



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 26 July 2018; 1:00pm
Meeting Number: MSWJDAP/164
Meeting Venue: City of Cockburn
9 Coleville Crescent
Spearwood

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Mr Andrew Macliver (Specialist Member)

Item 8.1

Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

Items 8.2 and 10.1

Cr Chamonix Terblanche (Local Government Member, City of Cockburn)
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)

Officers in attendance

Item 8.1

Mr Greg Delahunty (City of Rockingham)

Items 8.2 and 10.1

Mr Don Bothwell (City of Cockburn)
Mr Patrick Andrade (City of Cockburn)
Mr Andrew Lefort (City of Cockburn)
Mr Daniel Arndt (City of Cockburn)

Minute Secretary

Ms Lynette Jakovcevic (City of Cockburn)

Applicants and Submitters

Item 8.2

Mr Ryan Darby (RobertsDay)
Mr Greg Zieschang (Opal Aged Care)
Mr Chris Fagri (Johnstaff)
Mr Todd Paterson (KPA Architects)
Mr John Loreck (KPA Architects)



Item 10.1

Ms Michelle White
Ms Elizabeth Wells
Miss Toni Jackson-Wood
Mr Tony Watson (MW Urban)
Mr Martti Wardenius (Resonate Acoustics)
Mr Brendan Foley (Lavan)
Mr Matthew Elliot (Accord Property)
Mr Tim Reynolds (Herring Storer Acoustics)
Ms Lyn Spearing
Mr Michael Spearing

Members of the Public / Media

Cr Lee-Anne Smith (City of Cockburn)

1. Declaration of Opening

The Presiding Member declared the meeting open at 1.12pm on 26 July 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member, announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.



6. Disclosure of Interests

DAP Member, Mr Andrew Macliver, declared an impartiality interest in item 10.1. Mr Macliver is known to the applicants on both a social and professional basis but has not done any direct business with them.

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

7. Deputations and Presentations

7.1 Mr Ryan Darby (RobertsDay) addressed the DAP in support of the application at Item 8.2.

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

7.2 Ms Michelle White addressed the DAP against the application at Item 10.1 and responded to questions from the panel.

7.3 Ms Elizabeth Wells addressed the DAP against the application at Item 10.1 and responded to questions from the panel.

7.4 Miss Toni Jackson-Wood addressed the DAP against the application at Item 10.1 and responded to questions from the panel.

7.5 Mr Tony Watson (MW Urban) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

7.6 Mr Martti Wardenius (Resonate Acoustics) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

7.7 Mr Brendan Foley (Lavan) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

7.8 Mr Andrew Lefort (City of Cockburn) addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

The presentations at Item 7.2 to 7.8 were heard prior to the application at Item 10.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 61 (No.37) and Lot 62 (No.39) Council Avenue, Rockingham
Development Description:	Proposed Mixed Use Development – 62 Multiple Dwellings, 13 Consulting Rooms, Two Shops and a Restaurant
Applicant:	Pinnacle Planning Services Pty Ltd
Owner:	Rockingham No 1 Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/18/01398



REPORT RECOMMENDATION

Moved by: Cr Chris Elliott

Seconded by: Cr Deb Hamblin

That the Metro South-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01398 as detailed on the DAP Form 1 date 11 April 2018 and accompanying plans:
 - Location Plan and Overshadowing, Drawing A2, dated 23.5.18
 - Site Plan, Drawing A3, dated 23.5.18
 - Ground Floor, Drawing A4, dated 23.5.18
 - Basement, Drawing A5, dated 23.5.18
 - Mezzanine, Drawing A6, dated 23.5.18
 - First Floor, Drawing A7, dated 23.5.18
 - Second to Fifth Floor, Drawing A8, dated 23.5.18
 - Sixth Floor, Drawing A9, dated 23.5.18
 - Roof Plan, Drawing A10, dated 23.5.18
 - Elevation 1, Drawing A11, dated 23.5.18
 - Elevation 2, Drawing A12, dated 23.5.18
 - Elevation 3, Drawing A13, dated 23.5.18
 - Elevation 4, Drawing A14, dated 23.5.18
 - Elevation 5, Drawing A15, dated 23.5.18
 - Section 1, Drawing A16, dated 23.5.18

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

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to clause 5.5.14 of the *City of Rockingham Town Planning Scheme No. 2*.
3. Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of Lot 61 Council Avenue, Rockingham and Lot 62 Council Avenue, Rockingham into one Certificate of Title.

The amalgamation must be completed prior to occupation of the development.

4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be



implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

5. Prior to applying for a Building Permit, plans must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.

All stormwater generated by the development must be contained and disposed of on-site to the satisfaction of the City of Rockingham.

6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Any natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated; and
 - (v) The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study.

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

7. The car park(s) must:-
 - (i) provide a minimum of 94 parking spaces;
 - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (iii) include one car parking space(s) dedicated to people with 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; and
 - (v) have lighting installed, prior to the occupation of the development.

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



8. Prior to applying for a Building Permit the applicant must submit a Parking Control and Management Plan to the City of Rockingham for approval. The Parking Control and Management Plan must demonstrate:
- (i) how resident, tenant and customer parking bays will be managed; and
 - (ii) that vehicles can access and egress the carparks and the building in a safe manner.

The Parking Control and Management Plan must be implemented for the duration of the development.

9. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, thirteen short-term bicycle parking spaces and six long-term bicycle parking spaces must be provided for the development.

The bicycle parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities*, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham 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 and safe condition for the duration of the development.

10. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, two secure hot-water showers, change rooms and clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

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

11. Prior to applying for a Building Permit, clothes drying facilities (excluding electric clothes dryers) shall be screened from view of any adjacent public road or internal access street.

These clothes drying facilities must be implemented as such for the duration of the development.

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

- (i) the location of bin storage areas and bin collection areas;
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and



(iv) frequency of bin collections.

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

13. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.

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

14. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by *Planning Policy 3.3.1, Control of Advertisements*) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
15. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting Council Avenue has a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from Council Avenue.

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

16. 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 the internal street, at all times.
17. All doors of the commercial tenancies facing the Council Avenue frontages of the building must be accessible to customers and not locked during all hours when the subject premises are trading.
18. Public or customer access must be from Council Avenue.
19. Above-ground meter boxes must not be located in a street setback area at any time.
20. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
21. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provide to the City of Rockingham's satisfaction prior to applying for a Building Permit.



Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
2. 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.
3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
4. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development & Infrastructure Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

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

The Report Recommendation was put and CARRIED UNANIMOUSLY.

8.2	Property Location:	Lot 7002 Abelia Road, Treeby
	Development Description:	Residential Aged Care Facility
	Applicant:	Roberts Day
	Owner:	Principal Healthcare Finance Pty Ltd
	Responsible Authority:	City of Cockburn
	DAP File No:	DAP/18/01405

REPORT RECOMMENDATION

Moved by: Cr Carol Reeve-Fowkes **Seconded by:** Cr Chamonix Terblanche

That the Metro South-West JDAP resolves to:

Approve DAP Application DAP/18/01405 and accompanying plans A2-01, A2-02, A5-01 and A7-01 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *City of Cockburn Town Planning Scheme No. 3*, as depicted on the plans dated 26 April 2018, subject to the following conditions:

Conditions

1. Prior to the issue of a Building Permit for new buildings, the submission of a detailed landscape plan for assessment and approval by the City is required. The Landscape Plan shall include the following:-



- (a) the location, species and size of proposed planting;
 - (b) the location, species, size and density of proposed shrubs;
 - (c) those areas to be reticulated or irrigated and what the source of water is;
 - (d) details of any common area lighting; and
 - (e) verge treatments including removal and replacement of existing street tree on Abelia Road to accommodate the footpath connecting to the site.
2. Landscaping shall be installed and reticulated in accordance with an approved detailed landscape plan prior to the occupation of the development. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
 3. A detailed material, colours and finishes schedule for the development shall be submitted to and approved by the City prior to the issue of a Building Permit for new buildings. The details as agreed to by the City are to be implemented and maintained in the development
 4. All mechanical plant and related hardware shall be screened from view of adjoining properties and the respective street frontages. The details in respect of which are to be provided to the City's satisfaction prior to the issue of a Building Permit for new buildings. The location of plant and equipment shall also minimise the impact of noise on future occupants of the development and adjoining residents.
 5. Prior to the initial occupation of the building, the parking bays, driveways and points of ingress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City. Car parking and access driveways shall be designed, constructed and maintained to comply with AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
 6. Prior to the initial occupation of the building, signage and painted arrows shall be provided in the driveway area to inform drivers of the one-way access.
 7. 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 metres to the satisfaction of the City.
 8. All stormwater being contained and disposed of on-site to the satisfaction of the City.
 9. The premises must clearly display the street number/s.
 10. A Dust Management Plan shall be submitted to and approved by the City prior to any works commencing on-site. The approved Dust Management Plan shall be implemented to the satisfaction of the City.
 11. A Construction Management Plan shall be submitted to and approved by the City prior to the issue of a Building Permit for new buildings. The Construction Management Plan shall be implemented to the satisfaction of the City.
 12. No building or construction related activities associated with this approval



- causing noise between the hours 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).
13. Prior to the issue of a Building Permit for new buildings, 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 or in the public realm;
 - 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.
 14. Provisions identified in the Waste Management Plan approved by the City on 29 June 2018, which include recycling measures and management of commercial and residential waste, shall be implemented and maintained thereafter to the satisfaction of the City.
 15. The bicycle parking spaces are to be designed and installed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the ground floor plan. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to the issue of a Building Permit for new buildings.
 16. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
 17. The Bushfire Management Plan dated April 2018 shall be implemented to the satisfaction of the City.
 18. 6.38mm laminated glazing (or equivalent Rw rated glazing) shall be provided to all habitable areas within the Aged Care Facility.
 19. An Acoustic Report shall be submitted to and approved by the City, prior to the submission of a Building Permit application. All noise attenuation measures, identified by this acoustic report are to be implemented prior to occupancy of the development (or as otherwise required by the City) and the requirements of the Acoustic Report are to be observed at all times.
 20. Written confirmation from the builder shall be submitted to the City with the Building Permit Application confirming that all habitable areas are provided with 6.38mm laminated glazing (or equivalent Rw rated glazing) in accordance with condition 17 and that all recommendations made in the Acoustic Report required under condition 18 have been incorporated into the proposed development.
 21. The builder shall provide written confirmation that the requirements of condition 18 and all recommendations made in the Acoustic Report have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
 22. The development site shall be connected to the reticulated sewerage system



- of the Water Corporation before commencement of any use.
23. No wash-down of plant, vehicles or equipment is permitted on the premises.
 24. The Medical Centre is limited to the following number of consultants/practitioners at any one time:
 - Consultancy 1 – 1 consultant;
 - Consultancy 2 – 1 consultant; and
 - Consultancy 3 – 1 consultant.

Advice Notes

1. The application has been determined by the JDAP on the basis of the plans and information provided to 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 Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a building permit is required.
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 8, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
5. With regards to Condition 10, an Application for Approval of a Dust Management Plan may be obtained from www.cockburn.wa.gov.au and shall 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. With regards to Condition 11, the Construction Management Plan shall address the following items:
 - (a) access to and from the site;
 - (b) delivery of materials and equipment to the site;
 - (c) storage of materials and equipment to the site;
 - (d) parking arrangements for contractors and subcontractors;
 - (e) management of construction waste; and
 - (f) other matters likely to impact on the surrounding properties.

Your attention is drawn to the City's Engineering Services for further information on formal road closures (if required) for the parking arrangements approved within the Construction Management Plan.



7. 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 be ventilated to external air and condensating clothes dryers installed.
8. This development has been defined as a public building and shall comply with the relevant provisions of the Health Act 1911 (as amended), and the Health (Public Buildings) Regulations 1992. An Application to Construct, Extend or Alter a Public Building shall be submitted for approval, prior to fit out works commencing for this development.
9. With regards to Condition 13, the art work shall be in accordance with Council's Local Planning Policy LPP 5.13 - 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.
10. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
11. 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 a 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.
12. Parts of this development has been defined as a 9b public building in accordance with the National Construction Code (NCC) and shall comply with the relevant provisions of the Health (Miscellaneous Provisions) Act 1911 (as amended), and the Health (Public Buildings) Regulations 1992.
13. 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.

14. With regard to Condition 19 above, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant and other sources of noise within the development will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended). The Acoustic Report must incorporate a Noise Management Plan which addresses:
 - (a) Predictions of anticipated noise emissions associated with activities, plant or equipment (such as air-conditioners, garbage areas, refrigeration, entry gates and sources of break out noise)
 - (b) Sound proofing measures proposed to mitigate noise;
 - (c) Control measures to be undertaken (including monitoring procedures); and
 - (d) A complaint response procedure.
15. An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with the mentioned legislation.
16. The occupier of premises in which clinical waste is produced shall comply in all respects with the Environmental Protection (Controlled Waste) Regulations 2004. For further information please contact the Department of Water and Environmental Regulation.
17. With regards to Condition 1, it is to be noted that the existing street tree cannot be replanted and will require replacing to the side of the connecting path. For further information regarding this and the required Landscaping Plan, please contact the City's Parks Technical Officer on 9411 3540.
18. A Sign Permit is required in accordance with the City's Local Laws (2000) prior to the erection of the any signs on-site. A permit is obtainable from the City's Building Services Department.
19. 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.



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 or Council approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.

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

The Report Recommendation 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

10.1 Property Location: Lot 803 Yangebup Road, Yangebup
Development Description: Service Station
Applicant: MW Urban
Owner: RPD 1 Pty Ltd
Responsible Authority: City of Cockburn
DAP File No: DAP/17/01335

REPORT RECOMMENDATION

Moved by: Cr Carol Reeve-Fowkes **Seconded by:** Cr Chamonix Terblanche

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal act 2004 (WA)* in respect of SAT application DR 66 of 2018 vary its decision made 6 March 2018 and resolve to:

Approve DAP Application reference DAP/17/01335 and accompanying plans in accordance with the Metropolitan Region Scheme, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Cockburn's 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. The approved development has approval to be used as a 'Service Station' only.
2. The hours of operation are restricted to between 6:00am and 11:00pm seven days per week.
3. A maximum of three (3) employees for the Service Station shall be permitted working from the premises at any given time.
4. The vehicle crossovers shall be designed and constructed in accordance with City specifications.
5. Stormwater shall be contained and disposed of onsite.



6. Fuel deliveries shall occur only between 7:00am-10:00pm weekdays (Monday to Friday) and 9:00am-10:00pm on weekends (Saturday and Sunday).
7. Dimensions of all car parking and commercial vehicle facilities including bays, aisle widths, columns locations, ramps, circulation areas and headroom clearance shall comply with relevant Australian Standards, to the satisfaction of the City.
8. Prior to the initial commencement of the use, a minimum of ten (10) bicycle bays that conform to Australian Standard 2890.3 (as amended) shall be provided in accordance with the approved plans.
9. Prior to the initial occupation of the development, vehicle manoeuvring areas, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use to the satisfaction of the City.
10. All plant and equipment (such as air conditioning condenser units and communication hardware etc.) shall be purposely located on site or screened, so as not to be visible from the street.
11. Prior to the issue of a Building Permit application for new buildings, 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.
12. Prior to issue of a Building Permit application for new buildings, a Construction Management Plan shall be submitted to and approved by the City. The following matters are proposed to be managed:
 - (a) access to and from the site;
 - (b) the delivery of materials and equipment to the site;
 - (c) the storage of materials and equipment on the site;
 - (d) dust management;
 - (e) other matters likely to impact on surrounding properties;
 - (f) the parking arrangements for contractors and subcontractors; and
 - (g) management of construction waste.
13. A detailed landscaping plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application and shall include the following:-
 - (a) the location, number, size and species type of proposed trees and shrubs, including calculations for the landscaping area;
 - (b) any lawns to be established;
 - (c) any existing landscape areas to be retained;
 - (d) those areas to be reticulated or irrigated; and
 - (e) verge treatments.



14. The landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be installed prior to occupation of the development to the satisfaction of the City.
15. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
16. All outdoor lighting (including lighting associated with signage) shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
17. No wash-down of plant, vehicles or equipment is permitted on the premises.
18. The carrying out of greasing, tyre repairs and mechanical repairs to motor vehicles shall not be permitted on site.
19. No vacuum services are to be provided for customer vehicles onsite.
20. External speakers within the development shall be used for emergency purposes only.
21. All waste and recycling materials shall be contained within bins.
22. The waste storage areas must be of an adequate size to contain all waste bins. Each waste area shall 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.
23. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
24. The illuminated signage hereby approved shall not flash, pulsate or chase, nor shall it display electronically generated variable messages.
25. All noise attenuation measures, identified by the Acoustic Report by Herring Storer Acoustics report number: 23060-2-17258-02 dated May 2018, shall be implemented prior to occupancy of the development (or as otherwise required by Page 4 the City) and the requirements and best practice recommendations of the Acoustic Report shall be observed at all times.
26. Prior to the approval of the Building Permit Application, the applicant shall obtain written confirmation from the acoustic consultant. This report shall confirm that all recommendations made in the Environmental Acoustic Assessment submitted have been incorporated into the proposed development and the design and location of all mechanical plant within the development will not result in noise emissions exceeding those set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
27. The Building Occupancy Permit Application form shall be accompanied by a report from the builder/developer confirming compliance with the requirements



of the acoustic report and that any structural recommendations of the report are incorporated into the development, to the satisfaction of the Manager, Environmental Health.

28. Prior to the lodgement of a Building Permit application, a Pollution and Drainage Plan shall be submitted to and approved by the City. The Pollution and Drainage Plan shall detail the treatment of spills and control drainage and pollution to further assist in the mitigation of odour impacts associated with the proposal. Measures contained in the approved plan shall be implemented at all times to the satisfaction of the City.
29. Prior to the lodgement of a Building Permit application, a Safety and Risk Management Plan shall be submitted to and approved by the City on advice from the Department of Mines and Petroleum. The Safety and Risk Management Plan shall detail risk and safety management measures including communication and evacuation protocols. Measures contained in the approved Safety and Risk Management Plan shall be implemented at all times.
30. Prior to the lodgement of a Building Permit application the plans shall be amended as per the following to the satisfaction of the City:
 - (a) Deletion of the 'price board' sign on the corner of Durnin Avenue and Yangebup Road.
 - (b) Reduction of the height of the pylon sign on the south side of the building from 10m to 9m.
31. The following works shall be undertaken by the developer at their cost prior to occupation of the development to the satisfaction of the City:
 - (a) A shared path shall be installed on the southern side of Yangebup Road adjacent to the site.
 - (b) At the western end of the new path a set of pram ramps shall be provided for pedestrian access to/from the path on the northern side of Yangebup Road.
 - (c) The adjacent footpath and kerbs shall be realigned. Detailed design drawing(s) for the above works shall be submitted to the City for review and approval, prior to a building permit being issued.
32. The applicant shall provide a Traffic Management Plan prior to a building permit being issued, including details regarding the following:
 - (a) Specific delivery routes and time restrictions, ensuring fuel tanker movements in/out of the site are via only the eastbound carriageway of Beeliar Drive (left turn in from Durnin Avenue and right turn only from Yangebup Road) and outside of the above time restrictions.
 - (b) Measures to be taken by the service station management to ensure queuing of vehicles generated by the development are fully contained on-site, particularly on discounted fuel days.

The approved TMP shall be implemented at all times to the satisfaction of the City.

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 Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a building permit is required.
2. 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.
 3. 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 or Council approval to extend the approval term under regulation 17(1) (a) or 17A of the *Planning and Development (Development Assessment Panel) Regulations 2011*.
 4. A sign licence is required to be submitted to the City's Building Services Department in accordance with the City of Cockburn Local Laws, Section 8.5 of Part viii; *Signs, Hoardings and Bill Posting Local Laws*.
 5. No construction activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays, during the construction phase.
 6. All stormwater drainage shall be designed in accordance with Australian Standard AS3500.
 7. The parking bay/s, driveway/s and points of ingress and egress shall 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. The bicycle parking facilities shall consist of rails, stands or any other type of equipment designed for this purpose in accordance with Australian Standard AS 2890.3-1993 Parking Facilities- Bicycle Parking Facilities.
 9. Development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.
 10. 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.
 - a. 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).
 - b. The plans are to include details of:
 - i. the structural finishes of all floors, walls and ceilings;



- ii. 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
 - iii. 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.
 - c. These plans are to be separate to those submitted to obtain a Building Licence.
11. Department of Mines, Industry Regulation and Safety (DMIS) approval is required for the storage of some of the materials included in this approval. Please provide documents confirming the plans have been assessed by DMIS prior submitting Building Permit Application for this development.

Guidance on the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment should be obtained from the Resources Safety Section of the DMIS.

12. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or drainage, requires a separate approval from the Works Coordinator. Please note that Traffic Management Plan (TMP) has to be provided prior to commencing any works. All TMPs are to be prepared by a certified Traffic Management Planner and submitted to the City's Traffic Section by email (customer@cockburn.wa.gov.au) for approval. Please note no works can proceed unless contractor has an approved Construction Management Plan (CMP) and TMP.
13. New crossover(s) require a separate approval from the City.

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

Condition 2 was not supported by Mr Brian Curtis and Mr Andrew Macliver as they considered that the restriction on hours is based only on night time "disturbance" which has not been defined objectively nor substantiated adequately in the Responsible Authority Report as a ground for limiting the hours of operation.

The Report Recommendation was put and CARRIED (3/2).

For: Mr Tony Arias
Cr Chamonix Terblanche
Cr Carol Reeve-Fowkes

Against: Mr Brian Curtis
Mr Andrew Macliver

11. General Business / Meeting Close

The Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.



There being no further business, the Presiding Member declared the meeting closed at 3.38pm.