



Metro South West Joint Development Assessment Panel Minutes

Meeting Date and Time: 31 January 2020; 10:00am
Meeting Number: MSWJDAP/202
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)

Officers in attendance

Mr Greg Delahunty (City of Rockingham)
Mr Mike Ross (City of Rockingham)
Ms Justine Archibold (City of Rockingham)
Mr David Banovic (City of Rockingham)
Mr Gary Wilkinson (Western Australian Planning Commission)
Ms Tia Byrd (Western Australian Planning Commission)
Ms Maryanne Thornely (Main Roads Western Australia)
Mr Ian Thompson (Main Roads Western Australia)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)
Mrs Justine Archibald (City of Rockingham)

Applicants and Submitters

Mr Josh Watson (Planning Solutions)
Mr Behnam Bordbar (Transcore)
Mr Daniel Hazebroek (BP)

Members of the Public / Media

There was 1 member of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:02am on 31 January 2020 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.



The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Ms Maryanne Thornley and Mr Ian Thompson (Main Roads WA) addressed the DAP against the application at Item 8.1. Ms Maryanne Thornley and Mr Ian Thompson answered questions from the panel.

7.2 Ms Lorraine Cranch (Singleton Residents Association) addressed the DAP in support of the application of Item No.8.1.

7.3 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the application of Item No.8.1 and responded to questions from the panel.

7.4 Mr Josh Watson (Planning Solutions) addressed the DAP in support of the application at Item 8.1. Mr Josh Watson responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Cr Deb Hamblin

That the meeting be adjourned for a period of 15 minutes to allow members to consider legal advice received from the Department.

The Procedural Motion was put and CARRIED UNANIMOUSLY.



*The meeting was closed to the public at 11:06am
The meeting was opened to the public at 11:21am*

8. Form 1 – Responsible Authority Reports – DAP Application

8.1a Property Location: Lot 492 (No.2514) Mandurah Road, Singleton
and Lot 24 (No.15) Jade Court, Singleton
Development Description: Commercial Development
Applicant: Planning Solutions
Owner: APB Pty Ltd
Responsible Authority: City of Rockingham
DAP File No: DAP/19/01644

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

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

Approve the DAP Application reference DAP/19/01644 and accompanying plans:

- Site Location Plan, Dwg DA01, Rev A, Dated 11.07.19;
- Demolition Plan, Dwg DA02, Rev B, Dated 09.07.19;
- Site Plan, Dwg DA03, Rev D, Dated 09.07.19;
- Survey Overlay, DA04, Rev B, dated 09.07.19;
- Landscape Plan, DA05, Rev C, dated 09.07.19;
- Floor Plan, DA06, Rev B, dated 11.07.19;
- Elevations, DA07, Rev C, dated 09.07.19;
- Elevations, DA08, Rev C, dated 09.07.19;
- Perspectives, DA09, Rev B, dated 09.07.19;
- Perspectives, DA10, Rev B, dated 09.07.19;
- Perspectives, DA11, Rev B, dated 09.07.19;

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

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, revised drawings shall be provided illustrating that:
 - The commercial Pylon Sign has a maximum height of 9 metres from the ground level, measured from the street; and
 - BP Floor Plan and Site plan are provided with screening device along the eastern elevation of the building to ensure external fixtures are screened from view.



3. Prior to commencement of development, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.

All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham.

The approved plans must be implemented and all works must be maintained for the duration of the development.

4. Prior to applying for a Building Permit, an updated Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained, including retention of all existing street trees adjoining the site;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas; and
 - (vi) the portion of existing concrete kerbing within the Mandurah Road verge is to be removed in order to provide a continuous irrigated turf verge;
 - (vii) show concrete garden kerb separation between garden beds and turf areas ; and
 - (viii) show portions of proposed footpath to be installed and connected to the existing.

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

5. Prior to occupation of the development, the Asset Protection Zone, as depicted in the Bushfire Management Plan prepared by Eco Logical, dated October 2019, must be provided in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas.

The Asset Protection Zone must be maintained for the duration of the development.

6. Prior to the occupation of the development the landowner/s of Lot 24 Jade Court, Singleton and Lot 492 Mandurah Road, Singleton shall enter into a legal agreement with the City of Rockingham to ensure that appropriate arrangements are put in place for the ongoing maintenance of the Asset Protection Zone as depicted in the Bushfire Management Plan prepared by Eco Logical, dated October 2019.



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

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

8. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham, demonstrating compliance with AS/NZS 4282 - Control of Obtrusive Effects of Outdoor Lighting and AS/NZS 1158.3.1:2005 - Lighting for Roads and Public Spaces.

External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.

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

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures.

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

11. Prior to occupation of the development, applicant shall implement the recommendations detailed in the Environmental Noise Assessment report prepared by Lloyd George Acoustics, dated June 2019.

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

12. Prior to the occupation of the development, an Odour Assessment Report must be prepared and provided to the City of Rockingham which addressed Odour prevention and management.



13. Prior to the occupation of the development, the verge, footpath and kerbing must be reinstated to the satisfaction of the City of Rockingham.
14. Prior to occupation of the development, the Bushfire Management Plan prepared by Eco Logical, dated October 2019 shall be updated to reflect the revised approved site plan.
15. 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.
16. The on-site car park area shall:
 - (i) be provided with a minimum of 53 parking spaces, seven temporary bays and 28 service and queuing bays;
 - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (iii) include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*; and
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

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

17. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
18. A bin storage area must be designed with a size suitable to service the development and be screened from view of the street to the satisfaction of the City of Rockingham.

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

19. The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
20. Four (4) long-term and six (6) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to commencement of development.

The bicycle parking spaces must be constructed prior to occupation of the development.

21. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, one (1) male and one (1) female secure hot-water shower, change room and clothing locker must be provided for the development



which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.

22. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970— 2009, Protection of trees on development sites.
23. All commercial vehicle movements shall occur outside the peak hour periods to minimise traffic safety risk.
24. Prior to occupation of development, a 'No Stopping' yellow painted box shall be provided within the east bound land of the Singleton Beach Road road reserve adjacent to the proposed access location, 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. A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
6. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for the landscaping plan, including the requirements for developing and maintaining of the street verges abutting the development site.
7. All works in the road reserve, including construction of a crossover or footpath and any works to the road carriageway must be to the specifications of the City of Rockingham. The applicant should liaise with the City of Rockingham's Engineering Services in this regard.



8. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.
9. Any demolition work involving asbestos must be in accordance with the Health (Asbestos) Regulations 1992.
10. Development the subject of this development approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment.
11. In relation to Condition 23, the swept path analysis suggests that the movement for the commercial vehicles within the site would be encroaching into the opposing traffic lane as well as incorporating reversing movements which increases traffic safety risks and would impact upon traffic flow within the car parking areas.
12. In relation to Condition 10, the following conditions must form part of the Final Acoustics Report as per the approved Acoustic Report's recommendations:
 - Rooftop mechanical plant (including exhaust fans) to be located behind local screening or as close to parapets as possible;
 - Mechanical plant to be in line with those assumed in the modelling – refer *Table 3-2*;
 - Floor mounted mechanical plant of BP and commercial tenancies to be located within a solid screened service yard of at least 2.0m wall height; Mechanical plant that will operate during the night (e.g. refrigeration condensers) to be selected having a low speed option;
 - Mechanical plant to be maintained to ensure noise levels do not increase over time;
 - Mechanical plant to be installed using anti-vibration isolation mounts;
 - Any external music or the like shall be low level and completely inaudible at residences;
 - Bin servicing shall occur between 7am and 7pm Mondays to Saturdays. The servicing of bins would fall under regulation 14A and provided it is carried out within the stipulated hours and undertaken as quietly as reasonably practicable, the 'normal' assigned levels do not apply. Where possible, bins shall be located in areas away from and/or screened from residences;
 - Access grates shall be firmly seated in position and fitted with rubber gaskets to avoid excess banging.

Where an development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



AMENDING MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

The following amendments were made en bloc:

(i) That condition 2 be amended to read as follows:

Prior to applying for a Building Permit, revised drawings shall be provided to the satisfaction of the City of Rockingham illustrating that:

- *The commercial Pylon Sign has a maximum height of 9 metres from the ground level, measured from the street; and*
- *BP Floor Plan and Site plan are provided with screening device along the eastern elevation of the building to ensure external fixtures are screened from view.*

(ii) That condition 4 be amended to read as follows:

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

- (i) *the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;*
- (ii) *any lawns to be established and areas to be mulched;*
- (iii) *any natural landscape areas to be retained, including retention of all existing street trees adjoining the site;*
- (iv) *those areas to be reticulated or irrigated;*
- (v) *proposed upgrading to landscaping, paving and reticulation of all verge areas; and*
- (vi) *the portion of existing concrete kerbing within the Mandurah Road verge is to be removed in order to provide a continuous irrigated turf verge;*
- (vii) *show concrete garden kerb separation between garden beds and turf areas; and*
- (viii) *show portions of proposed footpath to be installed and connected to the existing.*

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

(iii) Advice note 7 be amended to read as follows:

*All works in the road reserve, including construction of a crossover or footpath, **landscaping** and any works to the road carriageway must be to the specifications of the City of Rockingham and Main Road Western Australia. The applicant should liaise with the City of Rockingham's Engineering Services in this regard or **Main Roads Western Australia**.*



- (iv) That condition 7 be amended to read as follows:

Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:

- (i) the location of bin storage areas and bin collection areas;*
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;*
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;*
- (iv) frequency of bin collections;*
- ~~(vi) the collection of the bins from an approved position on the Pedicel Avenue road reserve.~~*

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

- (v) That condition 12 be amended to read as follows:

*Prior to the occupation of the development, an Odour Assessment Report **for the proposed Fast Food Outlets** must be prepared and provided to the City of Rockingham which addressed Odour prevention and management.*

- (vi) That condition 13 be amended to read as follows:

*Prior to the occupation of the development, the verge, footpath and kerbing of **Singleton Beach Road** must be reinstated to the satisfaction of the City of Rockingham.*

- (vii) That condition 16 be amended to read as follows:

The on-site car park area shall:

- (i) be provided with a minimum of 53 parking spaces, ~~seven temporary bays~~ and 28 service and queuing bays;*
- (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;*
- (iii) include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, 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; and*
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.*

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



(viii) The condition 23 be amended to read as follows:

~~All commercial vehicle movements shall occur outside the peak hour periods.~~
~~No commercial delivered by vehicles in excess of 6m in length are permitted~~
~~between the hours of 7am-0pm and 4pm-6pm to minimise traffic safety risk.~~

REASON: The modified conditions proposed by Planning Solutions and the City of Rockingham were supported by the Panel.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

Approve the DAP Application reference DAP/19/01644 and accompanying plans:

- Site Location Plan, Dwg DA01, Rev A, Dated 11.07.19;
- Demolition Plan, Dwg DA02, Rev B, Dated 09.07.19;
- Site Plan, Dwg DA03, Rev D, Dated 09.07.19;
- Survey Overlay, DA04, Rev B, dated 09.07.19;
- Landscape Plan, DA05, Rev C, dated 09.07.19;
- Floor Plan, DA06, Rev B, dated 11.07.19;
- Elevations, DA07, Rev C, dated 09.07.19;
- Elevations, DA08, Rev C, dated 09.07.19;
- Perspectives, DA09, Rev B, dated 09.07.19;
- Perspectives, DA10, Rev B, dated 09.07.19;
- Perspectives, DA11, Rev B, dated 09.07.19;

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

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, revised drawings shall be provided to the satisfaction of the City of Rockingham illustrating that:
 - The commercial Pylon Sign has a maximum height of 9 metres from the ground level, measured from the street; and
 - BP Floor Plan and Site plan are provided with screening device along the eastern elevation of the building to ensure external fixtures are screened from view.
3. Prior to commencement of development, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.



All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham.

The approved plans must be implemented and all works must be maintained for the duration of the development.

4. Prior to applying for a Building Permit, an updated Landscaping Plan to the satisfaction of the City of Rockingham and Main Roads Western Australia must be prepared and must include the following:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained, including retention of all existing street trees adjoining the site;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas; and
 - (vi) *(vi) the portion of existing concrete kerbing within the Mandurah Road verge is to be removed in order to provide a continuous irrigated turf verge;*
 - (vii) show concrete garden kerb separation between garden beds and turf areas; and
 - (viii) show portions of proposed footpath to be installed and connected to the existing.

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

5. Prior to occupation of the development, the Asset Protection Zone, as depicted in the Bushfire Management Plan prepared by Eco Logical, dated October 2019, must be provided in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas.

The Asset Protection Zone must be maintained for the duration of the development.

6. Prior to the occupation of the development the landowner/s of Lot 24 Jade Court, Singleton and Lot 492 Mandurah Road, Singleton shall enter into a legal agreement with the City of Rockingham to ensure that appropriate arrangements are put in place for the ongoing maintenance of the Asset Protection Zone as depicted in the Bushfire Management Plan prepared by Eco Logical, dated October 2019.
7. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in



- the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- (iv) frequency of bin collections;

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

8. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham, demonstrating compliance with AS/NZS 4282 - Control of Obtrusive Effects of Outdoor Lighting and AS/NZS 1158.3.1:2005 - Lighting for Roads and Public Spaces.

External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.

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

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures.

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

11. Prior to occupation of the development, applicant shall implement the recommendations detailed in the Environmental Noise Assessment report prepared by Lloyd George Acoustics, dated June 2019.

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

12. Prior to the occupation of the development, an Odour Assessment Report for the proposed Fast Food Outlets must be prepared and provided to the City of Rockingham which addressed Odour prevention and management.
13. Prior to the occupation of the development, the verge, footpath and kerbing of Singleton Beach Road must be reinstated to the satisfaction of the City of Rockingham.
14. Prior to occupation of the development, the Bushfire Management Plan prepared by Eco Logical, dated October 2019 shall be updated to reflect the revised approved site plan.



15. 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.
16. The on-site car park area shall:
 - (i) be provided with a minimum of 53 parking spaces, and 28 service and queuing bays;
 - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (iii) include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*; and
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

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

17. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
18. A bin storage area must be designed with a size suitable to service the development and be screened from view of the street to the satisfaction of the City of Rockingham.

The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.
19. The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
20. Four (4) long-term and six (6) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to commencement of development.

The bicycle parking spaces must be constructed prior to occupation of the development.

21. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, one (1) male and one (1) female secure hot-water shower, change room and clothing locker must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.



The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.

22. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970— 2009, Protection of trees on development sites.
23. No commercial deliveries by vehicles in excess of 6m in length are permitted between the hours of 7am-9am and 4pm-6pm to minimize traffic safety risk.
24. Prior to occupation of development, a 'No Stopping' yellow painted box shall be provided within the east bound land of the Singleton Beach Road road reserve adjacent to the proposed access location, 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. A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
6. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for the landscaping plan, including the requirements for developing and maintaining of the street verges abutting the development site.
7. All works in the road reserve, including construction of a crossover or footpath, landscaping and any works to the road carriageway must be to the specifications of the City of Rockingham and Main Roads Western Australia. The applicant should liaise with the City of Rockingham's Engineering Services in this regard or Main Roads Western Australia.
8. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.



9. Any demolition work involving asbestos must be in accordance with the Health (Asbestos) Regulations 1992.
10. Development the subject of this development approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment.
11. In relation to Condition 23, the swept path analysis suggests that the movement for the commercial vehicles within the site would be encroaching into the opposing traffic lane as well as incorporating reversing movements which increases traffic safety risks and would impact upon traffic flow within the car parking areas.
12. In relation to Condition 10, the following conditions must form part of the Final Acoustics Report as per the approved Acoustic Report's recommendations:
 - Rooftop mechanical plant (including exhaust fans) to be located behind local screening or as close to parapets as possible;
 - Mechanical plant to be in line with those assumed in the modelling – refer *Table 3-2*;
 - Floor mounted mechanical plant of BP and commercial tenancies to be located within a solid screened service yard of at least 2.0m wall height; Mechanical plant that will operate during the night (e.g. refrigeration condensers) to be selected having a low speed option;
 - Mechanical plant to be maintained to ensure noise levels do not increase over time;
 - Mechanical plant to be installed using anti-vibration isolation mounts;
 - Any external music or the like shall be low level and completely inaudible at residences;
 - Bin servicing shall occur between 7am and 7pm Mondays to Saturdays. The servicing of bins would fall under regulation 14A and provided it is carried out within the stipulated hours and undertaken as quietly as reasonably practicable, the 'normal' assigned levels do not apply. Where possible, bins shall be located in areas away from and/or screened from residences;
 - Access grates shall be firmly seated in position and fitted with rubber gaskets to avoid excess banging.

Where an development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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

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



8.1b Property Location: Lot 492 (No.2514) Mandurah Road, Singleton and Lot 24 (No.15) Jade Court, Singleton
 Development Description: Proposed Mixed Commercial Development – Convenience Store, Fast Food Outlets and Shops
 Applicant: Planning Solutions
 Owner: APB Pty Ltd
 Responsible Authority: Western Australian Planning Commission
 DAP File No: DAP/19/01644

REPORT RECOMMENDATION

Moved by: Cr Deb Hamblin

Seconded by: Ms Lee O’Donohue

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

Approve DAP Application reference DAP/19/01644 and accompanying plans DA01 (Rev A), DA02 (Rev B), DA03 (Rev D), DA04 (Rev B), DA05 (Rev C), DA06 (Rev B), DA07 (Rev C), DA08 (Rev C), DA09 (Rev B), DA10 (Rev B) and DA11 (Rev B) in accordance with Clause 29 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 commences within the two year period, the approval shall lapse and be of no further effect.

The Report Recommendation was put and CARRIED UNANIMOUSLY

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

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

Nil

10. Appeals to the State Administrative Tribunal

Current SAT Applications		
LG Name	Property Location	Application Description
City of Cockburn	Lot 2 (45) 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 11:33am.