reserve.

Advice Notes

1. In regards to the Mosquito and Midge contribution condition, the applicant is advised to contact the City of Kwinana Environment and Health Department for further information and the current cost contribution.
2. In relation to the amended Waste Management Plan, this plan is to reflect the current development layout, which addresses the management, maintenance, location of bin storage and collection facilities and, details of public liability insurance to cover damages and injury that may occur as the result of waste collections carried out by the City of Kwinana's contractor shall be submitted to and approved by the City of Kwinana prior to the lodgement of a building permit application for the development.
3. The applicant is advised that under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations). You are advised to contact the Department of Water and Environment Regulation for further information.
4. The applicant is advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site a Building Permit must be issued and penalties apply for failing to adhere to this requirement.
5. The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health (Miscellaneous Provisions) Act 1911 and Regulations, and the National Construction Code.



6. The applicant is advised that the Minister for Planning has issued a formal notice extending the deadline for substantial commencement by an additional two (2) years for all applications approved during the current State of Emergency. In effect, this means that the timeframe for substantial commencement is now four (4) years from the date of this determination.

AMENDING MOTION

Moved by: Mayor Carol Adams

Seconded by: Mr Ian Birch

- i. That condition no. 23 be deleted and replaced by;
- ii. A new condition no. 23 be added to read as follows:

Prior to commencement of works, a Traffic Management Plan shall be provided to the satisfaction of the City of Kwinana. The plan shall detail traffic and parking management for both the construction phase and ongoing life of the development. The plan is to explore opportunity for offsite visitor parking to the satisfaction of the City of Kwinana.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Whilst onsite parking provision meets acceptable outcomes under the R Codes Vol. 2, members agreed that a traffic and parking management should be prepared, to consider means to accommodate occasions when some additional available parking in the vicinity may needed.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01881 and accompanying plans:
 - Drawing No: A.001 – Feature Survey
 - Drawing No: A.002 – Site Plan
 - Drawing No: A.201 – Ground Floor Plan
 - Drawing No: A.202 – First Floor Plan
 - Drawing No: A.203 – Roof Plan
 - Drawing No: A.204 – Floor Plan 1
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 - Drawing No: A.301 – Solar Plan 2
 - Drawing No: A.302 – Ventilation Plan 1
 - Drawing No: A.303 – Ventilation Plan 2
 - Drawing No: A.501 – Shadow Diagram



in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Clause 6.1 of the City of Kwinana Local Planning Scheme No. 2, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
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 - b. Prior to the occupation of the development, the proponent shall provide a financial contribution of \$40,900 (1% of the development cost) to the City of Kwinana in lieu of installing art work on site to the satisfaction of the City of Kwinana.
3. Prior to occupation of the proposed development, the proponent shall submit a Mosquito & Midge Management Strategy for approval by the City of Kwinana.
4. Arrangements being made with the City of Kwinana on advice of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community infrastructure as established through Amendment 145 (when gazetted) to the City of Kwinana Local Planning Scheme No. 2.
5. Prior to occupation of the proposed development, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Kwinana Local Planning Scheme No. 2.
6. Prior to the commencement of site works, fencing in accordance with AS 4970-2009 is to be installed and maintained for the duration of all development works around retained trees as identified in Figure 1 of the Preliminary Tree Survey Report prepared by David Cuddihy, dated 18/10/2020 to the satisfaction of the City of Kwinana; and,

The recommendations of the Preliminary Tree Survey Report prepared by David Cuddihy, dated 18/10/2020 to be implemented to the satisfaction of the City of Kwinana.
7. The applicant shall implement dust control measure for the duration of site works to the satisfaction of the City of Kwinana.



8. Prior to the submission of an application for building permit, a lighting plan for the following areas is to be submitted to and approved by the City of Kwinana:
 - a) Pathways;
 - b) Communal open space;
 - c) Pedestrian and vehicle entry points; and
 - d) Vehicle access and car parking area.

9. Prior to the submission of an application for building permit, the Waste Management Plan prepared by Harden Jones Architects (Rev A) and dated 09/12/2020 is to be amended to the satisfaction of the City of Kwinana; and

The approved Waste Management Plan shall be implemented thereafter, prior to the occupation of the development, to the satisfaction of the City of Kwinana.

10. Prior to the submission of an application for building permit, the plans are to be amended to show car parking bay no.22 being relocated to be a tandem arrangement with car parking bay no.36.
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 - a. Vegetation on trellis wire where noted on the plan no. A202 adjacent to the Common Area and 'Block E' dwellings.
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The Landscaping shall be installed in accordance with the approved Landscaping Plan (as amended) prior to the occupation of the development and maintained thereafter to the satisfaction of the City of Kwinana.

16. Prior to occupation of the development permanent fixed and obscure glazing is to be installed for all major openings indicated on the approved plans to be screened and/or installed with white glass to 1.65m to the satisfaction of the City of Kwinana.



17. Prior to the occupation of the development, vehicle parking bays are to be constructed in accordance with AS2890, clearly marked on the ground and drained prior to occupation of the development to the satisfaction of the City of Kwinana.
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22. The crossover is to be constructed to the satisfaction of the City of Kwinana. The existing footpath is to remain in place as it currently exists and the crossover to tie in with it.
23. Prior to commencement of works, a Traffic Management Plan shall be provided to the satisfaction of the City of Kwinana. The plan shall detail traffic and parking management for both the construction phase and ongoing life of the development. The plan to explore offsite visitor parking to the satisfaction of the City of Kwinana.

Advice Notes

1. In regards to the Mosquito and Midge contribution condition, the applicant is advised to contact the City of Kwinana Environment and Health Department for further information and the current cost contribution.
2. In relation to the amended Waste Management Plan, this plan is to reflect the current development layout, which addresses the management, maintenance, location of bin storage and collection facilities and, details of public liability insurance to cover damages and injury that may occur as the result of waste collections carried out by the City of Kwinana's contractor shall be submitted to and approved by the City of Kwinana prior to the lodgement of a building permit application for the development.
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4. The applicant is advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site a Building Permit must be issued and penalties apply for failing to adhere to this requirement.
5. The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health (Miscellaneous Provisions) Act 1911 and Regulations, and the National Construction Code.
6. The applicant is advised that the Minister for Planning has issued a formal notice extending the deadline for substantial commencement by an additional two (2) years for all applications approved during the current State of Emergency. In effect, this means that the timeframe for substantial commencement is now four (4) years from the date of this determination.

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

REASON: As outlined in the Responsible Authority Report, the proposal is consistent with the R40 coding for the site; introducing the intended housing diversity to the area and taking advantage of available, nearby public transport. The plans have been through a full assessment against R Codes Vol. 2 Apartments, satisfying the Codes design principles.

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

Nil

10 State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021



11 General Business

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

12 Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:17pm.

A handwritten signature in black ink, appearing to read 'Ian Birch'.