



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Thursday, 8 May 2014; 2:00pm
Meeting Number: MSWJDAP/43
Meeting Venue: City of Cockburn
9 Coleville Crescent, Spearwood

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Paul Drechsler (Alternate Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham) *until 2.18pm*
Cr Joy Stewart (Local Government Member, City of Rockingham) *until 2.18pm*
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn) *from 2.18pm*
Cr Bart Houwen (Local Government Member, City of Cockburn) *from 2.18pm*

Officers in attendance

Mr Craig Shepherd (Development Assessment Panels)
Mr Patrick Leach (Development Assessment Panels)
Ms Erika Barton (City of Rockingham)
Mr Troy Cappellucci (City of Cockburn)

Local Government Minute Secretary

Ms Lynnette Jakovich (City of Cockburn)

Applicant and Submitters

Mr Stephen Lubich (Samson Project Management)
Mr Daniel Sanbrook (Aztec Architects)

Members of the Public

Eleven members of the public present.

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 2:01 pm on 8 May 2014 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 the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Ian Birch (Deputy Presiding Member)

3. Members on Leave of absence

Mr Ian Birch (Deputy Presiding Member)

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting No. 42 held on 29 April 2014 were not available at the time of Agenda preparation.

5. Disclosure of interests

Nil.

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

7.1 Mr Daniel Sanbrook (Aztec Architects) presenting for the application at Item 8.2. The presentation will discuss the amendments and changes that have been made to the proposal in light of the previous JDAP meeting and will show how requests made by neighbours and Councillors have been accommodated.

The presentation at Item 7.1 was prior to the application at Item 8.2.

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 7 (No.31) & Lot 8 (No.33) McNicholl Street & Lot 14 (No.3) Market Street, Rockingham
Application Details:	Mixed Use Development (54 Room Hotel, Restaurant, Function Rooms & Associated Facilities, 24 Residential Apartments and Commercial Offices)
Applicant:	Sampson Project Management Pty Ltd
Owner:	McGill Property Pty Ltd
Responsible authority:	City of Rockingham
Report date:	14 April 2014
DoP File No:	DAP/14/00504



REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Richard Smith

Seconded by: Mr Paul Drechsler

Approve DAP Application reference DAP/14/00504 and accompanying plans DA01 to DA06 dated 1st March 2014 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. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. This approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit.
4. Prior to the commencement of the development, written evidence being supplied to the City of Rockingham that the parties have agreed to surrender the easement that encumbers Lots 7 and 8 McNicholl Street, and that the surrender documents have been lodged for registration.
5. The internal access road on Lot 14 connecting to Market Street must be widened to 6 metres for its entire length in accordance with the easement that encumbers Lot 14. The proposed parking spaces on Lot 14 adjacent to Lots 9 and 10 in the location of the existing easements are to be removed. Amended plans reflecting these changes must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
6. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this access must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
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 hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
9. The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study. The works must be designed and approved by the City prior to any works commencing. All works must be completed prior to the occupation



of the development and maintained for the duration of the development to the satisfaction of the City.

10. Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for 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.

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.

11. The carpark must:-
 - (i) provide a minimum of 125 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 seven 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.

12. On-street car parking spaces must be provided for short term parking along McNicholl and Market Streets. The parking must be designed in accordance with the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development.
13. Eight short-term bicycle parking spaces and four 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 prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.



14. One secure hot-water shower, change room and clothing lockers 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 applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.
15. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Market and McNicholl Streets.
16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.

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

17. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the *Environmental Protection (Noise) Regulations 1997*, must be approved by the City's Manager, Health Services prior to applying for a Building Permit.

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

18. An Acoustic Report must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.

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

19. A Sign Strategy must be prepared and include the information required by *Planning Policy 3.3.1, Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
20. In accordance with the requirements of *Planning Policy 3.2.1 – Development Policy Plan - City Centre Sector*, 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 or roller doors or



- similar), to ensure that a commercial, interactive frontage is available to the development from Market and McNicholl Streets, at all times.
21. All doors of the commercial tenancies facing the McNicholl and Market Street frontages of the building must be accessible to customers and not locked during all hours when the subject premises are trading.
 22. Street awnings must be provided to Market and McNicholl Street across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.
 23. Public or customer access must be from the Market or McNicholl Streets.
 24. Above-ground meter boxes must not be located in a street setback area at any time.
 25. 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.
 26. A Management Plan, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the *Planning Policy 3.3.19, Licensed Premises*, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate. All works must be carried out in accordance with the Management Plan, for the duration of development.
 27. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

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 separate approval from the City of Rockingham's Health Services is required under the *Health (Public Building) Regulations 1992*. 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.
4. The development (awnings) must comply with the *Street Verandahs Local Law 2000* relating to encroachments into the road reserve. The applicant and owner should liaise with the City of Rockingham's Building Services in this
5. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.



6. 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.
7. With respect to Conditions 9 and 10, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
8. 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.
9. The applicant is advised that exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002, *The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure)* and be fitted with "state of the art" filtration and odour suppression.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Richard Smith

To amend Condition No. 2 to read as follows:

"This approval does not authorise or approve the use of any of the ground floor commercial tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy."

REASON: To provide clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Cr Joy Stewart

Seconded by: Cr Richard Smith

To amend condition No. 3 to read as follows:

"Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit, and completed prior to occupancy."

REASON: To provide clarity and certainty

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Paul Drechsler



To insert first part of condition 9 into new condition 9 (v) and delete the second part to read as follows and renumber all conditions following.

- (v) *The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study.*

REASON: To consolidate the requirements for landscaping.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Paul Drechsler

Seconded by: Mr Rob Nicholson

To amend Condition 17 and delete reference to a specific officer of the City, to read as follows:

“An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and all other noise sources including noise emanating from licenced premises will comply with the Environmental Protection (Noise) Regulations 1997, must be approved by the City prior to applying for a Building Permit.

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

REASON: For clarity and certainty and remove reference to specific officers within the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Richard Smith

To amend Condition 18 to read as follows:

“A final acoustic assessment which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

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

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



REASON: For clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Paul Drechsler

To delete Condition 21 and renumber all remaining conditions.

REASON: It is an unnecessary duplication of the intent of condition 23.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Richard Smith

To amend Condition No. 26 to read as follows:

“A Management Plan for licenced premises, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate. All works must be carried out in accordance with the Management Plan, for the duration of development.”

REASON: For clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Joy Stewart

To amend Advice Notes No. 3 to read as follows:

“A separate approval from the City of Rockingham’s Health Services is required under the Health (Public Building) Regulations 1992 and this will restrict the maximum number of patrons. 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.”

REASON: For clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Cr Joy Stewart

Seconded by: Mr Rob Nicholson

Mr David Gray
Presiding Member, Metro South-West JDAP



To amend Advice Note No. 4 to read as follows:

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

REASON: For clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Paul Drechsler

Seconded by: Cr Joy Stewart

To amend Advice Note No. 9 to read as follows:

“The applicant is advised that exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002. The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with filtration and odour suppression.”

REASON: To avoid confusion regarding reference to “state of the art”.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metropolitan South West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/14/00504 and accompanying plans DA01 to DA06 dated 1st March 2014 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. This approval does not authorise or approve the use of any of the ground floor commercial tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit, and completed prior to occupancy.
4. Prior to the commencement of the development, written evidence being supplied to the City of Rockingham that the parties have agreed to surrender



the easement that encumbers Lots 7 and 8 McNicholl Street, and that the surrender documents have been lodged for registration.

5. The internal access road on Lot 14 connecting to Market Street must be widened to 6 metres for its entire length in accordance with the easement that encumbers Lot 14. The proposed parking spaces on Lot 14 adjacent to Lots 9 and 10 in the location of the existing easements are to be removed. Amended plans reflecting these changes must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
6. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this access must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
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 hydraulic engineer, prior to the application for 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 applying for 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.
 - (v) The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study.

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.

10. The carpark must:-
 - (i) provide a minimum of 125 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 seven 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. On-street car parking spaces must be provided for short term parking along McNicholl and Market Streets. The parking must be designed in accordance with the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development.
12. Eight short-term bicycle parking spaces and four 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 prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
13. One secure hot-water shower, change room and clothing lockers 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 applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.
14. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Market and McNicholl Streets.
15. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.

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

16. An Acoustic report which demonstrates that all mechanical services associated with the proposed development and all other noise sources including notice emanating from licenced premises will comply with the *Environmental Protection (Noise) Regulations 1997*, must be approved by the City prior to applying for a Building Permit.

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



17. A final Acoustic assessment which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
18. A Sign Strategy must be prepared and include the information required by *Planning Policy 3.3.1, Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
19. In accordance with the requirements of *Planning Policy 3.2.1 – Development Policy Plan - City Centre Sector*, 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 or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Market and McNicholl Streets, at all times.
20. Street awnings must be provided to Market and McNicholl Street across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.
21. Public or customer access must be from the Market or McNicholl Streets.
22. Above-ground meter boxes must not be located in a street setback area at any time.
23. 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.
24. A Management Plan for licenced premises, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the *Planning Policy 3.3.19, Licensed Premises*, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate. All works must be carried out in accordance with the Management Plan, for the duration of development.
25. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

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 separate approval from the City of Rockingham's Health Services is required under the *Health (Public Building) Regulations 1992* and this will restrict the maximum number of patrons. 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.
4. The development (awnings) must comply with the *Street Verandahs Local Law 2000* relating to encroachments into the road reserve. The applicant and owner should liaise with the City and the Department of Lands in this regard.
5. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
6. 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.
7. 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.
8. 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.
9. The applicant is advised that exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002. *The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure)* and be fitted with filtration and odour suppression.

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



8.2 Property Location:	32 Multiple Dwellings – Amended Plans
Application Details:	13 (Lot 115) O`Connor Close NORTH COOGEE
Applicant:	Aztec Architects
Owner:	South Metropolitan Youth Link
Responsible authority:	City of Cockburn
Report date:	28/04/2014
DoP File No:	DP/13/00978

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Houwen

Seconded by: Cr Reeve - Fowkes

Approve the Development Assessment Panel Application (DAP13/015) and accompanying amended plans (Plans 1 to 9 and Cone of Vision plan dated received 23 April 2014) for the development of 32 multiple dwellings on No. 13 O`Connor Close, North Coogee, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. The submission of detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development. The details as agreed by the City are to be implemented in the development.
2. **Prior to the submission of a Building Permit application**, the submission of a revised detailed Landscape Plan for assessment and approval by the City is required. The Landscape Plan shall include the following:
 - a) The location, number and type of proposed planting;
 - b) The size of selected species at planting and maturity;
 - c) Those areas to be reticulated or irrigated;
 - d) Details of any common area lighting; and
 - e) Verge treatments.
3. Landscaping is to be established and reticulated in accordance with the approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
4. **Prior to the submission of a Building Permit application**, details of the selected intercom system which will allow visiting vehicles behind the security gate to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
5. Notification in the form of a memorial under Section 70A of the Transfer of Land Act 1893 as amended shall be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise and vibration associated with the proximity of the site to the freight rail line. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the



subject property.

6. When submitting the Building Permit application, the applicant is to provide a report from a recognised acoustic consultant confirming that all recommendations made in the Lloyd George Acoustics Noise Report dated received 24 January 2014 demonstrating compliance with Australian Standard 2670.2-1990 "*Evaluation of human exposure to whole-body vibration; Part 2: Continuous and shock induced vibration in buildings*" and the requirements of the South Beach Village Noise Management Strategy (and attachments) have been incorporated into the proposed development.
7. A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the amended Lloyd George Acoustic Report dated received 24 January 2014 have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the Manager, Environmental Health must be provided prior to occupation of the development.
8. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development.
9. Arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
10. The 15m wide reserve identified as public open space adjacent to the railway reserve on the approved South Beach Village Structure Plan being shown on any future Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the City.
11. **Prior to the submission of a Building Permit application**, a public open space development plan for the 15m wide open space reservation adjacent to the railway being submitted to and approved in writing by the City.
12. The works required by the public open space development plan the subject of Condition 11 shall be implemented by the applicant/owner prior to the occupation of the development to the satisfaction of the City. The cost of these works shall be fully borne by the applicant/owner.
13. **Prior to the submission of a Building Permit application**, plans are to be provided detailing fencing between the rear of the lot and the public open space. Suitable screening treatment that serves to generally conceal views of the at-grade parking area from the adjacent public open space are to be provided to the satisfaction of the City.
14. The surface finish of the boundary wall abutting the adjoining lot is to be either face brick or rendered the same colour as the external appearance of the



- development to the satisfaction of the City. In all instances, the work is to be of a high standard.
15. Bicycle parking bays are to 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 14 bicycle bays (11 for residents, 3 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
 16. A minimum of 8 visitor parking bays must be provided for the development in accordance with the visitor parking requirements of Parts 5.3.3 C3.2 and 6.3.3 C3.1 of the R-Codes.
 17. **Prior to the submission of a Building Permit application**, a detailed Dust Management Plan must be submitted to and approved by the City. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication "Land development sites and impacts on air quality" (November 1996).
 18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
 19. The proposed crossovers must be located and constructed in accordance with the City's requirements.
 20. Prior to the initial occupation of the dwellings hereby approved, the parking bays (including those in the road reserve), driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City.
 21. The allocation of car parking bays to specific dwellings is to be reflected on any strata plan for the subject property to the City's satisfaction.
 22. The required on-site residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
 23. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
 24. All stormwater being contained and disposed of on-site to the satisfaction of the City.
 25. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.



26. The approved development must clearly display the street number/s.
27. **Prior to the submission of a Building Permit application**, a Construction Management Plan is to be submitted to and approved by the City and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
28. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 6.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
29. Provisions identified in the Waste Management Plan dated and approved by the City, dated received 10 January 2014, which include recycling measures and management of residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
30. **Prior to the submission of a Building Permit application**, details are to be submitted and approved by the City showing the modified two (2) on-street bays complying with the City's requirements.
31. **Prior to the submission of a Building Permit application**, revised plans are to be submitted and approved by the City detailing that the one (1) visitor bay located behind the proposed remote activated sliding gate, be modified to be allocated for the use of residents.
32. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.

Advice Notes

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
2. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a building permit is required.
3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. The development is to comply with the requirements of the National Construction Code. In this regard, it is recommended the City's Building Services team should be consulted prior to the commencement of working drawings.
5. With regards to Condition 5, the memorial should state as follows:



“This dwelling is within 50m of an operating freight rail line servicing the Port of Fremantle and industrial areas and operates 24 hours a day, 7 days a week. Residential amenity may be affected by noise and vibration and other impacts from freight rail traffic using the rail line.”

6. In regards to condition 17, an Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication “Land development sites and impacts on air quality” (November 1996) The developer is further advised that the City’s Health Service cannot approve bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
7. In regards to conditions 19 and 30, please liaise with the City’s Engineering Department.
8. With regard to Condition 20, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
9. With regards to condition 24, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
10. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: ‘Control of the Obtrusive of Outdoor Lighting’.
11. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 “The use of mechanical ventilation for acceptable indoor air quality” and the City of Cockburn Health Local Laws 2000.
12. All bathrooms, laundry facilities and sanitary conveniences in the development are to be provided with an adequate lining of impervious material in accordance with the requirements of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.
13. Appropriate separation must be provided between the laundry and kitchen facilities within the apartments, as required by the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.
14. Where an approval has so lapsed, no development shall be carried out without further approval having first being 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 Development Assessment Panel Regulations 2011.



AMENDING MOTION

Moved by: Cr Reeve-Fowkes

Seconded by: Mr Rob Nicholson

To amend Condition 6 to read as follows:

“When submitting the Building Permit application for new building on the site, the applicant is to provide a report from a recognised acoustic consultant confirming that all recommendations made in the Lloyd George Acoustics Noise Report dated received 24 January 2014 demonstrating compliance with Australian Standard 2670.2-1990 “Evaluation of human exposure to whole-body vibration; Part 2: Continuous and shock induced vibration in buildings” and the requirements of the South Beach Village Noise Management Strategy (and attachments) have been incorporated into the proposed development.”

REASON: To clarify that the condition does not apply to the preliminary stages of the development for which a building permit may be required.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Cr Reeve-Fowkes

Seconded by: Mr Paul Drechsler

To amend Condition 7 to read as follows:

“A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the amended Lloyd George Acoustic Report dated received 24 January 2014 have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the City must be provided prior to occupation of the development.”

REASON: To remove specific reference to officers within the City.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION

Moved by: Cr Reeve-Fowkes

Seconded by: Cr Houwen

To amend Condition 9 to read as follows:

“Arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.”

REASON: To remove specific reference to officers within the City.

The Amending Motion was put and CARRIED UNANIMOUSLY



AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Reeve-Fowkes

To amend Condition 11 to read as follows:

“Prior to the submission of a Building Permit application, a public open space development plan for the 15m wide open space reservation adjacent to the railway being submitted to and approved in writing to the satisfaction of the City.”

REASON: For clarity and certainty.

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

AMENDING MOTION

Moved by: Cr Reeve-Fowkes

Seconded by: Mr Rob Nicholson

To modify Condition 17 to read as follows:

“Prior to the submission of a Building Permit application, a detailed Dust Management Plan must be submitted to and approved by the City.”

REASON: The remainder of this condition duplicates Advice Note 6.

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

AMENDING MOTION

Moved by: Cr Reeve-Fowkes

Seconded by: Cr Bart Houwen

To delete Condition 18 and renumber all remaining conditions.

REASON: This duplicates Condition No. 8.

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

AMENDING MOTION

Moved by: Cr Reeve-Fowkes

Seconded by: Mr Rob Nicholson

To amend Condition 19 to read as follows:

“The proposed crossovers must be constructed in accordance with the City’s requirements.”

REASON: For clarity and certainty.



The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Paul Drechsler

To change heading reference 'Footnotes' to 'Advice', delete Advice note 1 and renumber all remaining Advice notes.

REASON: The plans referred to in Advice note 1 were approved in the preamble.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Reeve-Fowkes

To modify Advice Note 12 to read as follows:

All bathrooms, laundry facilities and sanitary conveniences in the development are to be provided with an adequate lining of impervious material in accordance with the requirements of the Building Codes of Australia, the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.

REASON: For clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Paul Drechsler

To modify Advice Note No. 14 to read as follows:

"In respect to Condition No. 31, where an approval has so lapsed, no development shall be carried out without further approval having first being 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 Development Assessment Panel Regulations 2011."

REASON: For clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.



PRIMARY MOTION (AS AMENDED)

Approve the Development Assessment Panel Application (DAP13/015) and accompanying amended plans (Plans 1 to 9 and Cone of Vision plan dated received 23 April 2014) for the development of 32 multiple dwellings on No. 13 O'Connor Close, North Coogee, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. The submission of detailed materials, colours and finishes schedule for the development, to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development. The details as agreed by the City are to be implemented in the development.
2. **Prior to the submission of a Building Permit application**, the submission of a revised detailed Landscape Plan for assessment and approval by the City is required. The Landscape Plan shall include the following:
 - a. The location, number and type of proposed planting;
 - b. The size of selected species at planting and maturity;
 - c. Those areas to be reticulated or irrigated;
 - d. Details of any common area lighting; and
 - e. Verge treatments.
3. Landscaping is to be established and reticulated in accordance with the approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
4. **Prior to the submission of a Building Permit application**, details of the selected intercom system which will allow visiting vehicles behind the security gate to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
5. Notification in the form of a memorial under Section 70A of the Transfer of Land Act 1893 as amended shall be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise and vibration associated with the proximity of the site to the freight rail line. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
6. When submitting the Building Permit application for new building on the site, the applicant is to provide a report from a recognised acoustic consultant confirming that all recommendations made in the Lloyd George Acoustics Noise Report dated received 24 January 2014 demonstrating compliance with Australian Standard 2670.2-1990 "*Evaluation of human exposure to whole-body vibration; Part 2: Continuous and shock induced vibration in buildings*" and the requirements of the South Beach Village Noise Management Strategy (and attachments) have been incorporated into the proposed development.



7. A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the amended Lloyd George Acoustic Report dated received 24 January 2014 have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the City must be provided prior to occupation of the development.
8. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development.
9. Arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
10. The 15m wide reserve identified as public open space adjacent to the railway reserve on the approved South Beach Village Structure Plan being shown on any future Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the City.
11. **Prior to the submission of a Building Permit application**, a public open space development plan for the 15m wide open space reservation adjacent to the railway being submitted to and approved in writing to the satisfaction of the City.
12. The works required by the public open space development plan the subject of Condition 11 shall be implemented by the applicant/owner prior to the occupation of the development to the satisfaction of the City. The cost of these works shall be fully borne by the applicant/owner.
13. **Prior to the submission of a Building Permit application**, plans are to be provided detailing fencing between the rear of the lot and the public open space. Suitable screening treatment that serves to generally conceal views of the at-grade parking area from the adjacent public open space are to be provided to the satisfaction of the City.
14. The surface finish of the boundary wall abutting the adjoining lot is to be either face brick or rendered the same colour as the external appearance of the development to the satisfaction of the City. In all instances, the work is to be of a high standard.
15. Bicycle parking bays are to 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 14 bicycle bays (11 for residents, 3 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.



16. A minimum of 8 visitor parking bays must be provided for the development in accordance with the visitor parking requirements of Parts 5.3.3 C3.2 and 6.3.3 C3.1 of the R-Codes.
17. **Prior to the submission of a Building Permit application**, a detailed Dust Management Plan must be submitted to and approved by the City.
18. The proposed crossovers must be constructed in accordance with the City's requirements.
19. Prior to the initial occupation of the dwellings hereby approved, the parking bays (including those in the road reserve), driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City.
20. The allocation of car parking bays to specific dwellings is to be reflected on any strata plan for the subject property to the City's satisfaction.
21. The required on-site residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
22. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
23. All stormwater being contained and disposed of on-site to the satisfaction of the City.
24. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
25. The approved development must clearly display the street number/s.
26. **Prior to the submission of a Building Permit application**, a Construction Management Plan is to be submitted to and approved by the City and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
27. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 6.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
28. Provisions identified in the Waste Management Plan dated and approved by the City, dated received 10 January 2014, which include recycling measures and management of residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
29. **Prior to the submission of a Building Permit application**, details are to



submitted and approved by the City showing the modified two (2) on-street bays complying with the City's requirements.

30. **Prior to the submission of a Building Permit application**, revised plans are to be submitted and approved by the City detailing that the one (1) visitor bay located behind the proposed remote activated sliding gate, be modified to be allocated for the use of residents.
31. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.

Advice

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a building permit is required.
2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
3. The development is to comply with the requirements of the National Construction Code. In this regard, it is recommended the City's Building Services team should be consulted prior to the commencement of working drawings.
4. With regards to Condition 5, the memorial should state as follows:

"This dwelling is within 50m of an operating freight rail line servicing the Port of Fremantle and industrial areas and operates 24 hours a day, 7 days a week. Residential amenity may be affected by noise and vibration and other impacts from freight rail traffic using the rail line."
5. In regards to condition 17, an Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication "Land development sites and impacts on air quality" (November 1996) The developer is further advised that the City's Health Service cannot approve bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
6. In regards to conditions 18 and 30, please liaise with the City's Engineering Department.
7. With regard to Condition 20, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.



8. With regards to condition 23, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
9. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
10. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.
11. All bathrooms, laundry facilities and sanitary conveniences in the development are to be provided with an adequate lining of impervious material in accordance with the requirements of the Building Codes of Australia, the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.
12. Appropriate separation must be provided between the laundry and kitchen facilities within the apartments, as required by the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.
13. In respect to Condition No. 31 where an approval has so lapsed, no development shall be carried out without further approval having first being 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 Development Assessment Panel Regulations 2011.

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

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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Close

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 2.41 p.m.