



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

**Meeting Date and Time:** 7 May 2015; 10:30am  
**Meeting Number:** MSWJDAP/68  
**Meeting Venue:** City of Rockingham

### Attendance

#### DAP Members

Mr David Gray (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)  
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)  
Cr Bart Houwen (Local Government Member, City of Cockburn)

#### Officers in attendance

Mr Greg Delahunty (City of Rockingham)  
Mrs Erika Dawson (City of Rockingham)  
Mr Andrew Lefort (City of Cockburn)

#### Local Government Minute Secretary

Mrs Sharon Peacock (City of Rockingham)  
Miss Nicole D'Alessandro (City of Rockingham)

#### Applicants and Submitters

Mr Simon Wilkes (Urbis)  
Mr Simon Woodacre (McDonald's Australia)  
Mr Michael Nowak (McDonald's Australia)  
Mr Ron Jee (Design Inc)  
Mr Tom Wang (TEW Investments)

#### Members of the Public

Nil

#### 1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 10:37am on 7 May 2015 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.



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

The Presiding Member advised that in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

**2. Apologies**

Nil

**3. Members on Leave of absence**

Nil

**4. Noting of minutes**

Minutes of the Metro South West meeting no.67 held on 22 April 2015 were noted by DAP members.

**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** Mr Simon Woodacre (McDonald's Australia Limited) addressed the DAP for the application at Item No.8.1 and answered questions from the panel.

**7.2** Mr Ron Jee (Design Inc Perth Pty Ltd) addressed the DAP for the application at Item No.9.1 and answered questions from the panel. The presentation was delivered immediately prior to consideration of item 9.1.

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

- 8.1** Property Location: Lot 2003 (420) Secret Harbour Boulevard, Lot 2010 (19) Oasis Drive & Lot 2013 (2) Oneida Road, Secret Harbour
- Application Details: Fast Food Outlet and Associated Drive-through Facility, Car Parking and Signage
- Applicant: Urbis
- Owner: McDonald's Australia Limited
- Responsible authority: City of Rockingham
- DoP File No: DAP/15/00748



## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Rob Nicholson

**Seconded by:** Cr Richard Smith

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/15/00748 and accompanying plans:

- Site Plan DA02, Received 11.03.15;
- Delivery Truck Path No. DA03, Received 11.03.15;
- Floor Plan No. DA04, Received 11.03.15, Received 11.03.15;
- Front and Side Elevations E1 and E2 No. DA05, Received 11.03.15;
- Side and DT Elevations E3 and E4 No. DA06, Received 11.03.15;
- External Finishes Schedule No. DA07, Received 11.03.15;
- Drive Through Canopies No. DA08, Received 11.03.15;
- Remote Signage Site Plan No. S01, Received 11.03.15;
- Signage Site Plan No. S02, Received 11.03.15;
- Signage Elevations 1 of 2 No. S03, Received 11.03.15;
- Signage Elevations 2 of 2 No. S04, Received 11.03.15;
- Signage Details 1 of 2 No. S05, Received 11.03.15; and
- Signage Details 2 of 2 No. S06, Received 11.03.15

in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following 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 proposed Pylon sign must be located at least 1.8m from any property boundary and have a clearance from the ground of at least 2.7m
3. The proposed Banner Pole sign displaying the 'McDonald's' logo is excluded from this approval.
4. Prior to the issue of a Building Permit, amended plans utilising an alternative construction material to the proposed 'Zincalume' capping, must to be submitted to the City of Rockingham for approval. The material to be used must not be highly reflective.
5. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and must be completed prior to occupation.
6. The proposed access street intersections with Warnbro Sound Avenue and Oneida Road must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development.
7. The Access Street Middle on Warnbro Sound Avenue must only provide for Left in/Left out/Right in traffic movements from the site.



8. The left out egress for Access Street South onto Warnbro Sound Avenue must not be constructed unless and until the Access Street North on Warnbro Sound Avenue is modified to remove either its ingress or egress, and that affected area is rehabilitated, paved and landscaped to the satisfaction of the City of Rockingham.
9. 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.
10. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.
11. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.
  - (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;
  - (iii) Any natural landscape areas to be retained;
  - (iv) Those areas to be reticulated or irrigated; and
  - (v) The street setback area and all verge areas.

The landscaping 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.

12. The carpark must:
  - (i) provide a minimum of thirty-one (31) parking spaces;
  - (ii) be designed in accordance with User Class 3A of the 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 issue of a Building Permit;
  - (iii) include one (1) car parking space(s) 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*;
  - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
  - (v) have lighting installed, prior to the occupation of the development; and



- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

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

13. Four (4) short-term bicycle parking spaces and three (3) long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
14. One secure hot-water shower, change room and clothing locker must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The shower and change room and locker must be retained and maintained in good condition at all times.
15. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:-
- (i) the location of bin storage areas and bin collection areas;
  - (ii) details of screening of the bins from view from the street;
  - (iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
  - (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
  - (vi) frequency of bin collections; and
  - (v) the bin storage area drainage details.

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

16. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
17. Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive as approved under Planning Approval DD0202014.411.
18. Prior to the occupation of the development, the recommendations of the Marshall Day Acoustics Environmental Noise Impact Assessment dated February 2015, must be implemented.



19. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:
- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
  - (ii) tonality, modulation and impulsiveness; and
  - (iii) confirm the implementation of noise attenuation measures.
- Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
20. Entries and window frontages facing the street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
21. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
22. All odours and emissions are to be controlled as not to create a nuisance, 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 Planning Approval must be submitted to the City of Rockingham.
2. A separate approval from the City of Rockingham'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 of Rockingham's Health Services in this regard.
3. 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.
4. With respect to Condition 11, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking 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.
6. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power



should be consulted prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.

7. The proposed development has a requirement of 31 bays under *Town Planning Scheme No.2*. It is acknowledged that 14 of these car bays can be accommodated within the drive-through facility in accordance with the provisions of *Local Planning Policy 3.3.9 Fast Food Outlets*.

#### **AMENDING MOTION**

**Moved by:** Mr David Gray

**Seconded by:** Mr Rob Nicholson

To delete Condition 1 and reinstate as an Advice Note.

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.*

**REASON: This is a requirement of the City's Scheme.**

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

#### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Rob Nicholson

To delete Condition 4.

4. *Prior to the issue of a Building Permit, amended plans utilising an alternative construction material to the proposed 'Zincalume' capping, must be submitted to the City of Rockingham for approval. The material to be used must not be highly reflective.*

**REASON: Condition 4 is unnecessary; the zincalume material is to be painted.**

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

#### **AMENDING MOTION**

**Moved by:** Mr David Gray

**Seconded by:** Mr Rob Nicholson

That Condition 5 be amended to read:

5. *Arrangements must be made to the satisfaction of the City that Lot 2003 Secret Harbour Boulevard, Lot 2010 Oasis Drive and Lot 2013 Oneida Road, Secret Harbour must be amalgamated onto one Certificate of Title*

**REASON: To specify the Lots to be amalgamated.**

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



## AMENDING MOTION

**Moved by:** Mr Rob Nicholson

**Seconded by:** Cr Joy Stewart

That Condition 12(i) be amended to read:

12. *The carpark must:*

- (i) *provide a minimum of seventeen (17) parking spaces attributable to this development as shown on the current plans. This excludes fourteen (14) bays on the drive through.*

**REASON:** To clarify the number of car parking spaces in addition to those in drive through lanes.

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

## AMENDING MOTION

**Moved by:** Mr Rob Nicholson

**Seconded by:** Cr Joy Stewart

To delete reference to long term bicycle parking spaces from Condition 13

13. *Four (4) short-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.*

**REASON:** To clarify bicycle parking requirements.

**The Amending Motion was put and CARRIED (4/1).**

For: Mr D Gray, Mr R Nicholson, Cr J Stewart, and Cr R Smith

Against: Mr I Birch

## AMENDING MOTION

**Moved by:** Mr David Gray

**Seconded by:** Mr Rob Nicholson

To delete Condition 14

14. *One secure hot-water shower, change room and clothing locker must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The shower and change room locker must be retained and maintained in good condition at all times.*

**REASON:** The panel considered that end of trip facilities are not required for this development.

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

Mr David Gray  
Presiding Member, Metro South-West JDAP





## AMENDING MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Rob Nicholson

To delete Condition 22.

22. *All odours and emissions are to be controlled as not to create a nuisance, to the satisfaction of the City of Rockingham.*

**REASON: There is no direction or guidance in place which classifies a nuisance.**

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

## PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/15/00748 and accompanying plans:

- Site Plan DA02, Received 11.03.15;
- Delivery Truck Path No. DA03, Received 11.03.15;
- Floor Plan No. DA04, Received 11.03.15, Received 11.03.15;
- Front and Side Elevations E1 and E2 No. DA05, Received 11.03.15;
- Side and DT Elevations E3 and E4 No. DA06, Received 11.03.15;
- External Finishes Schedule No. DA07, Received 11.03.15;
- Drive Through Canopies No. DA08, Received 11.03.15;
- Remote Signage Site Plan No. S01, Received 11.03.15;
- Signage Site Plan No. S02, Received 11.03.15;
- Signage Elevations 1 of 2 No. S03, Received 11.03.15;
- Signage Elevations 2 of 2 No. S04, Received 11.03.15;
- Signage Details 1 of 2 No. S05, Received 11.03.15; and
- Signage Details 2 of 2 No. S06, Received 11.03.15

in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

### Conditions

1. The proposed Pylon sign must be located at least 1.8m from any property boundary and have a clearance from the ground of at least 2.7m
2. The proposed Banner Pole sign displaying the 'McDonald's' logo is excluded from this approval.
3. Arrangements must be made to the satisfaction of the City that Lot 2003 Secret Harbour Boulevard, Lot 2010 Oasis Drive and Lot 2013 Oneida Road, Secret Harbour must be amalgamated onto one Certificate of Title.
4. The proposed access street intersections with Warnbro Sound Avenue and Oneida Road must be designed and constructed to the satisfaction of the City



of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development.

5. The Access Street Middle on Warnbro Sound Avenue must only provide for Left in/Left out/Right in traffic movements from the site.
6. The left out egress for Access Street South onto Warnbro Sound Avenue must not be constructed unless and until the Access Street North on Warnbro Sound Avenue is modified to remove either its ingress or egress, and that affected area is rehabilitated, paved and landscaped to the satisfaction of the City of Rockingham.
7. 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.
8. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.
9. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.
  - (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;
  - (iii) Any natural landscape areas to be retained;
  - (iv) Those areas to be reticulated or irrigated; and
  - (v) The street setback area and all verge areas.

The landscaping 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.

10. The carpark must:
  - (i) provide a minimum of seventeen (17) parking spaces attributable to this development as shown on the current plans. This excludes fourteen (14) bays on the drive through;
  - (ii) be designed in accordance with User Class 3A of the 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 issue of a Building Permit;
  - (iii) include one (1) car parking space(s) 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*,

- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development; and
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

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

11. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:-

- (i) the location of bin storage areas and bin collection areas;
- (ii) details of screening of the bins from view from the street;
- (iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
- (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- (vi) frequency of bin collections; and
- (v) the bin storage area drainage details.

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

12. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.

13. Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive as approved under Planning Approval DD0202014.411.

14. Prior to the occupation of the development, the recommendations of the Marshall Day Acoustics Environmental Noise Impact Assessment dated February 2015, must be implemented.

15. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is



received at the nearest 'noise sensitive premises' and surrounding residential area;

- (ii) tonality, modulation and impulsiveness; and
- (iii) confirm the implementation of noise attenuation measures.

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

16. Entries and window frontages facing the street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
17. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.

#### Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.
2. A separate approval from the City of Rockingham'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 of Rockingham's Health Services in this regard.
3. 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.
4. With respect to Condition 9, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking 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.
6. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power should be consulted prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.
7. The proposed development has a requirement of 31 bays under *Town Planning Scheme No.2*. It is acknowledged that 14 of these car bays can be accommodated within the drive-through facility in accordance with the provisions of *Local Planning Policy 3.3.9 Fast Food Outlets*.



8. 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.

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

Cr J Stewart and Cr R Smith were replaced on the panel by Cr C Reeve-Fowkes and Cr B Houwen.

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

#### **PROCEDURAL MOTION**

**Moved by:** Mr David Gray

**Seconded by:** Cr Carol Reeve-Fowkes

That the JDAP receive legal advice from representatives of the DAP Secretariat and that such advice is received behind closed doors, in accordance with Section 5.10.2g of the DAP Standing Orders 2012.

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

*The meeting was closed to the public at 11:50am*

*The meeting was opened to the public at 12:15pm*

- 9.1 Property Location: 876 North Lake Road, Cockburn Central  
Application Details: Modification to DAP14/002 – 165 multiple dwellings and two ground floor commercial tenancies comprising a medical centre and restaurant  
Applicant: Design Inc Perth Pty Ltd  
Owner: Tew Investments Pty Ltd  
Responsible authority: City of Cockburn  
DoP File No: DAP15/005 and 5513701

#### **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Bart Houwen

**Seconded by:** Mr Ian Birch

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference DP/14/00093 as detailed on the DAP Form 2 dated 28 February 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference DP/14/00093 as detailed on the DAP Form 2 dated 28 February 2015 and accompanying plans (plans SK01 to SK21) dated received 12 March and 3 April 2015) for the development of 165 multiple dwellings with 2 ground floor commercial tenancies comprising a medical centre and restaurant at No. 876 North Lake Road, Cockburn Central, in accordance with the provisions of the City of Cockburn Town



Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

### **Additional Conditions**

1. The builder is to provide confirmation that the requirements of the Acoustic Report (required by Condition 24) have been incorporated into the completed development, prior to occupation of the development.

### **Amended Conditions**

2. Modify condition 7 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093) to be reworded as follows:

*The Waste Management Plan (received and approved by the City dated 25 March 2015), shall be implemented and maintained thereafter to the satisfaction of the City.*

3. Modify condition 8 on the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093) to be reworded as follows:

*Bicycle parking bays shall be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 76 bicycle bays (55 for residents, 17 for visitors and 4 for the commercial component). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit application.*

4. Modify condition 10 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093) to be reworded as follows:

*The required forty-two (42) residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bona fide visitors of the occupants of the dwellings the subject of this approval, in perpetuity and reflected as such on the strata plan for the development. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor car parking bays to any strata lot. Parking within such bays may be time restricted.*

5. Modify condition 12 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093) to be reworded as follows:

*The 'Restaurant' proposed on the ground floor of Building 1 is limited to a maximum of thirty-six (36) seats.*

6. Modify condition 24 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093) to be reworded as follows:

*Prior to the submission of a Building Permit Application, the developer shall provide an Acoustic Report to the City's satisfaction demonstrating that the design of the development will result in acceptable noise levels within the development. The report must be prepared by a recognised acoustic consultant and must demonstrate that the development will comply with the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport*



*Noise and Freight Considerations in Land Use Planning*"; that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors"; and that suitable attenuation has been provided to other noise sources within the development to ensure that noise emissions comply with the Environmental Protection (Noise) Regulations 1997 (as amended).

7. Modify condition 25 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093) to be reworded as follows:

*The Building Permit Application is to be accompanied by a report from a recognised acoustic consultant confirming that all recommendations made in the Noise Report referred to in condition 24, have been incorporated into the proposed development.*

8. Modify condition 18 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093).

*The owner shall grant free of cost to the City of Cockburn ("The City") an easement in gross for access over Lot 53 North Lake Road ("the land") for the use and benefit of the public at large in accordance with the North Lake Road Vehicle Access Policy/Management Plan.*

9. Modify condition 19 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093).

*Prior to the occupation of buildings hereby approved, the owner of Lot 53 North Lake Road Cockburn Central shall grant legal access to the owner of Lot 54 North Lake Road for the purposes of vehicle access to the satisfaction of the City. The agreement shall be prepared by the City's solicitors to the satisfaction of the City. The owner shall be responsible to pay all costs of an incidental to the preparation of the agreement (including the drafts), the preparation of an easement and fees for the stamping and registration of the easement.*

### **Amended Advice Notes**

1. Modify advice note 11 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00098) to be reworded as follows:

*You are advised that this application, in regards to the residential apartments, has been approved on the basis of the following car parking allocations:*

- Residents: 136 car bays; and
- Visitors: 42 car bays.

2. Modify advice note 12 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00098) to be reworded as follows:



*You are advised that this application, in regards to the commercial tenancies, has been approved on the basis of the following car parking allocations:*

- *Restaurant: 10 car bays; and*
- *Medical Centre: 10 car bays.*

3. Modify advice note 18 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00098) to be reworded as follows:

*Approval for the construction of the swimming pool and/or aquatic facility must be sought from the state Department of Health's Executive Director, Public Health ("EDPH") prior to the submission of a Building Permit Application. Construction must not commence until formal approval from the EDPH is granted.*

4. Modify advice note 19 of the original approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00098) to be reworded as follows:

*The acoustic report is to be prepared by a recognised acoustic consultant and must address compliance with the criteria set by the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning", regarding acceptable indoor noise levels and at least one outdoor living area; that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors"; and the Environmental Protection (Noise) Regulations 1997 (as amended). In particular the report should demonstrate that the design and construction of the development will suitably attenuate all potential noise sources within the development, including (but not limited to) noise from air-conditioners, entry gates, elevators, bin storage areas, swimming pool equipment, fire pumps, restaurant ventilation shaft(s) and the potential for restaurant break out noise.*

### **New Advice Notes**

All other conditions and requirements detailed in the previous approval issued by the Metro South-West JDAP dated 2 April 2014 (App Ref DP/14/00093) shall remain unless altered by this application.

### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Rob Nicholson

To delete the proposed amended Condition 1.

1. *The builder is to provide confirmation that the requirements of the Acoustic Report (required by Condition 24) have been incorporated into the completed development, prior to occupation of the development.*

**REASON: The condition is unnecessary**

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





## AMENDING MOTION

**Moved by:** Cr Carol Reeve-Fowkes

**Seconded by:** Mr Rob Nicholson

To modify the proposed amended Condition 24 to read as:

24. *Prior to the submission of a Building Permit Application, the developer shall provide an Acoustic Report to the City's satisfaction demonstrating that the design of the development will result in acceptable noise levels within the development.*

And insert the following as replacement to Advice Note 19:

*The report required by Condition 23 must be prepared by a recognised acoustic consultant and must demonstrate that the development will comply with the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning"; that indoor noise levels in Table 1 of AS/ANS 2104:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors"; and that suitable attenuation has been provided to other noise sources within the development to ensure that noise emissions comply with the Environmental Protection (Noise) Regulations 1997 (as amended).*

**REASON: For clarity.**

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

## AMENDING MOTION

**Moved by:** Mr Rob Nicholson

**Seconded by:** Cr Carol Reeve-Fowkes

To delete the proposed amended Condition 19

19. *Prior to the occupation of buildings hereby approved, the owner of Lot 53 North Lake Road, Cockburn Central shall grant access to the owner of Lot 54 North Lake Road for the purposes of vehicle access to the satisfaction of the City. The agreement shall be prepared by the City's solicitors to the satisfaction of the City. The owner shall be responsible to pay all costs of an incidental to the preparation of the agreement (including the drafts), the preparation of an easement and fees for the stamping and registration of the easement.*

**REASON: This does not achieve Planning outcome**

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



## **PRIMARY MOTION (AS AMENDED)**

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference DP/14/00093 as detailed on the DAP Form 2 dated 28 February 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference DP/14/00093 as detailed on the DAP Form 2 dated 28 February 2015 and accompanying plans (plans SK01 to SK21) dated received 12 March and 3 April 2015) for the development of 165 multiple dwellings with 2 ground floor commercial tenancies comprising a medical centre and restaurant at No. 876 North Lake Road, Cockburn Central, in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

### **Amended Conditions**

7. The Waste Management Plan (received and approved by the City dated 25 March 2015), shall be implemented and maintained thereafter to the satisfaction of the City.
8. Bicycle parking bays shall be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 76 bicycle bays (55 for residents, 17 for visitors and 4 for the commercial component). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit application.
10. The required forty-two (42) residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bona fide visitors of the occupants of the dwellings the subject of this approval, in perpetuity and reflected as such on the strata plan for the development. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor car parking bays to any strata lot. Parking within such bays may be time restricted.
12. The 'Restaurant' proposed on the ground floor of Building 1 is limited to a maximum of thirty-six (36) seats.
18. The owner shall grant free of cost to the City of Cockburn ("The City") an easement in gross for access over Lot 53 North Lake Road ("the land") for the use and benefit of the public at large in accordance with the North Lake Road Vehicle Access Policy/Management Plan.
23. Prior to the submission of a Building Permit Application, the developer shall provide an Acoustic Report to the City's satisfaction demonstrating that the design of the development will result in acceptable noise levels within the development.



24. The Building Permit Application is to be accompanied by a report from a recognised acoustic consultant confirming that all recommendations made in the Noise Report referred to in condition 24, have been incorporated into the proposed development.

#### **Amended Advice Notes**

11. You are advised that this application, in regards to the residential apartments, has been approved on the basis of the following car parking allocations:
- Residents: 136 car bays; and
  - Visitors: 42 car bays.
12. You are advised that this application, in regards to the commercial tenancies, has been approved on the basis of the following car parking allocations:
- Restaurant: 10 car bays; and
  - Medical Centre: 10 car bays.
18. Approval for the construction of the swimming pool and/or aquatic facility must be sought from the state Department of Health's Executive Director, Public Health ("EDPH") prior to the submission of a Building Permit Application. Construction must not commence until formal approval from the EDPH is granted.
19. The report required by Condition 23 must be prepared by a recognised acoustic consultant and must demonstrate that the development will comply with the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning"; that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors"; and that suitable attenuation has been provided to other noise sources within the development to ensure that noise emissions comply with the Environmental Protection (Noise) Regulations 1997 (as amended).

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

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

Nil

#### **11. General Business / Meeting Close**

The Presiding Member reminded the meeting that in accordance with Standing Order 7.3 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 12:46pm.