



## **Metro South-West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 9 March 2020; 9:00am  
**Meeting Number:** MSWJDAP/205  
**Meeting Venue:** City of Rockingham  
Civic Boulevard, Rockingham

### **Attendance**

#### **DAP Members**

Mr Tony Arias (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Syme (A/Specialist Member)  
Cr Deb Hamblin (Local Government Member, City of Rockingham)  
Cr Mark Jones (Local Government Member, City of Rockingham)

#### **Officers in attendance**

Mr Mike Ross (City of Rockingham)  
Mr Dave Waller (City of Rockingham)

#### **Minute Secretary**

Ms Nicole D'Alessandro (City of Rockingham)

#### **Applicants and Submitters**

Mr Oliver Basson (Planning Solutions)  
Mr Ross Underwood (Planning Solutions)  
Mr Clinton Witnish (Croft Developments) – *via teleconference*  
Mr Morris Kinley

#### **Members of the Public / Media**

Nil

### **1. Declaration of Opening**

The Presiding Member declared the meeting open at 9:03am on 7 February 2020 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 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**

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 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the items.

**7. Deputations and Presentations**

**7.1** Mr Morris Kinley addressed the DAP against the application at Item 8.1 and responded to questions from the panel.

**7.2** Mr Ross Underwood (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

**7.3** Mr Mike Ross (City of Rockingham) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



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

8.1 Property Location:	Lot 507 Foreshore Drive, Singleton
Development Description:	Nursing Home
Applicant:	Planning Solutions Pty Ltd
Owner:	Signature Care Land Holdings Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/19/01714

### REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

That, subject to the Western Australian Planning Commission approving the modified Bayshore Gardens Local Structure Plan to identify Lot 507 Foreshore Drive, Singleton as 'Community Purposes – Nursing Home', the Metro South-West Joint Development Assessment Panel (MSWJDAP) resolves to:

**Approve** DAP Application reference DAP/19/01714 and accompanying plans:

- Cover Page, Drawing DA00 Revision B, Dated 11 November 2019;
- Site Analysis, Drawing DA01 Revision C, Dated 23 January 2020;
- Site Plan, Drawing DA02 Revision C, Dated 23 January 2020;
- Ground Floor Plan, Drawing DA03 Revision C, Dated 23 January 2020;
- First Floor Plan, Drawing DA04 Revision C, Dated 23 January 2020;
- Elevations, Drawing DA05 Revision B, Dated 11 November 2019; and
- Sections, Drawing DA06 Revision B, Dated 11 November 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, a revised Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and approved 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;
  - (iv) those areas to be reticulated or irrigated;
  - (v) footpaths in the adjoining streets; and
  - (vi) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.



- The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.
3. 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.
  4. Prior to applying for a Building Permit, the Bayside Beachside Urban Water Management Plan (v.J5352b) must be updated to the satisfaction of the City of Rockingham. The approved plan must be implemented and all works must be maintained for the duration of the development.
  5. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must 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 Dust Management Plan is required to be submitted to and approved by the City of Rockingham. The requirements of the approved plan must be implemented for the duration of the construction works.
  7. The carpark must:
    - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 2 in accordance with Australian New/Zeland 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;
    - (ii) provide four (4) car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1-2009, *Design for access and mobility, Part 1: General Requirements for access – New building work*;
    - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and;
    - (iv) comply with the above requirements for the duration of the development.
  8. Prior to the occupation of the development, and damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
  9. The requirements of the Lot 9001 Foreshore Drive, Singleton – City of Rockingham October 16, 2019 Bushfire Management and Emergency Evacuation Plan prepared by Bushfire Safety Consulting Pty Ltd dated 16 October 2019 are to be implemented for the duration of the development.



10. An illumination must be confined to the land in accordance with the requirements of Australian Standard AS/NZS 4282:2010 – *Control of the obtrusive effects of outdoor lighting* and Australian Standard AS/NZS 1158.3.1:2005 – *Lighting for Roads and Public Spaces*, at all times and, for the duration of the development.
11. 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.
12. The showers, change rooms and clothing lockers must be constructed prior to occupancy of the development and maintained in good and safe condition for the duration of the development.
13. The Waste Management Plan prepared by Leigh Design dated 3 December 2019 must be implemented for the duration of the development.
14. The proposed bin storage areas must 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.
15. Materials, sea containers, goods or bins must not be stored within the car park at any time.
16. Prior to applying for a Building Permit, details of fencing and screening of plant on the Fitch Street frontage is required to be submitted to and approved by the City of Rockingham.
17. Commercial vehicles are not permitted to access the site between the hours of 7am-9am and 4pm-6pm.

#### **Advice Notes**

1. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
2. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City's Health Services in this regard.
3. 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.
4. 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.



5. All playground installations must be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments including additional criteria outlined in the following; AS 4685.0:2017 Playground equipment and surfacing Part 0: Development, installation, inspection, maintenance and operation; and AS/NZS 4422:1996 - Playground Surfacing - Specifications, Requirements & Test Methods; Suitable impact absorbing surfacing, termed soft-fall must be installed, wherever falls from fixed or portable playground equipment is possible.
6. With regard to the Landscaping Plan, please contact the City's Land Development and Infrastructure team for further detail.
7. 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.
8. Prior to the occupancy of the development approval is required under the Food Act 2008. Please contact the City's Health Service for further information.
9. The crossovers to the development are required to be constructed in accordance with the City's Commercial Crossover Specifications. The applicant is advised to contact the City's Engineering Services Department for specifications and construction advice.

**The Report Recommendation LAPSED for want of a mover and seconder.**

#### **ALTERNATE MOTION**

**Moved by:** Cr Mark Jones

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

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

**Approve** DAP Application reference DAP/19/01714 and accompanying plans:

- Cover Page, Drawing DA00 Revision B, Dated 11 November 2019;
- Site Analysis, Drawing DA01 Revision C, Dated 23 January 2020;
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- First Floor Plan, Drawing DA04 Revision C, Dated 23 January 2020;
- Elevations, Drawing DA05 Revision B, Dated 11 November 2019; and
- Sections, Drawing DA06 Revision B, Dated 11 November 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, a revised Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and approved 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;
  - (iv) those areas to be reticulated or irrigated;
  - (v) footpaths in the adjoining streets; and
  - (vi) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

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

3. 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.
4. Prior to applying for a Building Permit, the Bayside Beachside Urban Water Management Plan (v.J5352b) must be updated to the satisfaction of the City of Rockingham. The approved plan must be implemented and all works must be maintained for the duration of the development.
5. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must 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 Dust Management Plan is required to be submitted to and approved by the City of Rockingham. The requirements of the approved plan must be implemented for the duration of the construction works.
7. The carpark must:
  - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 2 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;
  - (ii) provide four (4) car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009,



- Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access – New building work;
- (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and;
  - (iv) comply with the above requirements for the duration of the development.
8. Prior to the occupation of the development, and damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
  9. The requirements of the Lot 9001 Foreshore Drive, Singleton – City of Rockingham October 16, 2019 Bushfire Management and Emergency Evacuation Plan prepared by Bushfire Safety Consulting Pty Ltd dated 16 October 2019 are to be implemented for the duration of the development.
  10. An illumination must be confined to the land in accordance with the requirements of Australian Standard AS/NZS 4282:2010 – *Control of the obtrusive effects of outdoor lighting* and Australian Standard AS/NZS 1158.3.1:2005 – *Lighting for Roads and Public Spaces*, at all times and, for the duration of the development.
  11. 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.
  12. The showers, change rooms and clothing lockers must be constructed prior to occupancy of the development and maintained in good and safe condition for the duration of the development.
  13. The Waste Management Plan prepared by Leigh Design dated 3 December 2019 must be implemented for the duration of the development.
  14. The proposed bin storage areas must 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.
  15. Materials, sea containers, goods or bins must not be stored within the car park at any time.
  16. Prior to applying for a Building Permit, details of fencing and screening of plant on the Fitch Street frontage is required to be submitted to and approved by the City of Rockingham.





17. Commercial vehicles are not permitted to access the site between the hours of 7am-9am and 4pm-6pm.

### Advice Notes

1. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
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8. Prior to the occupancy of the development approval is required under the Food Act 2008. Please contact the City's Health Service for further information.
9. The crossovers to the development are required to be constructed in accordance with the City's Commercial Crossover Specifications. The applicant is advised to contact the City's Engineering Services Department for specifications and construction advice.



## AMENDING MOTION 1

**Moved by:** Cr Mark Jones

**Seconded by:** Cr Deb Hamblin

That condition 17 be amended to read as follows:

*Commercial vehicles are not permitted to access the site between the hours of 7am-9am and ~~4pm-6pm~~ **2.30pm-4.30pm**.*

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

**REASON:** To alleviate any additional traffic congestion during school pick up hours.

## ALTERNATE MOTION (AS AMENDED)

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9. The crossovers to the development are required to be constructed in accordance with the City's Commercial Crossover Specifications. The applicant is advised to contact the City's Engineering Services Department for specifications and construction advice.

**The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY.**

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

The reference to the approval being subject to the Western Australian Planning Commission approving the modified Bayshore Gardens Local Structure Plan was considered inappropriate as it imposed a requirement that was outside the control of the applicant and was not considered to have a proper planning purpose.

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

Nil

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

The Presiding Member noted the following State Administrative Tribunal Application-

Current SAT Applications		
LG Name	Property Location	Application Description
City of Cockburn	Lot 45 (2) Pinnacle Road, Coogee	Child Care Centre



## **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 9:54am.