



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

**Meeting Date and Time:** 17 November 2015; 9:30am  
**Meeting Number:** MSWJDAP/85  
**Meeting Venue:** City of Cockburn  
9 Coleville Crescent  
Spearwood

### **Attendance**

#### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Stacey Towne (Deputy Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Steven Portelli (Local Government Member, City of Cockburn)  
Cr Kevin Allen (Local Government Member, City of Cockburn)

#### **Officers in attendance**

Mr Troy Cappellucci (City of Cockburn)  
Mr Daniel Arndt (City of Cockburn)  
Ms Donna Shaw (City of Rockingham)  
Ms Erika Barton (City of Rockingham)

#### **Local Government Minute Secretary**

Ms Lynette Jakovcevic (City of Cockburn)  
Ms Natalie East (City of Cockburn)

#### **Applicants and Submitters**

Mr Tony Watson (MW Urban)  
Ms Jacquetta Shelton (Frasers Property Limited)  
Ms Alicia Jones (Frasers Property Limited)  
Mr Aaron Lohman (Rowe Group)  
Ms Kathy Bond (BP Australia)  
Mr Daniel Hazebroek (BP Australia)  
Mr Peter Goff (MGA Town Planners)  
Mr Paul Paino (Paino & Associates)  
Mr Ashish Parajuli (Main Roads WA)  
Mr Zeljko Zagorac (Main Roads WA)  
Mr Keat Tan (CCN Architects)  
Mr Mohsin Muttaqui (Department of Planning)

#### **Members of the Public**

Nil



## 1. Declaration of Opening

The Presiding Member declared the meeting open at 9:32am and acknowledged the past and present traditional owners and custodians of the land on which the meeting is 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

Nil

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

Minutes of the Metro South-West JDAP meeting No. 83 held on 5 November 2015 were noted by DAP members.

## 5. Declarations 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 Tony Watson and Ms Alicia Jones (MW Urban and Frasers Property Australia) addressed the DAP for the application at Item 8.1.

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

- 7.2 Mr Aaron Lohman and Ms Kathy Bond (Rowe Group and BP Australia) addressed the DAP for the application at Item 9.1.

- 7.3 Mr Ashish Parajuli (Main Roads WA) addressed the DAP against the application at Item 10.1.

  
Mr Ian Birch  
Presiding Member, Metro South-West JDAP



- 7.4 Mr Peter Goff (MGA Town Planners) addressed the DAP for the application at Item 10.1.

***The presentations at Item 7.3 and 7.4 were heard prior to the application at Item 10.1.***

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

- 8.1 Property Location: 5 (Lot 5) Signal Terrace, Cockburn Central  
Application Details: Mixed Use Development comprising 87 multiple dwellings and 3 commercial tenancies – Stage 1  
Applicant: Frasers Property Limited  
Owner: Frasers Property Limited  
Responsible authority: City of Cockburn  
DoP File No: DAP/15/00902

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Steve Portelli

That the Metro South-West JDAP resolves to:

**Approve** the Development Assessment Panel Application (DAP/15/00902) and accompanying plans (DA00 to DA23 & L01 to L03) dated received 25 September 2015 for the development of a Mixed Use Development comprising 87 multiple dwellings and 3 ground floor commercial tenancies at No. 5 (Lot 5) Signal Terrace, Cockburn Central, 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. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. **This includes the use of the land and/or tenancies.** The approved development is for 'Multiple Dwellings' and three (3) commercial tenancies. The three (3) commercial tenancies located on the ground floor are hereby approved as 'Shop' as defined in the Cockburn Central Town Centre Design Guidelines. In the event it is proposed to change the use of one (1) or all of the tenancies, a further application needs to be made to the City for determination.
2. **Prior to the issue of a Building Permit**, a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
3. **Prior to the issue of a Building Permit**, the submission of a deliveries and servicing plan which indicates how deliveries to the commercial tenancies and removal and/or trades vehicles servicing the residential units shall be provided for without adversely affecting the function of the local road and parking network to the satisfaction of the City.



4. **Prior to the issue of a Building Permit**, a detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:
  - (1) the location, number, size and species type of proposed trees and shrubs, including calculations for the landscaping area;
  - (2) any lawns to be established; and
  - (3) those areas to be reticulated or irrigated.
5. Landscaping shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
6. 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 for the development.
7. **Prior to the issue of a Building Permit**, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Community Infrastructure (DCA 13).
8. Provisions identified in the Waste Management Plan approved by the City (dated received 29 October 2015), including recycling measures and management of commercial and residential waste shall be implemented and maintained thereafter to the satisfaction of the City.
9. **Prior to the initial occupation of the dwellings hereby approved**, the parking bays, 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.
10. Bicycle parking racks are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development provides a total of 71 bicycle bays (54 for residents, 14 for residential visitors and 4 for the commercial and hotel components). Details of the bicycle parking shall be submitted to the City for assessment and approval **prior to issue of a Building Permit**.
11. The approved residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bone 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 allocation of car parking bays to specific dwellings (at a rate of not more than one bay per dwelling) shall be reflected on any strata plan for the subject property to the satisfaction of the City and shall only be occupied by vehicles of the occupants of the approved development.



13. All stormwater being contained and disposed of on-site to the satisfaction of the City.
14. The approved development must clearly display the street number/s.
15. The alfresco dining area proposed outside the Commercial Tenancy No.1, within the verge, on the north eastern elevation of the subject site, does not form part of this application and will require a separate planning approval from the City of Cockburn in accordance with the City's Local Planning Policy APD54 'Alfresco Dining'.
16. A Notification in the form of a memorial under Section 70A of the *Transfer of Land Act 1893* as amended shall be placed on the Certificate of Title of Lot 5 Signal Terrace and incorporated into the strata management plan advising of the potential impacts of noise associated with the operation of a vibrant town centre surrounding the site. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
17. **Prior to any work commencing onsite**, a detailed Dust Management Plan shall be submitted to and approved by the City and all measures identified in the plan shall be implemented to the satisfaction of the City.
18. **Prior to the issue of a Building Permit**, the developer shall provide an additional Acoustic Report to the City's satisfaction demonstrating that the design of the development will result in acceptable noise levels within the development, and ensure that any noise emissions associated with the development will comply with the relevant standards.
19. The Building Permit Application shall be accompanied by written confirmation from the builder that all recommendations made in the Acoustic Report prepared by Sealhurst Acoustic Design and Engineering (Ref SEA-2015-045; dated 14 August 2015) and the further Acoustic Report required under condition No. 18, have been incorporated into the proposed development, shall be submitted to and approved by the City prior to the lodgement of the Building Permit Application.
20. **Prior to occupation of the development**, the developer/builder is to provide confirmation that the requirements of the Acoustic Report prepared by Sealhurst Acoustic Design & Engineering (Ref SEA-2015-045: dated 14 August 2015) and the further acoustic report required under condition No. 18 have been incorporated into the completed development with the Form BA7 Completion Form.
21. **Prior to the issue of a Building Permit** for the café/restaurant development, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise emissions will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.



22. A notification, pursuant to section 165 of the *Planning and Development Act 2005* shall be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows:

*“This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise. Further information is available on request from the relevant local government offices”.*

23. **Prior to the issue of a building permit**, a Construction Management Plan, including traffic and pedestrian management, 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.
24. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
25. All waste and recycling materials must be contained within bins.
26. All mechanical plant and related hardware must be screened from view of adjoining properties and the primary and secondary street frontages. The details in respect of which are to be provided to the City’s satisfaction prior to lodgement of a Building Permit Application. The location of plant and equipment must also minimise the impact of noise on future occupants of the development and adjoining residents.
27. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours and visitors to the Town Centre between the hours of 7.00pm and 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless prior written approval of the City is issued).
28. Any damage during construction to the existing streetscape infrastructure (including hard and soft landscaping) adjacent to the subject site shall be rectified to the satisfaction of the City.
29. A streetscape infrastructure bond in respect of Condition 31 shall be lodged with the City prior to the issue of a building permit and held in trust until Condition 31 has been completed to the satisfaction of the City.
30. The City may, for the purpose of giving effect to Condition 31, draw from the bond, whether from corpus or income or both, in payment of the reasonable costs of the City’s officers’, employees’ and agent’s time, and/or the costs of the contractors and subcontractors engaged by the City for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to Condition 31.
31. Upon completion of construction, if Condition 31 has been complied with to the satisfaction of the City, the City shall on request from the bond applicant, pay back to the bond applicant (or the nominee appointed in writing by the bond applicant) the balance (if any) of corpus and income of the bond then standing to the credit of the City.



32. **Prior to the issue of a Building Permit**, the owner/applicant shall:
- submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - submit to the City for approval an 'Application for Art Work Design';
  - enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.

33. **Prior to the submission of a Building Permit application**, revised plans and details are to be submitted and approved by the City regarding the following:
- Identify the location of where the required two (2) service bays will be provided for the super lot, over the proposed four stages, and what type of vehicles they will cater for;
  - The design does not completely comply with AS2890 and/or the following safety hazards:
    - (a) Car bays that need to be widened by 0.3m because of adjacent vertical obstructions;
    - (b) Columns that encroach on the design envelope for vehicle access/egress;
    - (c) A solid wall that will restrict visibility of vehicles approaching a bend in the parking aisle;
    - (d) No extensions provided at the end of blind aisles for manoeuvring in/out of adjacent parking bays; and
    - (e) The need for a bollard in the shared space adjacent to the parking bay for disabled persons.

34. The five (5) ground floor residential units are proposed to be convertible units. In the event it is proposed to change the use of one of the residential units on the ground floor, a further change of use application needs to be made to the City for determination.

### Footnotes

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. With regard to Condition 9, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet 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.
3. With regards to condition 13, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.



4. With regard to Condition 17, an Application for Approval of a Dust Management Plan form may be obtained from the City's 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 Council approval may be required for bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
5. With regard to Condition 18, the acoustic report must be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design of the development meets the following requirements:
  - (a) the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled "*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*", will result in acceptable indoor noise levels and at least one outdoor living area exposed to noise which meets the criteria for outdoor living areas identified in Table 1 of the Policy;
  - (b) the design and location of plant and other sources of noise within the development (such as air-conditioners, entry gates and break out noise) will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended); and
  - (c) that the proposed design and construction of the habitable areas of the development will comply with the City of Cockburn Noise Attenuation Policy (APD83), with particular regard to provision 4.2(6) of the Noise Attenuation Guidelines, to satisfactorily attenuate potential future noise levels for the area.
6. With regard to Condition 21, the Noise Management Plan shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended) and the City of Cockburn Noise Attenuation Policy (APD83). The Noise Management Plan is to include:
  - (a) Predictions of anticipated noise emissions associated with activities, plant or equipment (such as bin areas, air-conditioners, refrigeration or pools);
  - (b) Predictions of anticipated break out noise levels;
  - (c) Sound proofing measures proposed to mitigate noise;
  - (d) Control measures to be undertaken (including monitoring procedures); and
  - (e) A complaint response procedure.
7. With regards to Conditions 23, the City's objective is to ensure the construction of the development is undertaken in a manner that has minimal impact on adjoining and adjacent landowners and residents, and visitors to the Town Centre. In this regard, the City will conduct a dilapidation report following receipt of the Building Permit application to determine the exact bond amount. In general, the bond amount will be set according to the type and condition of existing infrastructure adjacent to the development.





8. With regards to Condition 32, the art work shall be in accordance with Council's Local Planning Policy APD 80 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
9. No signage has been approved as part of this application. Advertising signs are to be in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 and the City's local planning policy APD72 'Signs and Advertising'. Non-exempt signage will require separate planning approval.
10. A 'Shop' is defined by the City's Town Planning Scheme No. 3 as '*premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store or nursery*'.
11. Should an air handling system be proposed, submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Permit Application. Written approval from the City's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
12. Car park areas are to be ventilated in accordance with AS 1668 and the National Construction Code (Building Code of Australia). This should be demonstrated as part of the Building Permit Application.
13. 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 National Construction Code (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*. The City's Health Service further recommends that laundries without external windows and doors should also be ventilated to external air.
14. All food businesses (must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, cool-rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). The plans are to include details of:
  - (a) the structural finishes of all floors, walls and ceilings;



- (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
  - (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal. These plans are to be separate to those submitted to obtain a Building Permit.
15. An application for the construction of the swimming pool and/or aquatic facility must be made to the state Department of Health's Executive Director, Public Health ("EDPH"). Construction must not commence until formal approval from the EDPH is granted.
16. All food handling operations shall comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant shall complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the Act.
17. 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 *Planning and Development (Development Assessment Panels) Regulations 2011*.

## **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Kevin Allen

To amend the following conditions submitted by the applicant, which were agreed by the City of Cockburn as follows:

- i) To modify Condition 1 to read:
  - 1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or tenancies. The approved development is for 'Multiple Dwellings' and three (3) commercial tenancies. The three (3) commercial tenancies located on the ground floor are hereby approved as 'Mixed Use' as defined in the Cockburn Central Town Centre Design Guidelines. In the event it is proposed to change the use of one (1) or all of the tenancies, to a use not defined as 'Mixed Use', a further application needs to be made to the City for determination.
- ii) To delete Condition 12 and renumber all remaining conditions.



- iii) To delete Condition 21 and include it as part of Footnote 6 and renumber all remaining Conditions.
6. The Noise Management Plan shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended) and the City of Cockburn Noise Attenuation Policy (APD83). The Noise Management Plan is to include:
- (a) Predictions of anticipated noise emissions associated with activities, plant or equipment (such as bin areas, air-conditioners, refrigeration or pools);
  - (b) Predictions of anticipated break out noise levels;
  - (c) Sound proofing measures proposed to mitigate noise;
  - (d) Control measures to be undertaken (including monitoring procedures); and
  - (e) A complaint response procedure.

**Prior to the issue of a Building Permit** for any café/restaurant development, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise emissions will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.

- iv) To amend Condition 32 to read:
32. Prior to the issue of a Building Permit, the owner/applicant shall:
- (a) submit to the City for approval details of the incorporation of public art into the fabric of the building on Sleeper Lane at ground level, the cost associated with which is to be no less than \$62,500 (being one-quarter of a maximum \$250,000 to be spent on public art across the four (4) stages comprising the development of Lot 5 Signal Terrace, Cockburn Central);
  - (b) enter into an agreement, to the satisfaction of the City, in order to consolidate the art contribution for the subject site;
  - (c) submit to the City for approval an 'Application for Art Work Design'; and
  - (d) enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.



v) Modify Footnote 8 to read as follows:

8. With regards to Condition 32, the art work shall be in accordance with Council's Local Planning Policy APD80 'Percent for Art' and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Such an agreement shall include completion date and provision of the contribution and must be secured by amenities acceptable to the City. Further information regarding the provision of art work can be obtained from the City's Community Arts officer on 9411 3444.

**REASON: The amendments reflect the agreement reached between the Applicant and the City.**

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

### **AMENDING MOTION**

**Moved by:** Cr Steve Portelli

**Seconded by:** Cr Kevin Allen

To modify Condition 33, point 2 and insert an additional point (3) to read as follows:

**Prior to the submission of a Building Permit application**, revised plans and details are to be submitted and approved by the City regarding the following:

1. Identify the location of where the required two (2) service bays will be provided for the super lot, over the proposed four stages, and what type of vehicles they will cater for.
2. The car parking allocation to be modified to provide two (2) of the currently allocated residential car parking bays as commercial car parking bays providing for a total of eight (8) in Stage 1.
3. The six studio apartments to be allocated a motor cycle bay to the satisfaction of the City.
4. The design does not completely comply with AS2890 and/or the following safety hazards:
  - (a) Car bays that need to be widened by 0.3m because of adjacent vertical obstructions.
  - (b) Columns that encroach on the design envelope for vehicle access/egress.
  - (c) A solid wall that will restrict visibility of vehicles approaching a bend in the parking aisle.
  - (d) No extensions provided at the end of blind aisles for manoeuvring in/out of adjacent parking bays.
  - (e) The need for a bollard in the shared space adjacent to the parking bay for disabled persons.

**REASON: For clarity as it is important for all tenants to have allocated bays for modes of transport.**

**The Amending Motion was put and CARRIED INANIMOUSLY**



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

**Approve** the Development Assessment Panel Application (DAP/15/00902) and accompanying plans (DA00 to DA23 & L01 to L03) dated received 25 September 2015 for the development of a Mixed Use Development comprising 87 multiple dwellings and 3 ground floor commercial tenancies at No. 5 (Lot 5) Signal Terrace, Cockburn Central, 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. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or tenancies. The approved development is for 'Multiple Dwellings' and three (3) commercial tenancies. The three (3) commercial tenancies located on the ground floor are hereby approved as 'Mixed Use' as defined in the Cockburn Central Town Centre Design Guidelines. In the event it is proposed to change the use of one (1) or all of the tenancies, to a use not defined as 'Mixed Use', a further application needs to be made to the City for determination.
2. **Prior to the issue of a Building Permit**, a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
3. **Prior to the issue of a Building Permit**, the submission of a deliveries and servicing plan which indicates how deliveries to the commercial tenancies and removal and/or trades vehicles servicing the residential units shall be provided for without adversely affecting the function of the local road and parking network to the satisfaction of the City.
4. **Prior to the issue of a Building Permit**, a detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:
  - (1) the location, number, size and species type of proposed trees and shrubs, including calculations for the landscaping area;
  - (2) any lawns to be established; and
  - (3) those areas to be reticulated or irrigated.
5. Landscaping shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
6. 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 for the development.
7. **Prior to the issue of a Building Permit**, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Community Infrastructure (DCA 13).



8. Provisions identified in the Waste Management Plan approved by the City (dated received 29 October 2015), including recycling measures and management of commercial and residential waste shall be implemented and maintained thereafter to the satisfaction of the City.
9. **Prior to the initial occupation of the dwellings hereby approved**, the parking bays, 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.
10. Bicycle parking racks are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development provides a total of 71 bicycle bays (54 for residents, 14 for residential visitors and 4 for the commercial and hotel components). Details of the bicycle parking shall be submitted to the City for assessment and approval **prior to issue of a Building Permit**.
11. The approved residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bone 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. All stormwater being contained and disposed of on-site to the satisfaction of the City.
13. The approved development must clearly display the street number/s.
14. The alfresco dining area proposed outside the Commercial Tenancy No. 1, within the verge, on the north eastern elevation of the subject site, does not form part of this application and will require a separate planning approval from the City of Cockburn in accordance with the City's Local Planning Policy APD54 'Alfresco Dining'.
15. A Notification in the form of a memorial under Section 70A of the *Transfer of Land Act 1893* as amended shall be placed on the Certificate of Title of Lot 5 Signal Terrace and incorporated into the strata management plan advising of the potential impacts of noise associated with the operation of a vibrant town centre surrounding the site. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
16. **Prior to any work commencing onsite**, a detailed Dust Management Plan shall be submitted to and approved by the City and all measures identified in the plan shall be implemented to the satisfaction of the City.
17. **Prior to the issue of a Building Permit**, the developer shall provide an additional Acoustic Report to the City's satisfaction demonstrating that the design of the development will result in acceptable noise levels within the development, and ensure that any noise emissions associated with the development will comply with the relevant standards.



18. The Building Permit Application shall be accompanied by written confirmation from the builder that all recommendations made in the Acoustic Report prepared by Sealhurst Acoustic Design and Engineering (Ref SEA-2015-045; dated 14 August 2015) and the further Acoustic Report required under condition No. 17, have been incorporated into the proposed development, shall be submitted to and approved by the City prior to the lodgement of the Building Permit Application.
19. **Prior to occupation of the development**, the developer/builder is to provide confirmation that the requirements of the Acoustic Report prepared by Sealhurst Acoustic Design & Engineering (Ref SEA-2015-045; dated 14 August 2015) and the further acoustic report required under condition No. 17 have been incorporated into the completed development with the Form BA7 Completion Form.
20. A notification, pursuant to section 165 of the *Planning and Development Act 2005* shall be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows:

*“This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise. Further information is available on request from the relevant local government offices”.*
21. **Prior to the issue of a building permit**, a Construction Management Plan, including traffic and pedestrian management, 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.
22. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
23. All waste and recycling materials must be contained within bins.
24. All mechanical plant and related hardware must be screened from view of adjoining properties and the primary and secondary street frontages. The details in respect of which are to be provided to the City's satisfaction prior to lodgement of a Building Permit Application. The location of plant and equipment must also minimise the impact of noise on future occupants of the development and adjoining residents.
25. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours and visitors to the Town Centre between the hours of 7.00pm and 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless prior written approval of the City is issued).
26. Any damage during construction to the existing streetscape infrastructure (including hard and soft landscaping) adjacent to the subject site shall be rectified to the satisfaction of the City.
27. A streetscape infrastructure bond in respect of Condition 26 shall be lodged with the City prior to the issue of a building permit and held in trust until Condition 26 has been completed to the satisfaction of the City.



28. The City may, for the purpose of giving effect to Condition 26, draw from the bond, whether from corpus or income or both, in payment of the reasonable costs of the City's officers', employees' and agent's time, and/or the costs of the contractors and subcontractors engaged by the City for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to Condition 26.
29. Upon completion of construction, if Condition 26 has been complied with to the satisfaction of the City, the City shall on request from the bond applicant, pay back to the bond applicant (or the nominee appointed in writing by the bond applicant) the balance (if any) of corpus and income of the bond then standing to the credit of the City.
30. **Prior to the issue of a Building Permit**, the owner/applicant shall:
- (a) submit to the City for approval details of the incorporation of public art into the fabric of the building on Sleeper Lane at ground level, the cost associated with which is to be no less than \$62,500 (being one-quarter of a maximum \$250,000 to be spent on public art across the four (4) stages comprising the development of Lot 5 Signal Terrace, Cockburn Central);
  - (b) enter into an agreement, to the satisfaction of the City, in order to consolidate the art contribution for the subject site;
  - (c) submit to the City for approval an 'Application for Art Work Design'; and
  - (d) enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.

31. **Prior to the submission of a Building Permit application**, revised plans and details are to be submitted and approved by the City regarding the following:
1. Identify the location of where the required two (2) service bays will be provided for the super lot, over the proposed four stages, and what type of vehicles they will cater for.
  2. The car parking allocation to be modified to provide two (2) of the currently allocated residential car parking bays as commercial car parking bays providing for a total of eight (8) in Stage 1.
  3. The six studio apartments to be allocated a motor cycle bay to the satisfaction of the City.
  4. The design does not completely comply with AS2890 and/or the following safety hazards:
    - (a) Car bays that need to be widened by 0.3m because of adjacent vertical obstructions.
    - (b) Columns that encroach on the design envelope for vehicle access/egress.
    - (c) A solid wall that will restrict visibility of vehicles approaching a bend in the parking aisle.
    - (d) No extensions provided at the end of blind aisles for manoeuvring in/out of adjacent parking bays.
    - (e) The need for a bollard in the shared space adjacent to the parking bay for disabled persons.





32. The five (5) ground floor residential units are proposed to be convertible units. In the event it is proposed to change the use of one of the residential units on the ground floor, a further change of use application needs to be made to the City for determination.

### Footnotes

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. With regard to Condition 9, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practising Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
3. With regards to condition 12, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
4. With regard to Condition 16, an Application for Approval of a Dust Management Plan form may be obtained from the City's 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 Council approval may be required for bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
5. With regard to Condition 17, the acoustic report must be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design of the development meets the following requirements:
  - (a) the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled "*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*", will result in acceptable indoor noise levels and at least one outdoor living area exposed to noise which meets the criteria for outdoor living areas identified in Table 1 of the Policy; and
  - (b) the design and location of plant and other sources of noise within the development (such as air-conditioners, entry gates and break out noise) will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended); and
  - (c) that the proposed design and construction of the habitable areas of the development will comply with the City of Cockburn Noise Attenuation Policy (APD83), with particular regard to provision 4.2(6) of the Noise Attenuation Guidelines, to satisfactorily attenuate potential future noise levels for the area.



6. The Noise Management Plan shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended) and the City of Cockburn Noise Attenuation Policy (APD83). The Noise Management Plan is to include:
- (a) Predictions of anticipated noise emissions associated with activities, plant or equipment (such as bin areas, air-conditioners, refrigeration or pools);
  - (b) Predictions of anticipated break out noise levels;
  - (c) Sound proofing measures proposed to mitigate noise;
  - (d) Control measures to be undertaken (including monitoring procedures); and
  - (e) A complaint response procedure.

**Prior to the issue of a Building Permit** for the café/restaurant development, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise emissions will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.

7. With regards to Conditions 21, the City's objective is to ensure the construction of the development is undertaken in a manner that has minimal impact on adjoining and adjacent landowners and residents, and visitors to the Town Centre. In this regard, the City will conduct a dilapidation report following receipt of the Building Permit application to determine the exact bond amount. In general, the bond amount will be set according to the type and condition of existing infrastructure adjacent to the development.
8. With regards to Condition 30, the art work shall be in accordance with Council's Local Planning Policy APD80 'Percent for Art' and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Such an agreement shall include completion date and provision of the contribution and must be secured by amenities acceptable to the City. Further information regarding the provision of art work can be obtained from the City's Community Arts officer on 9411 3444.
9. No signage has been approved as part of this application. Advertising signs are to be in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 and the City's local planning policy APD72 'Signs and Advertising'. Non-exempt signage will require separate planning approval.
10. A 'Shop' is defined by the City's Town Planning Scheme No. 3 as '*premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store or nursery*'.



11. Should an air handling system be proposed, submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Permit Application. Written approval from the City's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
12. Car park areas are to be ventilated in accordance with AS 1668 and the National Construction Code (Building Code of Australia). This should be demonstrated as part of the Building Permit Application.
13. 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 National Construction Code (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*. The City's Health Service further recommends that laundries without external windows and doors should also be ventilated to external air.
14. All food businesses (must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, cool-rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). The plans are to include details of:
  - (a) the structural finishes of all floors, walls and ceilings;
  - (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
  - (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal. These plans are to be separate to those submitted to obtain a Building Permit.
15. An application for the construction of the swimming pool and/or aquatic facility must be made to the state Department of Health's Executive Director, Public Health ("EDPH"). Construction must not commence until formal approval from the EDPH is granted.



16. All food handling operations shall comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant shall complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the Act.
17. 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 *Planning and Development (Development Assessment Panels) Regulations 2011*.

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

A handwritten signature in black ink, appearing to read 'Ian Birch'.



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

9.1	Property Location:	Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis
	Application Details:	Amendment to DAP Development Approval for Freeway Service Centres
	Applicant:	Greg Rowe Pty Ltd
	Owner:	BP Australia Pty Ltd
	Responsible authority:	City of Rockingham
	DoP File No:	DP/12/01384

### REPORT RECOMMENDATION

**Moved by:** Ms Stacey Towne

**Seconded by:** Mr Robert Nicholson

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DP/12/01384 as detailed on the DAP Form 2 dated 13 August 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/12/01384 as detailed on the DAP Form 2 dated 13 August 2015 and accompanying:
  - Pavement Marking, Signing and Fencing Principle Shared Path Sheet 1 of 2, Drawing No.201548 -1109 Rev E, dated 17 August 2015;
  - Pavement Marking, Signing and Fencing Principle Shared Path Sheet 2 of 2, Drawing No.201548 -1122 Rev D, dated 17 August 2015;
  - External Signage Schedule (signage strategy), dated January 2015, received 24 September 2015 (excluding McDonalds pylon sign and Red Rooster pylon sign) and as amended 19 October 2015.

in accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 30(1) of the *Metropolitan Region Scheme*, for the proposed minor amendment to the approved Freeway Service Centre at Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, subject to the approval dated 14 February 2013 and as amended on 19 November 2014 and:

### Amended Conditions

21. An Easement in accordance with Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldivis specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

*"Public Access Easement - Principal Shared Path"*.

31. The four (4) pylon signs (McDonalds and Red Rooster) are not approved.

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

  
Mr Ian Birch  
Presiding Member, Metro South-West JDAP



### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

To amend Condition 31 to read as follows:

31. The (4) four pylon signs are to be reduced in height to 9 metres and face area not exceeding 3.5 metres in width and height in accordance with Council's Policy 3.3.1 'Controlled Advertisements'.

**REASON:** The additional pylon signs (MacDonald's and Red Rooster) are considered acceptable in this large scale freeway environment, however, they should be reduced in size, as guided by Council's Policy.

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

### **AMENDING MOTION**

**Moved by:** Ms Stacey Towne

**Seconded by:** Mr Ian Birch

To amend 2. Dot point 3 of the approval paragraph to read as follows:

- External Signage Schedule (signage strategy), dated January 2015, received 24 September 2015 and as amended 19 October 2015.

**REASON:** To align with amendment to Condition 31.

**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/12/01384 as detailed on the DAP Form 2 dated 13 August 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/12/01384 as detailed on the DAP Form 2 dated 13 August 2015 and accompanying:
  - Pavement Marking, Signing and Fencing Principle Shared Path Sheet 1 of 2, Drawing No.201548 -1109 Rev E, dated 17 August 2015;
  - Pavement Marking, Signing and Fencing Principle Shared Path Sheet 2 of 2, Drawing No.201548 -1122 Rev D, dated 17 August 2015;
  - External Signage Schedule (signage strategy), dated January 2015, received 24 September 2015 and as amended 19 October 2015.

in accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 30(1) of the *Metropolitan Region Scheme*, for the proposed minor amendment to the approved Freeway Service Centre at Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, subject to the approval dated 14 February 2013 and as amended on 19 November 2014 and:

### **Amended Conditions**

21. An Easement in accordance with Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldivis specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

*"Public Access Easement - Principal Shared Path"*.

31. The (4) four pylon signs are to be reduced in height to 9 metres and face area not exceeding 3.5 metres in width and height in accordance with Council's Policy 3.3.1 'Controlled Advertisements'.

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



## 10. Appeals to the State Administrative Tribunal

<b>10.1</b>	Property Location:	2 (Lot 8) Garston Way, North Coogee
	Application Details:	Mixed Use Commercial Development comprising a supermarket, petrol filling station with convenience store, a fast food outlet, Three (3) showrooms and a two-storey consulting rooms building comprising Ten (10) practitioners
	Applicant:	MGA Town Planners
	Owner:	Paino & Associates Pty Ltd & Stapledon Pty Ltd
	Responsible authority:	City of Cockburn
	DoP File No:	DAP/15/00743

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Steve Portelli

**Seconded by:** Mr Robert Nicholson

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the State Administrative Tribunal 2004 in respect of SAT Application DR 204 of 2015, resolves to:

**Reconsider** its direction dated 22 May 2015 and approves DAP Application reference DAP/15/00743 and amended plans date stamped 23 October 2015 in accordance with the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

#### Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. **This includes the use of the land and/or tenancies.** The approved development is for a Supermarket 'Shop', 'Petrol Filling Station', 'Convenience Store', 'Fast Food Outlet', Three (3) 'Showrooms' and Ten (10) practitioners for 'Consulting Rooms' purposes. In the event it is proposed to change the use of one (1) or all of the tenancies, a further application needs to be made to the City for determination.
2. **Prior to the issue of a Building Permit**, a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
3. **Prior to the issue of a Building Permit**, the submission of a deliveries and servicing plan which indicates how deliveries to the commercial tenancies shall be provided for without adversely affecting the function of the local road and parking network to the satisfaction of the City.

  
Mr Ian Birch  
Presiding Member, Metro South-West JDAP





4. **Prior to the issue of a Building Permit**, a detailed landscaping plan shall be submitted to and approved by the City. The plan agreed to by the City shall be implemented in the development. The landscaping plan shall include the following:
  - the location, number, size and species type of proposed trees and shrubs, including calculations for the landscaping area;
  - any lawns to be established;
  - those areas to be reticulated or irrigated;
  - appropriate planting within the car parking areas;
  - emphasis of the internal street through the placement of trees;
  - replace colonnade with mature tree plantings to support a meaningful sense of place; and
  - verge treatments.
5. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
6. **Prior to the issue of a Building Permit**, 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 for the development.
7. **Prior to the lodgement of a Building Permit**, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Cockburn Coast (DCA 14).
8. **Prior to the issue of a Building Permit a**, a Waste Management Plan shall be submitted to and approved by the City to its satisfaction. Provisions in the Waste Management Plan shall include recycling measures and management of commercial waste, are to be implemented and maintained thereafter to the satisfaction of the City.
9. Prior to the initial occupation of the development hereby approved, the parking bays, 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.
10. 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 34 (6 of which are for visitors) bicycle storage areas. Details of the bicycle storage areas shall be submitted to the City for assessment and approval **prior to the issue of a Building Permit application**.
11. All stormwater being contained and disposed of on-site to the satisfaction of the City.
12. The approved development must clearly display the street number/s.



13. **Prior to any work commencing onsite** a detailed Dust Management Plan (DMP) must be submitted to and approved by the City. The approved DMP shall be implemented thereafter to the satisfaction of the City. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website.
14. A waste storage area must be provided either within the building(s) or within an external enclosure. The bin storage area must be of an adequate size to contain all waste bins, and be provided with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.
15. **Prior to the issue of a building permit**, a Construction Management Plan, including traffic and pedestrian management, 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.
16. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm and 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless prior written approval of the City is issued).
17. **Prior to the issue of a Building Permit**, the owner/applicant shall:
  - submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - submit to the City for approval an 'Application for Art Work Design'; and
  - enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.

18. **Prior to the issue of a Building Permit**, revised plans and details are to be submitted and approved by the City regarding the following:
  - Provide shared paths on all adjacent road frontages and connections to the surrounding path network;
  - The car park and its access points shall be designed, constructed and maintained to comply with AS2890;
  - A traffic sign and pavement marking plan for the site, designed to comply with AS1742 and AS2890;
  - End of trip facilities including 4 female and 4 male showers, located in separate rooms, as well as the location of 42 secure changing room lockers;
  - A detailed plan depicting the forecourt area of the Fast Food outlet fronting Cockburn Road, to be treated with appropriate landscape treatments, paving and plantings to reinforce the forecourt as an entrance point;
  - A detailed awning plan to ensure the buildings have awnings over footpaths for no less than 80% of the primary and secondary street frontages;



- The colonnade depicted on the Cockburn Road elevation is to be removed and replaced with vegetation which is to be noted in the required landscaping plan;
  - The service access way, between the proposed Convenience Store and Showrooms building, is to be secured by way of fences/gates, to ensure access cannot be gained by the general public; and
  - The northern façade of the supermarket (shop) building is to provide glazing.
19. All road widening, rights-of-way and truncations, must be surrendered or granted free of cost to the Crown prior to the commencement of use or occupation of the development.

### **Advice notes**

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. With regard to Condition 9, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet 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.
4. With regards to condition 11, all stormwater drainage shall be designed in accordance with Australian Standard AS3500. In addition, it may be necessary for temporary drainage solutions to be provided in the interim until drainage areas are provided in public open space areas. It may be necessary for suitable arrangements to be provided which allow for the temporary solutions to be decommissioned in the future and connected to the ultimate drainage design.
5. With regards to Condition 18, the art work shall be in accordance with Council's Local Planning Policy APD 80 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
6. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
7. No signage has been approved as part of this application. Advertising signs are to be in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 and the City's local planning policy APD72 'Signs and Advertising'. Non-exempt signage will require separate planning approval.

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



8. A 'Shop' is defined under the City's Town Planning Scheme No. 3 as *'premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store or nursery'*.
9. A 'Fast Food Outlet' is defined under the City's Town Planning Scheme No. 3 as *'premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises but does not include a lunch bar'*.
10. 'Consulting Rooms' are defined under the City's Town Planning Scheme No. 3 as *'premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care'*.
11. A 'Showroom' is defined under the City's Town Planning Scheme No. 3 as *'premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature'*.
12. A 'Convenience Store' is defined under the City's Town Planning Scheme No. 3 as premises –
  - (a) *'Used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods.*
  - (b) *Operated during hours which include, but may extend beyond, normal trading hours.*
  - (c) *Which provide associated parking.*
  - (d) *The floor area of which does not exceed 300 square metres net lettable area'*.
13. A 'Petrol Filling Station' is defined under the City's Town Planning Scheme No. 3 as *'land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery'*.
14. You are advised that this application has been approved on the basis of the following car parking allocations:
  - Ten (10) Practitioners for Consulting Rooms: 50 car bays;
  - Three (3) Showrooms: Each requiring 6, 6 and 8 car bays respectively;
  - Fast Food Outlet: 32 car bays;
  - Supermarket (Shop): 95 car bays; and
  - Petrol Filling Station and Convenience Store: 22 car bays.
15. All outdoor lighting must be installed in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".



16. All food handling operations must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the *Act*.
17. All food businesses (must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). The plans are to include details of:
  - (a) the structural finishes of all floors, walls and ceilings;
  - (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
  - (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal. These plans are to be separate to those submitted to obtain a Building Permit.
18. 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.
19. 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.

*Cr Kevin Allen left the meeting at 11:30am.*

#### **AMENDING MOTION**

**Moved by:** Ms Stacey Towne

**Seconded by:** Mr Robert Nicholson

To amend Condition 19 to read as follows:

19. The 6m road widening reserve along Cockburn Road, as indicated on the submitted plans, must be surrendered or granted free of cost to the Crown prior to the commencement of use or occupation of the development.

#### **REASON: For Clarification**

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

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



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

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the State Administrative Tribunal 2004 in respect of SAT Application DR 204 of 2015, resolves to:

**Reconsider** its direction dated 22 May 2015 and approves DAP Application reference DAP/15/00743 and amended plans date stamped 23 October 2015 in accordance with the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

### **Conditions**

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. **This includes the use of the land and/or tenancies.** The approved development is for a Supermarket 'Shop', 'Petrol Filling Station', 'Convenience Store', 'Fast Food Outlet', Three (3) 'Showrooms' and Ten (10) practitioners for 'Consulting Rooms' purposes. In the event it is proposed to change the use of one (1) or all of the tenancies, a further application needs to be made to the City for determination.
2. **Prior to the issue of a Building Permit**, a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
3. **Prior to the issue of a Building Permit**, the submission of a deliveries and servicing plan which indicates how deliveries to the commercial tenancies shall be provided for without adversely affecting the function of the local road and parking network to the satisfaction of the City.
4. **Prior to the issue of a Building Permit**, a detailed landscaping plan shall be submitted to and approved by the City. The plan agreed to by the City shall be implemented in the development. The landscaping plan shall include the following:
  - the location, number, size and species type of proposed trees and shrubs, including calculations for the landscaping area;
  - any lawns to be established;
  - those areas to be reticulated or irrigated;
  - appropriate planting within the car parking areas;
  - emphasis of the internal street through the placement of trees;
  - replace colonnade with mature tree plantings to support a meaningful sense of place; and
  - verge treatments.
5. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.



6. **Prior to the issue of a Building Permit**, 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 for the development.
7. **Prior to the lodgement of a Building Permit**, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Cockburn Coast (DCA 14).
8. **Prior to the issue of a Building Permit a**, a Waste Management Plan shall be submitted to and approved by the City to its satisfaction. Provisions in the Waste Management Plan shall include recycling measures and management of commercial waste, are to be implemented and maintained thereafter to the satisfaction of the City.
9. Prior to the initial occupation of the development hereby approved, the parking bays, 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.
10. 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 34 (6 of which are for visitors) bicycle storage areas. Details of the bicycle storage areas shall be submitted to the City for assessment and approval **prior to the issue of a Building Permit application**.
11. All stormwater being contained and disposed of on-site to the satisfaction of the City.
12. The approved development must clearly display the street number/s.
13. **Prior to any work commencing onsite** a detailed Dust Management Plan (DMP) must be submitted to and approved by the City. The approved DMP shall be implemented thereafter to the satisfaction of the City. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website.
14. A waste storage area must be provided either within the building(s) or within an external enclosure. The bin storage area must be of an adequate size to contain all waste bins, and be provided with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.
15. **Prior to the issue of a building permit**, a Construction Management Plan, including traffic and pedestrian management, 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.



16. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm and 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless prior written approval of the City is issued).
17. **Prior to the issue of a Building Permit**, the owner/applicant shall:
- submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - submit to the City for approval an 'Application for Art Work Design'; and
  - enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.

18. **Prior to the issue of a Building Permit**, revised plans and details are to be submitted and approved by the City regarding the following:
- Provide shared paths on all adjacent road frontages and connections to the surrounding path network;
  - The car park and its access points shall be designed, constructed and maintained to comply with AS2890;
  - A traffic sign and pavement marking plan for the site, designed to comply with AS1742 and AS2890;
  - End of trip facilities including 4 female and 4 male showers, located in separate rooms, as well as the location of 42 secure changing room lockers;
  - A detailed plan depicting the forecourt area of the Fast Food outlet fronting Cockburn Road, to be treated with appropriate landscape treatments, paving and plantings to reinforce the forecourt as an entrance point;
  - A detailed awning plan to ensure the buildings have awnings over footpaths for no less than 80% of the primary and secondary street frontages;
  - The colonnade depicted on the Cockburn Road elevation is to be removed and replaced with vegetation which is to be noted in the required landscaping plan;
  - The service access way, between the proposed Convenience Store and Showrooms building, is to be secured by way of fences/gates, to ensure access cannot be gained by the general public; and
  - The northern façade of the supermarket (shop) building is to provide glazing.
19. The 6m road widening reserve along Cockburn Road, as indicated on the submitted plans, must be surrendered or granted free of cost to the Crown prior to the commencement of use or occupation of the development.

### **Advice notes**

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.

  
Mr Ian Birch  
Presiding Member, Metro South-West JDAP





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. With regard to Condition 9, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet 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.
4. With regards to condition 11, all stormwater drainage shall be designed in accordance with Australian Standard AS3500. In addition, it may be necessary for temporary drainage solutions to be provided in the interim until drainage areas are provided in public open space areas. It may be necessary for suitable arrangements to be provided which allow for the temporary solutions to be decommissioned in the future and connected to the ultimate drainage design.
5. With regards to Condition 18, the art work shall be in accordance with Council's Local Planning Policy APD 80 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
6. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
7. No signage has been approved as part of this application. Advertising signs are to be in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 and the City's local planning policy APD72 'Signs and Advertising'. Non-exempt signage will require separate planning approval.
8. A 'Shop' is defined under the City's Town Planning Scheme No. 3 as *'premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store or nursery'*.
9. A 'Fast Food Outlet' is defined under the City's Town Planning Scheme No. 3 as *'premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises but does not include a lunch bar'*.
10. 'Consulting Rooms' are defined under the City's Town Planning Scheme No. 3 as *'premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care'*.



11. A 'Showroom' is defined under the City's Town Planning Scheme No. 3 as *'premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature'*.
12. A 'Convenience Store' is defined under the City's Town Planning Scheme No. 3 as premises –
  - (a) *'Used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;*
  - (b) *Operated during hours which include, but may extend beyond, normal trading hours;*
  - (c) *Which provide associated parking; and*
  - (d) *The floor area of which does not exceed 300 square metres net lettable area'*.
13. A 'Petrol Filling Station' is defined under the City's Town Planning Scheme No. 3 as *'land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery'*.
14. You are advised that this application has been approved on the basis of the following car parking allocations:
  - Ten (10) Practitioners for Consulting Rooms: 50 car bays;
  - Three (3) Showrooms: Each requiring 6, 6 and 8 car bays respectively;
  - Fast Food Outlet: 32 car bays;
  - Supermarket (Shop): 95 car bays; and
  - Petrol Filling Station and Convenience Store: 22 car bays.
15. All outdoor lighting must be installed in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
16. All food handling operations must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the *Act*.
17. All food businesses (must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). The plans are to include details of:



- (a) The structural finishes of all floors, walls and ceilings.
  - (b) The position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.).
  - (c) All kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal. These plans are to be separate to those submitted to obtain a Building Permit.
18. 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.
19. 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.**

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

There being no further business, the Presiding Member declared the meeting closed at 11:34 am.

A handwritten signature in blue ink, appearing to read 'Ian Birch'.