



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

**Meeting Date and Time:** 7 September 2018; 1:00pm  
**Meeting Number:** MSWJDAP/167  
**Meeting Venue:** City of Rockingham Boardroom  
Civic Boulevard  
Rockingham

### Attendance

#### DAP Members

Mr Ian Birch (Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Mr Andrew Macliver (Specialist Member)  
Cr Chris Elliot (Local Government Member, City of Rockingham)  
Cr Lee Downham (Local Government Member, City of Rockingham)

#### Officers in attendance

##### *Item 8.1 and 8.2a*

Ms Gayle O'Leary (City of Rockingham)  
Mr Chris Parlane (City of Rockingham)  
Mr Michael Ross (City of Rockingham)  
Mr Greg Delahunty (City of Rockingham)  
Ms Natalie Elliott (City of Rockingham)  
Mr Peter Ricci (City of Rockingham)

##### *Item 8.2b*

Ms Frances Page-Croft (Western Australian Planning Commission)  
Mr Paul Sewell (Western Australian Planning Commission)  
Ms Donna West (Department of Transport)  
Mr Matt Zuvella (Department of Transport)  
Mr Demont Hansen (Department of Transport)

#### Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

#### Applicants and Submitters

##### *Item 8.1*

Mr Alessandro Stagno (Planning Solutions)  
Mr Scott Ferguson (OTB Developments)  
Mr Stefan Piruk (OTB Developments)

##### *Item 8.2a and 8.2b*

Mr Mike Davis (Element)  
Mr Edwin Bollig (Bollig Design Group)  
Mr Paul Ogilvie (Aureus Commercial Pty Ltd)

**Mr Ian Birch**  
Presiding Member, Metro South-West JDAP



## Members of the Public / Media

Mr Stuart Horton from The Sound Telegraph was in attendance.

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 1:06pm on 7 September 2018 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 DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Due to the unavailability of the Presiding Member and in the absence of a Deputy Presiding Member, Mr Ian Birch has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) 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

Mr Tony Arias (Presiding Member)  
Cr Deb Hamblin (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)

### 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 Ian Birch, declared an impartiality interest in item 8.1. Mr Birch was a casual employee of the Australian Road Research Board (ARRB), who were engaged by the City of Rockingham to undertake a review of their Parking Strategy for the City Centre and Waterfront. Mr Birch had no involvement in



contractual/commercial arrangements between ARRB and any of their clients or any policy recommendations that came out of that the ARRB review.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the A/Deputy Presiding Member, Mr Brian Curtis determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

## 7. Deputations and Presentations

7.1 Mr Alessandro Stagno (Planning Solutions) addressed the DAP in support of the application at Item 8.1.

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

7.2 Mr Mike Davis (Element) addressed the DAP in support of the application at Item 8.1a and 8.1b and responded to questions from the panel.

***The presentation at Item 7.2 was heard prior to the application at Item 8.2a and 8.2b.***

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

8.1 Property Location:	Lot 197 (No.2) Chilvers Street, Baldivis (formerly Lot 9011 McDonald Road, Baldivis)
Development Description:	Proposed Child Care Premises
Applicant:	Planning Solutions
Owner:	Galati Nominees Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/18/01431

## REPORT RECOMMENDATION

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Lee Downham

*With the agreement of the mover and seconder,*

- *Condition 3 is to be amended by replacing the time “7:00am” with “6:30am” and adding a new sentence that reads: “Visitor drop-offs between 6:30am and 7:00am must only occur via the McDonald Road onstreet parking bays. Outdoor play is not permitted prior to 7:00am.”*

**REASON:** *This request was made by the applicant to retain the ability for the centre to operate during the operator’s standard business hours, which was supported by the City of Rockingham as this will ensure that noise from vehicles dropping off children are located away from the future residential area before 7.00am and that no outdoor play commences before this time.*

- *Condition 8 is to be amended by replacing the number “Six (6)” with “Five (5)”.*

**REASON:** *This request was made by the applicant to reflect that only five on-street parking spaces can fit along McDonald Road, which was supported by the City of Rockingham as there will still be a surplus of car bays.*



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

**Approve** DAP Application reference DAP/18/01431 as detailed on the DAP Form 1 dated 7 June 2018 and accompanying plans:

- Site Context Plan, Drawing No.TP01, dated 7.06.18;
- Ground Floor Plan, Drawing No.TP02, dated 7.06.18;
- Elevations Plan, Drawing No.TP03, dated 7.06.18

in accordance with 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 as follows:

### 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. No more than 82 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
3. The Child Care Centre must only operate between the hours of 6:30am to 7:00pm on Monday to Sunday. Visitor drop-offs between 6:30am and 7:00am must only occur via the McDonald Road onstreet parking bays. Outdoor play is not permitted prior to 7:00am.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Prior to applying for a Building Permit, plans 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 contained and disposed of on-site to the satisfaction of the City of Rockingham.

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 detail:
  - (i) Calculations for the landscaping area;
  - (ii) At least one shade tree per every six car parking bays, in accordance with Water Sensitive Urban Design (WSUD) as outlined in the City's *Planning Policy 3.4.3 – Urban Water Management*;
  - (iii) Those areas to be reticulated or irrigated; and
  - (iv) 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.

7. The car park(s) must:-
- (i) provide a minimum of 21 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(s) dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
  - (iv) include one turning bay in accordance with the submitted plans;
  - (v) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (vi) have lighting installed, prior to the occupation of the development.

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

8. Five (5) on-street car parking spaces must be provided for short-term parking along McDonald Road. The car parking spaces must:
- (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*;
  - (ii) be approved by the City of Rockingham prior to applying for a Building Permit;
  - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and comply with the above requirements for the duration of the development.
9. Fourteen (14) staff parking bays and six (6) visitor car parking bays must be clearly marked on-site for the duration of the development.
10. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
11. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham.

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



12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

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

13. Public or customer access must be from the corner of McDonald Road and Chilvers Street, in accordance with the submitted plans.
14. All doors facing the McDonald Road and Chilvers Street frontages of the building must be kept unlocked during all hours when the subject premises is trading.
15. Street awnings must be provided to McDonald Road and Chilvers Street across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.

The portion of the awning on the corner adjacent to the bin store is to be reduced to account for the existing street light on the verge of Chilvers Street.

16. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting McDonald Road and Chilvers Street 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 McDonald Road and Chilvers Street.

The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.

17. 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 McDonald Road and Chilvers Street, for the duration of the development.
18. Any security treatment to windows fronting the street must be located on the inside of the windows, must be open style, must only be used outside normal trading hours and must ensure the windows remain transparent at all times.
19. 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.



20. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (a) 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;
- (b) tonality, modulation and impulsiveness of noise sources; and
- (c) 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.

21. Prior to occupation of the development, a 2.4m high acoustic wall must be erected to the southern boundary of the site in accordance with the submitted Lloyd George Acoustics Environmental Noise Assessment (Reference: 18024306-01).
22. The recommendations of the Lloyd George Acoustics Environmental Noise Assessment (Reference: 18024306-01) must be implemented for the duration of the development.
23. Prior to the occupation of the development, the verge, footpath and kerbing must be reinstated to the satisfaction of the City of Rockingham.

#### Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
4. 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 landscaping plans.
7. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces 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.

### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Brian Curtis

That Condition 14 be deleted and remaining conditions be renumbered accordingly.

**REASON:** The panel noted that this request was made by the applicant and supported by the City of Rockingham, as the nature of the land use will not entail customers calling regularly throughout the day.

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

### **REPORT RECOMMENDATION (AS AMENDED)**

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

**Approve** DAP Application reference DAP/18/01431 as detailed on the DAP Form 1 dated 7 June 2018 and accompanying plans:

- Site Context Plan, Drawing No.TP01, dated 7.06.18;
- Ground Floor Plan, Drawing No.TP02, dated 7.06.18;
- Elevations Plan, Drawing No.TP03, dated 7.06.18

in accordance with 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 as follows:

#### **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. No more than 82 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
3. The Child Care Centre must only operate between the hours of 6:30am to 7:00pm on Monday to Sunday. Visitor drop-offs between 6:30am and 7:00am must only occur via the McDonald Road onstreet parking bays. Outdoor play is not permitted prior to 7:00am.





4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Prior to applying for a Building Permit, plans 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 contained and disposed of on-site to the satisfaction of the City of Rockingham.

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 detail:
  - (i) Calculations for the landscaping area;
  - (ii) At least one shade tree per every six car parking bays, in accordance with Water Sensitive Urban Design (WSUD) as outlined in the City's *Planning Policy 3.4.3 – Urban Water Management*;
  - (iii) Those areas to be reticulated or irrigated; and
  - (iv) 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.

7. The car park(s) must:-
  - (i) provide a minimum of 21 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(s) dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
  - (iv) include one turning bay in accordance with the submitted plans;
  - (v) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (vi) have lighting installed, prior to the occupation of the development.

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

8. Five (5) on-street car parking spaces must be provided for short-term parking along McDonald Road. The car parking spaces must:



- (iv) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking;
  - (v) be approved by the City of Rockingham prior to applying for a Building Permit;
  - (vi) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and comply with the above requirements for the duration of the development.
9. Fourteen (14) staff parking bays and six (6) visitor car parking bays must be clearly marked on-site for the duration of the development.
  10. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
  11. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham.

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

12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

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

13. Public or customer access must be from the corner of McDonald Road and Chilvers Street, in accordance with the submitted plans.
14. Street awnings must be provided to McDonald Road and Chilvers Street across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.

The portion of the awning on the corner adjacent to the bin store is to be reduced to account for the existing street light on the verge of Chilvers Street.

15. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting McDonald Road and Chilvers Street 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 McDonald Road and Chilvers Street.



The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.

16. 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 McDonald Road and Chilvers Street, for the duration of the development.
17. Any security treatment to windows fronting the street must be located on the inside of the windows, must be open style, must only be used outside normal trading hours and must ensure the windows remain transparent at all times.
18. 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.
19. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (d) 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;
- (e) tonality, modulation and impulsiveness of noise sources; and
- (f) 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.

20. Prior to occupation of the development, a 2.4m high acoustic wall must be erected to the southern boundary of the site in accordance with the submitted Lloyd George Acoustics Environmental Noise Assessment (Reference: 18024306-01).
21. The recommendations of the Lloyd George Acoustics Environmental Noise Assessment (Reference: 18024306-01) must be implemented for the duration of the development.
22. Prior to the occupation of the development, the verge, footpath and kerbing must be reinstated to the satisfaction of the City of Rockingham.

#### Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.



2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
4. 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 landscaping plans.
7. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces 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.

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

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

#### **PROCEDURAL MOTION**

**Moved by:** Cr Chris Elliott

**Seconded by:** Mr Andrew Macliver

That the meeting be adjourned for a period of 20 minutes to allow members to discuss the complexity of the conditions and legal requirements behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2017, relating to both items 8.2a and 8.2b.

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

*The meeting was closed to the public at 2:38pm.  
The meeting was reopened to the public at 3:00pm.*

**8.2a** Property Location: Lot 150 on Plan 223083  
Lot 4556 on Plan 220689 (seabed)  
Wanliss Street and Rockingham Beach Road  
road reserves  
Development Description: Marina



Applicant: Element  
Owner: State of WA  
Responsible Authority: City of Rockingham  
DAP File No: DAP/18/01382

## REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01382 is appropriate for consideration as a "Marina" land use and compatible with the objectives of the zoning table in accordance with the Town Planning Scheme of the City of Rockingham.
2. **Approve** DAP Application reference DAP/18/01382 as detailed on the DAP Form 1 dated 15 February 2018 and accompanying plans:
  - Site Plan SK01, dated June 2018;
  - Site Plan Part 2 SK02, dated June 2018;
  - Ground Floor Plan SK03, dated June 2018;
  - First Floor Plan SK04, dated June 2018;
  - Ground Floor Plan Part 1 SK05, dated June 2018;
  - Ground Floor Plan Part 2 SK06, dated June 2018;
  - First Floor Plan Part 1 SK07, dated June 2018;
  - First Floor Plan Part 2 SK08, dated June 2018;
  - Landscape and Carpark Plan SK09, dated June 2018;
  - Ground Levels Plan SK10, dated June 2018;
  - Elevations Plan SK11, dated June 2018;
  - Elevations Plan SK12, dated June 2018;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the proposed Marina at Lot 150 on Plan 223083, Lot 4556 on Plan 220689 (seabed) and the Wanliss Street and Rockingham Beach Road road reserves, 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. The breakwater carpark must:
  - (a) Provide a minimum of 135 car parking spaces;
  - (b) 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;



- (c) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied; and
  - (d) Include lighting, prior to the occupation of the development.
3. A cash contribution being provided for 368 car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit.

As an alternative, the City is prepared to accept the Proponent entering into an Agreement with the City to build a parking facility of equivalent capacity on land managed by the City, to the specifications and satisfaction of the City, with construction to be completed prior to occupation of the Marina.

4. The Wanliss Street Carpark must:
- (a) Be upgraded to provide a minimum of 193 car parking spaces (an additional 110 to the existing 83 car parking spaces);
  - (b) 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;
  - (c) Include four 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;
  - (d) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied;
  - (e) Include lighting, prior to the occupation of the development;
  - (f) Any modifications proposed as part of the final design of the Wanliss Street carpark must be designed to have due regard to this infrastructure, and any damage caused as a result of the development shall be repaired by the Proponent at its expense; and
  - (g) The existing Atlantis drainage cells sited beneath the Wanliss Street carpark are to be retained. Any modifications that impact on the drainage must be designed in accordance with specifications submitted to and approved by the City of Rockingham.
5. Prior to applying for a Building Permit a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.



6. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared in accordance with the following requirements:
- (a) The location and screening of bin storage and bin collection areas;
  - (b) The number, volume and type of bins, and the type of waste to be placed in the bins;
  - (c) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (d) Frequency of bin collections.

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

7. Prior to applying for a Building Permit, a Landscaping Plan must be prepared to the satisfaction of the City of Rockingham, which includes 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; and
  - (v) 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.

8. A schedule of coastal pallet colours and coastal durable materials proposed for the breakwater and jetty structure and buildings being approved by the City of Rockingham. In this regard:
- (a) The Proponent must not construct the breakwater with soft limestone rock and must use durable materials that pose less risk of limestone shards washing onto Rockingham Beach.
  - (b) The breakwater and Jetty must be constructed with a red oxidise road base or pavement consistent with the Waterfront Village.
9. 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. The approved Sign Strategy must thereafter be implemented for the duration of the development.
10. Exhaust facilities associated with the proposed development 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 to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.

11. Prior to applying for a Building Permit, an Operational Noise Management Plan (ONMP) must be submitted to and approved by the City of Rockingham. The ONMP shall include an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the *Environmental Protection (Noise) Regulations 1997*.
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 City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (a) 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;
- (b) tonality, modulation and impulsiveness of noise sources; and
- (c) 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 applying for a Building Permit a revised Coastal Adaptation Plan must be submitted to and approved by the City of Rockingham. The plan is to address the following:
  - (a) In the absence of an acceptable managed retreat strategy, the construction of a seawall south of the marina to connect with the existing buried sea wall to manage the risk of erosion between by-passing sessions;
  - (b) A Sand Bypassing Management Plan, including:
    - By-passing methodology, including proposed equipment and route;
    - Triggers for undertaking sand by passing;
    - Expected volume, frequency and locations of sand by-passing;
    - Beach monitoring (to inform sand by passing requirements, including beach profiles at a minimum of 6 monthly intervals);
    - Management measures to ensure impacts to beach users and beach amenity is minimised;
    - Safety management measures;





- Traffic management measures;
  - Noise management measures;
- (c) Run-up and overtopping;
- (d) Wave climate within the marina;
- (e) Dredging (proposed management to minimise amenity impacts).
14. The Marina Management Entity shall maintain responsibility, in perpetuity, for the sand by-passing associated with this development.
15. To facilitate unimpeded public access along the beach beneath the jetty, the design of the jetty shall ensure that a 2.5m (ie 2.0 AHD) minimum height clearance is maintained above the beach, as measured at the high water mark.
16. Prior to applying for a Building Permit a revised Foreshore Management Plan must be submitted to and approved by City of Rockingham. The plan is to address the following:
- (a) Revegetation works proposed on the Rockingham Beach Foreshore as indicated on the approved landscape plan required in Condition 7.
  - (b) All revegetation works are to be maintained by the Proponent for a period of at least two summers following the completed of the development.
  - (c) Measures to manage any foreshore impacts associated with the sand bypassing methodology (including beach access paths for vehicles).
  - (d) Measures to ensure that any rock material (shards) washed up on Rockingham Beach as a result of the development is removed at the applicant's cost.
17. Prior to applying for a Building Permit a Construction Environmental Management Plan must be submitted to and approved by the City of Rockingham, which shall include the following information:
- (a) Construction methodology and techniques with full engineering specifications;
  - (b) A schedule of the volume/quantity of materials proposed to be used as part of Civil Works;
  - (c) A civil works programme indicating events, tasks and associated timeframes;
  - (d) Construction drawings for the design of the sand bund needed during the construction phase and breakwater design. The sand used in the bund must be certified as suitable for use for beach renourishment;
  - (e) Construction monitoring triggers and contingency actions;
  - (f) An emergency spill response procedure;
  - (g) A Fauna Relocation and Management Plan;
  - (h) Management of construction waste;



- (i) A Construction Traffic Management Plan (vehicle haulage routes);
  - (j) A revised Construction Noise Management Plan;
  - (k) A Dust Management Plan prepared in accordance with the Department of Environment and Conservation's Draft - *A Guideline for the Development and Implementation of a Dust Management Program*, to the satisfaction of the City, prior to the commencement of any work.
  - (l) Water carts to be available, at all times during the earthworks operation and until the site has been stabilised. As an alternative to water carts, the use of fixed sprinklers may be considered by the City.
  - (m) The Proponent is to provide a 24 hour telephone enquiry service to deal with complaints associated with dust nuisance being generated during the development and that the telephone number of the enquiry line be displayed in a prominent location on the site and a notice advertising the line be distributed to all adjacent residents.
  - (n) Trucks are not to arrive any earlier than 15 minutes prior to operations commencing, for time construction timeframes prescribed by the *Environmental Noise Protections Regulations (1997)* and are not to park or stand along surrounding roads.
  - (o) The Proponent is to offer Dilapidation Surveys to all owners of existing buildings potentially affected by construction activity.
  - (p) Wind fencing being provided along the boundary of the site where existing buildings are within 500 metres of the site and no natural barrier exists.
18. If any rock material is found on Rockingham Beach as a result of the development the Proponent must make good (at its cost) Rockingham Beach to its condition prior to development.
19. Installation of CCTV, to provide coverage of all public areas, linked to the City's security camera surveillance system, to provide surveillance of the proposed facility and public areas adjacent to the development.
20. 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.
21. The proposed marina structures shall be certified by a maritime engineer as conforming to Australian Standard AS 3962- 2001 'Guidelines for the Design of Marinas' and AS 4997- 2005 'Guidelines for the Design of Maritime Structures' the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
22. All Boating Activities are prohibited between the shoreline and the marina.



## Advice Notes

1. The development must comply with the Health (Public Building) Regulations 1992.
2. 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)*.
3. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
4. Moorings, buoys and makers must be provided to secure all floating equipment and provide safe navigation around the site.
5. As an alternative to paying cash-in-lieu, Condition 3 may be satisfied by the Proponent entering into an Agreement with the City to fund and manage the construction of a decked public parking facility (for an equivalent capacity) on public land, to the specifications and satisfaction of the City.
6. In regards to condition 6, public rubbish bin facilities must be provided adjacent to the shop frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements, to the satisfaction of the City of Rockingham. Public rubbish bin facilities must be emptied daily, continuously maintained in good condition and the surrounding area kept free of litter thereafter for the duration of the development.
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. 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 landscaping plans.
9. With respect to condition 17, 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.

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

## PROCEDURAL MOTION

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Lee Downham

That the Metro South-West JDAP resolves to defer DAP Application reference DAP/18/01382 to on or before 19 October 2018, in accordance with section 5.10.1a



of the DAP Standing Orders 2017, to allow further time for the responsible authorities to give full consideration to the questions raised concerning the appropriate application and wording of conditions and to enable further discussion with the applicant regarding certain disputed conditions.

**REASON:** Questions raised at the meeting concerning the appropriateness and wording of conditions could not be properly resolved and as such, panel members considered that they were not in a position to determine the application.

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

<b>8.2b</b> Property Location:	Lot 150 Rockingham Beach Road, Wanliss Street road reserve and Lot 4556 (seabed) Rockingham
Development Description:	Marina
Applicant:	Element
Owner:	Department of Transport and Department of Planning, Lands and Heritage
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/18/01382

## REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01382 and accompanying plans date stamped 18 June 2018 in accordance with the provisions of Clause 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 two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. The proposed marina structures shall be certified by a maritime engineer as conforming to Australian Standard AS 3962- 2001 'Guidelines for the Design of Marinas' and AS 4997- 2005 'Guidelines for the Design of Maritime Structures' the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
3. On completion of the maritime structures a set of signed 'as constructed drawings' including a Multi Beam hydrographical survey of the breakwater are to be submitted, these to be to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Transport.
4. Car parking is to be provided in accordance with the plans of development or to the amount and extent determined by the grant of planning approval under the City of Rockingham Town Planning Scheme No.2.



5. Drainage systems shall be designed and constructed consistent with the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia (2004-2016).
6. Arrangements being entered into with Water Corporation for the provision of reticulated water supply and sewerage to service the development to the satisfaction of the Western Australian Planning Commission.
7. Arrangements being entered into with Western Power for the provision of an underground electricity supply to service the development to the satisfaction of the Western Australian Planning Commission
8. Prior to commencement of development works a construction management plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham. The plan is to address aspects and impacts of the construction phase including staging, construction times, product storage, noise and dust mitigation, road condition survey, haulage routes, haulage vehicles (parking, trailer covers), road reserve repair, waste management, sand spillage, site stabilisation methods, construction signage, complaint resolution and wind fencing. The plan is to be implemented to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Water and Environmental Regulation.
9. Prior to commencement of development works a modified coastal adaption plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.
10. Prior to commencement of development works a modified foreshore management plan is to be prepared, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Rockingham and the Department of Transport.

#### **Advice Notes**

1. The developer is advised that this planning approval does not include approval of the submitted Marina Waterways Monitoring and Management Plan November 2017 and the Construction Management Plan January 2017.
2. The developer is advised to liaise with the Department of Transport, the Department of Planning, Lands and Heritage and the City of Rockingham in relation to the necessary lease agreements prior to commencement of development works.
3. The developer is advised that the modifications required to the coastal adaption plan and the foreshore management plan relate to the inclusion of timelines for the risk mitigation actions identified for longer term managed retreat.
4. The development is located within the Rockingham Groundwater Area, which is proclaimed under the *Rights in Water and Irrigation Act 1914*. Therefore any dewatering to be conducted as part of the onshore development is required to obtain a '5C' licence to take groundwater. The applicant/owner is advised to liaise with the Department of Water and Environmental Regulation.



5. The developer is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of dust management plans for development sites. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation or the City of Rockingham.
6. The developer is advised to liaise with the Department of Transport in respect of the detailed design of the marina structures, wave climate, navigation aids, sand bypassing and signage.
7. The developer is advised to liaise with the Department of Transport and the City of Rockingham in relation to the preparation and implementation of a signage strategy for the proposed development.
8. It is recommended that the developer undertake a dilapidation survey to all nearby residential and commercial properties that may be affected by the construction activities.
9. The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed development. It is possible that as a result of these activities, the area may contain unexploded ordnance (UXO). While it is considered that the possible risk from UXO is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during development works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:
  - (a) do not disturb the site of the known or suspected UXO;
  - (b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
  - (c) notify Police of the circumstances/situation as quickly as possible; and
  - (d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.

Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Department of Fire and Emergency Services.

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

### **PROCEDURAL MOTION**

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Lee Downham

That the Metro South-West JDAP resolves to defer DAP Application reference DAP/18/01382 to on or before 19 October 2018, in accordance with section 5.10.1a of the DAP Standing Orders 2017, to allow further time for the responsible authorities to give full consideration to the questions raised concerning the appropriate application and wording of conditions and to enable further discussion with the applicant regarding certain disputed conditions.



**REASON:** Questions raised at the meeting concerning the appropriateness and wording of conditions could not be properly resolved and as such, panel members considered that they were not in a position to determine the application.

**The Procedural Motion 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**

The Presiding Member noted the following State Administrative Tribunal Application -

Finalised Applications		
LG Name	Property Location	Application Description
City of Cockburn	Lot 803 Yangebup Road, Yangebup	Service Station (7 Eleven)

**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 3:08pm.