



## Minutes of the Metro South-West Joint Development Assessment Panel

**Meeting Date and Time:** Thursday, 7 November 2013; 1:30 pm  
**Meeting Number:** MSWJDAP/26  
**Meeting Venue:** City of Rockingham; Civic Boulevard, Rockingham

### Attendance

#### DAP Members

Mr David Gray (Presiding Member)  
Mr Rory O'Brien (Alternate Deputy Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)

#### Officers in attendance

Ms Donna Shaw  
Mr Bob Jeans  
Mr Mike Ross

#### Local Government Minute Secretary

Ms Nicole D'Alessandro, City of Rockingham

#### Applicant and Submitters

Mr Lindsay Allen, Design Management Group Pty Ltd  
Mr Vince Carcione Tallbrook Pty Ltd

#### Members of the Public

Nil

### 1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 1:30pm on 7 November 2013 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The Presiding Member advised that in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, 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.

**2. Apologies**

Mr I Birch – Deputy Presiding Member

**3. Members on Leave of absence**

Nil

**4. Noting of minutes**

Minutes of the Metro South-West JDAP meeting No.25 held on 22 October 2013 were noted by DAP members.

**5. Disclosure of interests**

Nil

**6. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**7. Deputations and presentations**

7.1 Mr Lindsay Allan (Architect) and Vince Carcione (Tallbrook Pty Ltd) addressed the DAP for the application at Item 8.1. Mr Lindsay Allan answered questions from the panel.

**8. Form 1 - Responsible Authority Reports – DAP Application**

8.1 Property Location:	Lots 11 & 12 (No.95, 97-99) Chalgrove Avenue and Goddard Street, Rockingham
Application Details:	Mixed-Use Development
Applicant:	DMG Architecture
Owner:	Tallbrook Pty Ltd
Responsible authority:	City of Rockingham
Report date:	23 September 2013
DoP File No:	DP/13/00744

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Joy Stewart

**Seconded by:** Cr Richard Smith

That the Metro South West JDAP resolves to:



**Approve** DAP Application reference DP/13/00744 and accompanying plans dated 21 May 2013 Ref: A201, A202, A203, A204, A205, A206, A401, A402, A501, CHA-LS-101, CHA-LS-102 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Subclause 30 (1) of the Metropolitan Region Scheme, subject to the following conditions:

### Conditions

1. This decision constitutes planning 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. This Approval does not authorise or approve the use of any of the commercial tenancies. A separate planning approval must be obtained from the City of Rockingham for the occupation of any tenancy, prior to the occupation of the tenancy.
3. The site works must be stabilised to prevent sand blowing and dust nuisance, for the duration of development works.
4. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site and certified by a hydraulic engineer, prior to the application for a Building Permit, and shall be implemented as such in the development.
5. The upgrading of the street setback area and all verge areas including landscaping, paving and reticulation, prior to the occupation of the development, in accordance with the Rockingham City Centre Streetscape Study. The works must be completed prior to the occupation of the development to the satisfaction of the City of Rockingham and must be maintained at all times.
6. The landscaping as detailed in the Landscaping Plan submitted with the application must be completed prior to the occupation of the development.
7. The carpark must:-
  - (i) 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;
  - (ii) include three (3) car parking spaces dedicated to people with disabilities 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;*

- (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (iv) have basement lighting installed, prior to the occupation of the development; and

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

8. A car parking space allocation plan being provided to the satisfaction of the City of Rockingham prior to applying for a Building Permit, which designated the allocation of the approved parking spaces to the various approved uses. Such plan shall apply for the duration of the development. The required residential visitor parking spaces shall be clearly delineated as such on-site in common ownership and available for use of bona-fide visitors of the occupants of the dwellings the subject of this approval for the duration of the development.
9. 16 short-term bicycle parking spaces and 10 long-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to applying for a Building Permit. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
10. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Goddard Street and Chalgrove Avenue.
11. 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, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
12. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham, prior to applying for a Building Permit:-
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.



All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

13. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Chalgrove Avenue and Goddard Street at all times.
14. All doors of the commercial tenancies facing the Chalgrove Avenue and Goddard Street frontages of the building must be accessible to customers and not locked during all hours when the subject commercial premises are trading.
15. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to the lodgement of a Building Permit application for the development
16. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the *Environmental Protection (Noise) Regulations 1997*, must be approved by the City of Rockingham's Health Services prior to applying for a Building Permit.

All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

17. An Acoustic Report must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
  - (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; and
  - (iii) confirm 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.

18. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to commencing development.



## 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 Planning Approval must be submitted to the City of Rockingham.
2. The development (awnings) must comply with the *Street Verandahs Local Law 2000* relating to encroachments into the road reserve. The applicant and owner should liaise with the City of Rockingham's Building Services in this regard.
3. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
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 of Rockingham's Building Services in this regard.
5. With respect to Condition No.5 & 6, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for the upgrading of the street setback area.
6. With respect to Condition No.11, the bin storage area is to be located to service proposed commercial tenancies 1, 2 and 3.
7. The applicant is advised that exhaust facilities associated with any future proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with "state of the art" filtration and odour suppression devices.
8. A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards should any food premises be proposed to occupy the commercial tenancies. The applicant should liaise with the City's Health Services in this regard.

## AMENDING MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Joy Stewart

To amend Condition 6 to read as follows:

*"The landscaping as detailed in the Landscaping Plan submitted with the application must be completed prior to the occupation of the development and be maintained at all times".*

**REASON:** To provide clarity that the landscaping is to be maintained at all times.

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



### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Joy Stewart

To amend Condition 7(ii) to read as follows:

*“include three (3) car parking spaces 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”.*

**REASON:** To use the correct terminology when referring to ‘people with disability’.

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

### **AMENDING MOTION**

**Moved by:**

**Seconded by:**

To amend the concluding paragraph in Condition 7 to read as follows:

*“The car park must comply with the above requirements for the duration of the development and be maintained at all times.”.*

**REASON:** To provide clarity that the parking areas are to be maintained at all times.

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

### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Richard Smith

That condition No.11 be deleted.

**REASON:** Condition No.12 covers the requirements of a bin storage area.

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

### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

That condition 16 be deleted.

**REASON:** Condition 17 covers the requirement for an acoustic plan.



**The Amending Motion lapsed through lack of a seconder.**

**AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Richard Smith

To amend Advice Note No.2 to read as follows:

*“The development (awnings) must comply with the Street Verandah Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City of Rockingham’s Building Services and the Department of Lands in this regard”.*

**REASON:** To ensure the applicant liaises with the Department of Lands for approval of encroachments into the road reserve.

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

**AMENDING MOTION**

**Moved by:** Cr Richard Smith

**Seconded by:** Mr Rory O’Brien

To insert Advice Note No.9 as follows:

*“The applicant is advised to liaise with the City of Rockingham regarding the amalgamation of Lots 11 and 12 Chalgrove Avenue, Rockingham prior to the issue of a certificate of occupancy”.*

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

**PRIMARY MOTION (AS AMENDED)**

That the Metro South-West JDAP resolves to:

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8. A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards should any food premises be proposed to occupy the commercial tenancies. The applicant should liaise with the City's Health Services in this regard.
9. The applicant is advised to liaise with the City of Rockingham regarding the amalgamation of Lots 11 and 12 Chalgrove Avenue, Rockingham prior to the issue of a certificate of occupancy".

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

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

Nil

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

Nil

11. **Meeting Close**

There being no further business, the presiding member declared the meeting closed at 1:57pm.