



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

**Meeting Date and Time:** Wednesday 1 October 2014; 10:30am  
**Meeting Number:** MSWJDAP/54  
**Meeting Venue:** Department of Planning  
140 William Street, Perth L3.23

### Attendance

#### DAP Members

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

#### Officers in attendance

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

#### Department of Planning Minute Secretary

Ms Rebecca Teudt (Development Assessment Panels)

#### Applicants and Submitters

Mr Simon MacLennan (LandCorp)  
Mr Kris Kennedy (Town Planning Management Engineering Pty Ltd)  
Mr Matt Raymond (Town Planning Urban Design and Heritage)  
Mr David Caddy (Town Planning Urban Design and Heritage)  
Mr Steve McDonald (NS Projects Pty Ltd)  
Mr Robert Murray (Sandover Pinder)

#### Members of the Public

Nil

### 1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 10:30am on Wednesday 1 October 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.



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

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

## **2. Apologies**

Cr Bart Houwen (Local Government Member, City of Cockburn)  
Mr David Lewis (LandCorp)

## **3. Members on Leave of absence**

Nil

## **4. Noting of minutes**

Minutes of the Metro South-West JDAP meeting no.53 held on 10 September 2014 were noted by DAP members.

## **5. Disclosure of interests**

Nil

## **6. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

## **7. Deputations and presentations**

**7.1** Mr David Caddy (TPG Town Planning, Urban Design & Heritage) addressed the DAP for the application at Item 8.1.

**7.2** Mr Kris Kennedy (Town Planning, Management & Engineering) addressed the DAP for the application at Item 8.2. This presentation was made immediately prior to consideration of item 8.2.

*The presentation at Item 7.2 was heard prior to the application at Item 8.2.*



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

8.1	Property Location:	Lot 9002 and Lot 1003 Patterson Road, East Rockingham
	Application Details:	Proposed Bulk Fuel Depot
	Applicant:	TPG Town Planning, Heritage and Urban Design
	Owner:	Western Australian Land Authority (LandCorp)
	Responsible authority:	City of Rockingham
	Report date:	1 September 2014
	DoP File No:	DAP/14/0583

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Richard Smith

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/14/00583 and accompanying plans Kwin-L-0003, Kwin-L-0004, Kwin-L-0006, Kwin-L-0018, Kwin-L-0019, in accordance with Clause 6.7.1(a) of the City of Rockingham Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

#### Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. 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.
3. All stormwater generated by the development shall be designed to be contained on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
4. Grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, *Protection of trees on development sites*.

Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

5. A Fire Management Plan prepared in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010* is to be approved by the City of Rockingham prior to applying for a Building Permit. The measures



outlined in the approved Fire Management Plan are to be installed and implemented for the duration of the development.

### Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City.
2. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the storage tanks; the applicant should liaise with the City's Building Services in this regard.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.

### AMENDING MOTION 1

**Moved by:** Cr Richard Smith

**Seconded by:** Cr Joy Stewart

That the preamble be modified to insert date stamped 28 July 2014.

**REASON: For consistency with the date application was submitted to Local Government.**

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

### AMENDING MOTION 2

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

To add new Advice Note 4.0 as follows:

*"4.0 The development shall comply with the Department of Mines and Petroleum Acts and Regulations. "*

**REASON: Application refers to the Environmental Protection Act as the key controlling body and should comply with the Department of Mines and Petroleum Acts and Regulations.**

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

### PRIMARY MOTION (AS AMENDED)

**Approve** DAP Application reference DAP/14/00583 and accompanying plans Kwin-L-0003, Kwin-L-0004, Kwin-L-0006, Kwin-L-0018, Kwin-L-0019 date stamped 28 July 2014, in accordance with Clause 6.7.1(a) of the City of Rockingham Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:



## Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. 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.
3. All stormwater generated by the development shall be designed to be contained on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
4. Grasstree plants (XANTHORRHOACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, *Protection of trees on development sites*.

Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

5. A Fire Management Plan prepared in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010* is to be approved by the City of Rockingham prior to applying for a Building Permit. The measures outlined in the approved Fire Management Plan are to be installed and implemented for the duration of the development.

## Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City.
2. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the storage tanks; the applicant should liaise with the City's Building Services in this regard.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
4. The development shall comply with the Department of Mines and Petroleum Acts and Regulations

## The Procedural Motion was put and CARRIED (3/2).

For: Mr Robert Nicholson, Cr Joy Stewart and Cr Richard Smith  
Against: Mr David Gray and Mr Ian Birch



*Councillors J Stewart and R Smith left the meeting and Councillor C Reeve-Fowkes joined the meeting at 10:50am.*

<b>8.2</b>	Property Location:	1 (Lot 484) Enderby Close, North Coogee
	Application Details:	27 Multiple Dwellings
	Applicant:	TME Town Planning Management Engineering Pty Ltd
	Owner:	Pilbara Metro Developments Pty Ltd
	Responsible authority:	City of Cockburn
	Report date:	16 September 2014
	DoP File No:	DAP/14/0590

## **REPORT RECOMMENDATION / PRIMARY MOTION**

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

**Seconded by:** Mr Robert Nicholson

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/14/00590 and accompanying plans TP00-TP13, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No.3 and Metropolitan Region Scheme, subject to the following conditions:

### **Conditions**

1. Prior to the submission of a Building Permit application for the 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, number and type of proposed planting;
  - b) the size of selected species at planting and maturity;
  - c) those areas to be reticulated or irrigated;
  - d) details of any common area lighting;
  - e) verge treatments.
2. Landscaping is to be installed and reticulated in accordance with an approved detailed Landscape Plan prior to the occupation of the building. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
3. All service areas and service related hardware, including antennae, satellite dishes, air-conditioning units and any required fire tanks, being suitably located away from public view and/or screened to the satisfaction of the City.
4. Prior to the issue of a Building Permit application for new buildings, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
5. Prior to the initial occupation of the dwellings hereby approved, 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 submission of a Building Permit application for new buildings, details of the selected intercom system which will allow visiting vehicles to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
  7. The required residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
  8. The proposed visitor parking bays marked as 39 to 42 on the site plan shall be relocated wholly on-site and shall not protrude into the verge or footpath area.
  9. The allocation of car parking bays to specific dwellings shall be reflected on any strata plan for the subject property, to the satisfaction of the City.
  10. All stormwater being contained and disposed of on-site to the satisfaction of the City.
  11. The building must clearly display the street number/s.
  12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
  13. A detailed Dust Management Plan shall be submitted to the City and approval obtained, prior to any works commencing on-site. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer.
  14. The provisions identified in the Waste Management Plan for the development prepared for Pilbara Metro Pty Ltd, dated 28 July 2014 and approved by the City on 13 August 2014 shall be implemented and maintained thereafter to the satisfaction of the City.
  15. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a Building Permit application for new buildings and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
  16. The proposed crossovers shall be located and constructed in accordance with the City's requirements.



17. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building permit being obtained prior to construction.
18. Bicycle parking bays are to be designed and installed to comply with Australian Standard 2890.3 within designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to the lodgement of a Building Permit application for new buildings.
19. The surface finish of the boundary wall abutting adjoining lots is to be either face brick or rendered the same colour as the external appearance of the development to the satisfaction of the City. In all instances, the work is to be of a high standard.
20. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
21. Notification in the form of a memorial under Section 70A of the Transfer of Land Act 1893 as amended shall be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise and vibration associated with the proximity of the site to the freight rail line. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
22. Prior to the lodgement of the Building Permit Application for new buildings, the Developer is to provide the City with a report from a suitably qualified and experienced specialist acoustic consultant, demonstrating that ground-borne vibration levels have been measured following clearing and compaction of the development site and identifying that the proposed design and construction methods will ensure that occupants of the development are not exposed to an unacceptable level of vibration.
23. Prior to the submission of the Building Permit Application for new buildings, the applicant is to provide a report from a recognised acoustic consultant to the satisfaction of the City.
24. The developer is to provide to the City a report confirming that the recommendations made in the Vibration Report referred to in Condition 22 and the Acoustic Report referred to in Condition 23 have been incorporated into the proposed development. Written confirmation must then be provided by the developer to the City with the Form BA7 Completion Form, prior to occupation of the development.
25. An enclosed lockable storage area, constructed in a design and material matching the building where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m and an internal area of at least 4m<sup>2</sup> shall be provided for each multiple dwelling.
26. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours Village 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).





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## Footnotes

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. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. The development is to comply with the requirements of the Building Code of Australia. In this regard, it is recommended the City's Building Services team should be consulted prior to the commencement of working drawings.
5. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition No. 4 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 6.3 of the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at [www.cockburn.wa.gov.au/communityinfrastructure](http://www.cockburn.wa.gov.au/communityinfrastructure).
6. With regards to Condition No. 5, 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.
7. With regards to Condition No. 8, the visitor parking bays numbered between 39 to 42 shall be relocated on-site to allow for unobscured access to the existing footpath for pedestrians.
8. With regards to Condition No. 10, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
9. With regards to Condition No. 13, 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.
10. With regards to Condition No. 21, the memorial should state as follows:  
  
*"This lot is situated in the vicinity of a major freight railway line serving the Port of Fremantle and residential amenity may currently be affected, or may in the future be affected, by noise and vibration from 24-hour freight operation, 7*



*days per week. Further information is available on request from the relevant local government offices."*

11. With regards to Condition No. 22, the report should demonstrate compliance with the 1.4 times the base curves identified by Australian Standard 2670.2-1990 "Evaluation of human exposure to whole-body vibration; Part 2: Continuous and shock induced vibration in buildings (1 to 80 Hz)", and the requirements of the South Beach Village Noise Management Strategy (including all attachments) as adopted by the Metropolitan Region Scheme Amendment No 1008/33.
12. With regards to Condition No. 23, the report shall demonstrate that the design and proposed construction of the development meets the following requirements:
  - a) the design of the development will result in acceptable indoor noise levels (including for low frequency noise) when assessed against the criteria identified in the Herring Storer Acoustics Report dated July 2013 (Reference 16555-1-13111) and the WAPC State Planning Policy 5.4 entitled "*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*"; and
  - b) that indoor noise levels will comply with the requirements of the Building Code of Australia with regard to sound transmission between units and floors of the development; and
  - c) that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "*Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors*" with regard to noise transmission between units and services within the development; and
  - d) the design and location of plant within the development (including but not limited to air-conditioners, pool pumps and pool cleaning equipment) will not result in noise emissions exceeding those set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
13. With regards to Condition No. 25, details are required for the lockable storage areas for all units as some Units are proposed to incorporate the lockable storage areas within the parking area whilst others are located near stairwells within the building.
14. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
15. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the *City of Cockburn Health Local Laws 2000*.
16. All bathrooms, laundry facilities and sanitary conveniences in the development are to be provided with an adequate lining of impervious material in accordance with the requirements of the *Sewerage (Lighting,*



*Ventilation and Construction) Regulations 1971, the Health Act (Laundries and Bathrooms) Regulations 1971 and the City of Cockburn Health Local Laws 2000.*

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 Development Assessment Panel Regulations 2011.
18. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email [streetnumbers@cockburn.wa.gov.au](mailto:streetnumbers@cockburn.wa.gov.au) to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being
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.

#### **AMENDING MOTION 1**

**Moved by:** Mr Ian Birch

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

That the preamble be modified to insert date stamped 15 July 2014.

**REASON: For consistency with the date application was submitted to Local Government.**

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

#### **AMENDING MOTION 2**

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

**Seconded by:** Mr Ian Birch

Amend Condition 4 and delete 'Chief Executive Officer' and replace with 'City' to read as follows:

4. *Prior to the issue of a Building Permit application for new buildings, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.*

**REASON: To confirm that the Condition is to be cleared by the City not an individual officer.**

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



### **AMENDING MOTION 3**

**Moved by:** Mr Ian Birch

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

Amend Condition 13 to delete sentence 'An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer' and add to the end of Footnote 9 to read as follows:

9. *With regards to Condition No. 13, 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. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer.*

*Note: Due to deletions, Footnote 9 is now renumbered as 8 in the Primary Motion.*

**REASON: To provide clarity and consistency to the conditions.**

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

### **AMENDING MOTION 4**

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

**Seconded by:** Mr Robert Nicholson

Amend Condition 26 to delete the word 'village' to read as follows:

5. *No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours 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).*

**REASON: To provide clarity to the conditions.**

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

### **AMENDING MOTION 5**

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

**Seconded by:** Mr Robert Nicholson

Footnote 19 to be removed and added to Footnote 17 to read as follows:

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 Development Assessment Panel Regulations 2011. 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.*



*Note: Due to deletions, Footnote 17 is now renumbered as 16 in the Primary Motion.*

**REASON: To provide clarity and consistency to the conditions.**

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

**AMENDING MOTION 6**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

Amend Condition 2 to add the words 'including fencing' to read as follows:

2. *Landscaping is to be installed and reticulated in accordance with an approved detailed Landscape Plan prior to the occupation of the building. Landscaped areas including fencing are to be maintained thereafter in good order to the satisfaction of the City.*

**REASON: To provide clarity around landscaped areas.**

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

**AMENDING MOTION 7**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

Amend Condition 7 to add wording 'and management statement' to read as follows:

7. *The required residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan and management statement as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.*

**REASON: To provide clarity within the strata conditions.**

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

**AMENDING MOTION 8**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

Amend Condition 16 to include the words 'as shown on plans' to read as follows:

16. *The proposed crossovers shall be located as shown on plans and constructed in accordance with the City's requirements.*

**REASON: To provide clarity for construction purposes.**

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



### **AMENDING MOTION 9**

**Moved by:** Mr Robert Nicholson

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

Amend Condition 22 to delete the word 'acoustic' to read as follows:

*22. Prior to the lodgement of the Building Permit Application for new buildings, the Developer is to provide the City with a report from a suitably qualified and experienced specialist consultant, demonstrating that ground-borne vibration levels have been measured following clearing and compaction of the development site and identifying that the proposed design and construction methods will ensure that occupants of the development are not exposed to an unacceptable level of vibration.*

**REASON: Removed to avoid confusion and provide clarity and flexibility to the conditions.**

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

### **AMENDING MOTION 10**

**Moved by:** Mr Robert Nicholson

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

Delete Footnote 7 and renumber subsequent Footnotes accordingly.

**REASON: Removed as the item is addressed in Condition 8.**

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

### **AMENDING MOTION 11**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

Amend Condition 24 to add the word 'assessment' to read as follows:

*24. The developer is to provide to the City an assessment report confirming that the recommendations made in the Vibration Report referred to in Condition 22 and the Acoustic Report referred to in Condition 23 have been incorporated into the proposed development. Written confirmation must then be provided by the developer to the City with the Form BA7 Completion Form, prior to occupation of the development.*

**REASON: To provide clarity on the type of report to be provided.**

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

### **AMENDING MOTION 12**

**Moved by:** Mr Ian Birch

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

Amend Footnote 16 to add 'BCA' (Building Code of Australia) to read as follows:





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

Note: Due to deletions, Footnote 16 is now renumbered as 15 in the Primary Motion.

**REASON: To provide clarity on the conditional requirement.**

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

**PRIMARY MOTION (AS AMENDED)**

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/14/00590 and accompanying plans TP00-TP13 date stamped 15 July 2014, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No.3 and Metropolitan Region Scheme, subject to the following conditions:

**Conditions**

1. Prior to the submission of a Building Permit application for the 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, number and type of proposed planting;
  - b) the size of selected species at planting and maturity;
  - c) those areas to be reticulated or irrigated;
  - d) details of any common area lighting;
  - e) verge treatments.
2. Landscaping is to be installed and reticulated in accordance with an approved detailed Landscape Plan prior to the occupation of the building. Landscaped areas including fencing are to be maintained thereafter in good order to the satisfaction of the City.
3. All service areas and service related hardware, including antennae, satellite dishes, air-conditioning units and any required fire tanks, being suitably located away from public view and/or screened to the satisfaction of the City.
4. Prior to the issue of a Building Permit application for new buildings, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
5. Prior to the initial occupation of the dwellings hereby approved, 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 submission of a Building Permit application for new buildings, details of the selected intercom system which will allow visiting vehicles to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
  7. The required residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan and management statement as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
  8. The proposed visitor parking bays marked as 39 to 42 on the site plan shall be relocated wholly on-site and shall not protrude into the verge or footpath area.
  9. The allocation of car parking bays to specific dwellings shall be reflected on any strata plan for the subject property, to the satisfaction of the City.
  10. All stormwater being contained and disposed of on-site to the satisfaction of the City.
  11. The building must clearly display the street number/s.
  12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
  13. A detailed Dust Management Plan shall be submitted to the City and approval obtained, prior to any works commencing on-site.
  14. The provisions identified in the Waste Management Plan for the development prepared for Pilbara Metro Pty Ltd, dated 28 July 2014 and approved by the City on 13 August 2014 shall be implemented and maintained thereafter to the satisfaction of the City.
  15. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a Building Permit application for new buildings and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
  16. The proposed crossovers shall be located as shown on plans and constructed in accordance with the City's requirements.
  17. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building permit being obtained prior to construction.



18. Bicycle parking bays are to be designed and installed to comply with Australian Standard 2890.3 within designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to the lodgement of a Building Permit application for new buildings.
19. The surface finish of the boundary wall abutting adjoining lots is to be either face brick or rendered the same colour as the external appearance of the development to the satisfaction of the City. In all instances, the work is to be of a high standard.
20. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
21. Notification in the form of a memorial under Section 70A of the Transfer of Land Act 1893 as amended shall be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise and vibration associated with the proximity of the site to the freight rail line. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
22. Prior to the lodgement of the Building Permit Application for new buildings, the Developer is to provide the City with a report from a suitably qualified and experienced specialist consultant, demonstrating that ground-borne vibration levels have been measured following clearing and compaction of the development site and identifying that the proposed design and construction methods will ensure that occupants of the development are not exposed to an unacceptable level of vibration.
23. Prior to the submission of the Building Permit Application for new buildings, the applicant is to provide a report from a recognised acoustic consultant to the satisfaction of the City.
24. The developer is to provide to the City an assessment report confirming that the recommendations made in the Vibration Report referred to in Condition 22 and the Acoustic Report referred to in Condition 23 have been incorporated into the proposed development. Written confirmation must then be provided by the developer to the City with the Form BA7 Completion Form, prior to occupation of the development.
25. An enclosed lockable storage area, constructed in a design and material matching the building where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m and an internal area of at least 4m<sup>2</sup> shall be provided for each multiple dwelling.
26. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours 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).

#### Footnotes

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. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. The development is to comply with the requirements of the Building Code of Australia. In this regard, it is recommended the City's Building Services team should be consulted prior to the commencement of working drawings.
5. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition No. 4 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 6.3 of the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at [www.cockburn.wa.gov.au/communityinfrastructure](http://www.cockburn.wa.gov.au/communityinfrastructure).
6. With regards to Condition No. 5, 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.
7. With regards to Condition No. 10, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
8. With regards to Condition No. 13, 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. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer.
9. With regards to Condition No. 21, the memorial should state as follows:  
  
*"This lot is situated in the vicinity of a major freight railway line serving the Port of Fremantle and residential amenity may currently be affected, or may in the future be affected, by noise and vibration from 24-hour freight operation, 7 days per week. Further information is available on request from the relevant local government offices."*
10. With regards to Condition No. 22, the report should demonstrate compliance with the 1.4 times the base curves identified by Australian Standard 2670.2-1990 "Evaluation of human exposure to whole-body vibration; Part 2:



- Continuous and shock induced vibration in buildings (1 to 80 Hz)", and the requirements of the South Beach Village Noise Management Strategy (including all attachments) as adopted by the Metropolitan Region Scheme Amendment No 1008/33.
11. With regards to Condition No. 23, the report shall demonstrate that the design and proposed construction of the development meets the following requirements:
    - a) the design of the development will result in acceptable indoor noise levels (including for low frequency noise) when assessed against the criteria identified in the Herring Storer Acoustics Report dated July 2013 (Reference 16555-1-13111) and the WAPC State Planning Policy 5.4 entitled "*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*"; and
    - b) that indoor noise levels will comply with the requirements of the Building Code of Australia with regard to sound transmission between units and floors of the development; and
    - c) that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "*Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors*" with regard to noise transmission between units and services within the development; and
    - d) the design and location of plant within the development (including but not limited to air-conditioners, pool pumps and pool cleaning equipment) will not result in noise emissions exceeding those set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
  12. With regards to Condition No. 25, details are required for the lockable storage areas for all units as some Units are proposed to incorporate the lockable storage areas within the parking area whilst others are located near stairwells within the building.
  13. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
  14. 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 BCA, 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*.
  15. All bathrooms, laundry facilities and sanitary conveniences in the development are to be provided with an adequate lining of impervious material in accordance with the requirements of the BCA *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.
  16. 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. 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.

17. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email [streetnumbers@cockburn.wa.gov.au](mailto:streetnumbers@cockburn.wa.gov.au) to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being

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

<b>8.3</b>	Property Location:	Lot 1 North Lake Road, Lots 53 & 54 Poletti Drive & Lot 9504 Beeliar Drive, Cockburn Central
	Application Details:	Cockburn Regional Physical Activity and Education Centre
	Applicant:	NS Projects Pty Ltd
	Owner:	Western Australian Planning Commission
	Responsible authority:	City of Cockburn
	Report date:	23 September 2014
	DoP File No:	DAP/14/0595

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Mr Robert Nicholson

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

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

**Approve** DAP Application DAP/14/005595 and accompanying plans A102-F, A201B, A202-B, A203-B, A250, A251, A253, A254, A255, A256, A257, A259, A400-B, A401-B and A500 in accordance with Clause 10.3 of the City of Cockburn's Town Planning Scheme No. 3, and the Metropolitan Region Scheme, as depicted on plans dated 6 August 2014 and 9 September 2014, subject to the following conditions:

**Conditions**

1. The submission of final material, colour and finish schedule for assessment and approval by the City prior to lodgement for a Building Permit application for new buildings.
2. All off-street parking and access thereto shall comply with Australian Standard 2890.1 to the satisfaction of the City.
3. Prior to the lodgement of a Building Permit application for new buildings, a Car Parking Management Plan shall be submitted to and approved by the City.
4. The provision of on-site motorcycle parking in the vicinity of the centre, the details in respect of which are to be provided for assessment and approval by the City prior to lodgement for a Building Permit application for new buildings.





5. All bicycle parking complying with Australian Standard 2890.3.
6. A detailed landscaping plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application for new buildings and shall include the following:-
  - (a) the location, number, size and species type of existing and 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.
7. The landscaping to be installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the City.
8. The landscaping shall be implemented during the first available planting season post completion of development. Any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
9. The area of Wetland shown on the site plan to be 'Public Open Space 2' is to be retained in accordance with the requirements of the City and protected by damage by all on-site works to the satisfaction of the City.
10. The installation of outdoor lighting in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
11. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened from view from adjacent streets and/or the public domain.
12. The submission of a Construction Management Plan for the development for assessment and approval by the City prior to lodgement for a Building Permit application for new buildings detailing how it is proposed to manage:
  - (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) the parking arrangements for contractors and subcontractors;
  - (e) other matters likely to impact on surrounding properties; and
  - (f) management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase.

13. Earthworks over the site and batters being stabilised to prevent sand or dust blowing, with appropriate measures implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.



14. All proposed clearance strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon. The burning of vegetation is not permitted on site.
15. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any work commencing onsite. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website.
16. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial or wash-down wastes must not enter stormwater disposal systems or otherwise be discharged to the environment.
17. Prior to the submission of a Building Permit Application for new buildings, a Noise Management Plan is to be submitted by an acoustic consultant detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. The Noise Management Plan is to address the recommendations of the Acoustic Report prepared by Gabriels Environmental Design contained within the Sandover Pinder + dwp|suters Architecture and Interior Design Report. The Noise Management Plan is to be prepared by a suitably qualified and recognised consultant and is to include:
  - (a) Sound proofing measures used in the design and construction of the development, including external areas and plant rooms;
  - (b) Predictions of noise emissions (including predictions on the levels of community noise);
  - (c) A detailed review of anticipated breakout noise from spaces that may accommodate amplified music or public address systems, the outdoor swimming pool and stadium areas;
  - (d) Control measures to be undertaken (including monitoring procedures); and
  - (e) A complaint response procedure

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 plan are to be observed at all times.
18. When submitting the Building Permit Application for new buildings, the applicant is to provide to the City a report from a recognised acoustic consultant confirming that all recommendations made in the Noise Report referred to in condition 17 above, have been incorporated into the proposed development.
19. A final assessment of the completed development must be conducted by the acoustic consultant to confirm that recommendations made in the report required by condition 17 have been incorporated into the proposed development. 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 the structural recommendations of the report are incorporated into the development, to the satisfaction of the City.



20. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
21. Prior to the lodgement of a Building Permit Application for new buildings, the subject Lots 1 North Lake Road, 53 and 54 Poletti Drive and 9504 Beelias Drive are to be amalgamated or new lots created.
22. The street number shall be clearly displayed on the façade of the building prior to occupation of the building hereby approved and remain in perpetuity to the satisfaction of the City.
23. This approval does not include the areas shown on the site plan as 'Public Open Space 1', 'Public Open Space 2' and all other lots shown on the site plan other than proposed lot 21 (subject site).
24. The mounted goal camera shown in the road reserve of 'Road 2' does not form part of this approval. A separate development application will be required to be submitted to and approved by the City.
25. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sundays or Public Holidays.
26. Provisions identified in the Waste Management Plan approved by the City on 9 September 2014, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.

### Footnotes

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
2. Nothing in the approval or the above conditions shall excuse non-compliance with any and all other relevant written laws and/or legislation in the commencement and carrying out of the development.
3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. On-site stormwater retention is to be designed for a 1 in 100 year, 24 hour duration storm event.
5. Conditions 2-5 are to be addressed in consultation with the City's Statutory Planning team, the City's Traffic and Development Engineers.
6. Conditions 6-8 are to be addressed in consultation with the City's Statutory Planning team and Landscape Architect.
7. Conditions 13-19 are to be addressed in consultation with the City's Statutory Planning team and Environmental Health Team



8. With respect to conditions 12-15 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 the local community generally.
9. A plan and description of any signage and advertising not exempt under Town Planning Scheme Schedule 5 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
10. With regards to street numbering of this proposal, you are advised to contact the Strategic Planning team on 9411 3444 or email [streetnumbers@cockburn.wa.gov.au](mailto:streetnumbers@cockburn.wa.gov.au) to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales/easing contracts being drawn up.
11. Prior to the lodgement of a Building Permit application for new buildings, the applicant is advised to liaise with the City's Health Department to ensure noise emissions and impacts on nearby noise sensitive premises are addressed.
12. With regards to condition 20, the facility infrastructure must be constructed in accordance with the requirements of the Water Corporation and may be required to have grease traps and oil separators by the Water Corporation.
13. 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*. A Building Permit Application must be submitted for approval, prior to works commencing.
14. 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.
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 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 to are 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.

17. 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.

18. Where an approval has so lapsed, no development shall be carried out without the further approval of the JDAP and/or City having first been sought and obtained.

### **AMENDING MOTION 1**

**Moved by:** Mr Ian Birch

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

Amend Condition 9 with deletions and additions to read as follows:

- 9. *The area of Wetland shown on the site plan to be 'Public Open Space 2' is to be protected from damage by all on-site works to the satisfaction of the City.*

**REASON: Member advised it was superfluous and not part of the application.**

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

### **AMENDING MOTION 2**

**Moved by:** Mr Ian Birch

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

Advice Note 12 to be amended by relocating the words 'by the Water Corporation' to read as follows:

- 12. *With regards to condition 20, the facility infrastructure must be constructed in accordance with the requirements of the Water Corporation and may be required by the Water Corporation to have grease traps and oil separators.*

**REASON: To provide clarity and consistency within the conditions.**

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

### **AMENDING MOTION 3**

**Moved by:** Mr Ian Birch

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

Advice Note 18 to be deleted and the content to be added to the end of Advice Note 17 to read as follows:



17. *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 the further approval of the JDAP and/or City having first been sought and obtained.*

**REASON: Member advised it was preferable to merge these.**

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

**AMENDING MOTION 4**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

Amend Condition 25 and add the words '(unless prior approval of the City is issued)' to read as follows:

25. *No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sundays or Public Holidays (unless prior approval of the City is issued).*

**REASON: To provide allowance on the basis appropriate approval has been sought.**

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

**AMENDING MOTION 5**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

Amend Condition 19 to add the words 'an assessment' to read as follows:

19. *A final assessment of the completed development must be conducted by the acoustic consultant to confirm that recommendations made in the report required by condition 17 have been incorporated into the proposed development. The Building Occupancy Permit Application form shall be accompanied by an assessment report from the builder/developer confirming compliance with the requirements of the acoustic report and that the structural recommendations of the report are incorporated into the development, to the satisfaction of the City.*

**REASON: To provide clarity and consistency within the conditions.**

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

**PRIMARY MOTION (AS AMENDED)**

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

**Approve** DAP Application DAP/14/005595 and accompanying plans A102-F, A201B, A202-B, A203-B, A250, A251, A253, A254, A255, A256, A257, A259, A400-B, A401-B and A500 in accordance with Clause 10.3 of the City of Cockburn's Town Planning





Scheme No. 3, and the Metropolitan Region Scheme, as depicted on plans dated 6 August 2014 and 9 September 2014, subject to the following conditions:

### Conditions

1. The submission of final material, colour and finish schedule for assessment and approval by the City prior to lodgement for a Building Permit application for new buildings.
2. All off-street parking and access thereto shall comply with Australian Standard 2890.1 to the satisfaction of the City.
3. Prior to the lodgement of a Building Permit application for new buildings, a Car Parking Management Plan shall be submitted to and approved by the City.
4. The provision of on-site motorcycle parking in the vicinity of the centre, the details in respect of which are to be provided for assessment and approval by the City prior to lodgement for a Building Permit application for new buildings.
5. All bicycle parking complying with Australian Standard 2890.3.
6. A detailed landscaping plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application for new buildings and shall include the following:-
  - (a) the location, number, size and species type of existing and 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.
7. The landscaping to be installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the City.
8. The landscaping shall be implemented during the first available planting season post completion of development. Any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
9. The area of Wetland shown on the site plan to be 'Public Open Space 2' is to be protected from damage by all on-site works to the satisfaction of the City.
10. The installation of outdoor lighting in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
11. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened from view from adjacent streets and/or the public domain.



12. The submission of a Construction Management Plan for the development for assessment and approval by the City prior to lodgement for a Building Permit application for new buildings detailing how it is proposed to manage:
- (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) the parking arrangements for contractors and subcontractors;
  - (e) other matters likely to impact on surrounding properties; and
  - (f) management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase.

13. Earthworks over the site and batters being stabilised to prevent sand or dust blowing, with appropriate measures implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
14. All proposed clearance strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon. The burning of vegetation is not permitted on site.
15. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any work commencing onsite. An Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website.
16. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial or wash-down wastes must not enter stormwater disposal systems or otherwise be discharged to the environment.
17. Prior to the submission of a Building Permit Application for new buildings, a Noise Management Plan is to be submitted by an acoustic consultant detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. The Noise Management Plan is to address the recommendations of the Acoustic Report prepared by Gabriels Environmental Design contained within the Sandover Pinder + dwp|suters Architecture and Interior Design Report. The Noise Management Plan is to be prepared by a suitably qualified and recognised consultant and is to include:
- (a) Sound proofing measures used in the design and construction of the development, including external areas and plant rooms;
  - (b) Predictions of noise emissions (including predictions on the levels of community noise);
  - (c) A detailed review of anticipated breakout noise from spaces that may accommodate amplified music or public address systems, the outdoor swimming pool and stadium areas;
  - (d) Control measures to be undertaken (including monitoring procedures); and
  - (e) A complaint response procedure



- 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 plan are to be observed at all times.
18. When submitting the Building Permit Application for new buildings, the applicant is to provide to the City a report from a recognised acoustic consultant confirming that all recommendations made in the Noise Report referred to in condition 17 above, have been incorporated into the proposed development.
  19. A final assessment of the completed development must be conducted by the acoustic consultant to confirm that recommendations made in the report required by condition 17 have been incorporated into the proposed development. The Building Occupancy Permit Application form shall be accompanied by an assessment report from the builder/developer confirming compliance with the requirements of the acoustic report and that the structural recommendations of the report are incorporated into the development, to the satisfaction of the City.
  20. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
  21. Prior to the lodgement of a Building Permit Application for new buildings, the subject Lots 1 North Lake Road, 53 and 54 Poletti Drive and 9504 Beelihar Drive are to be amalgamated or new lots created.
  22. The street number shall be clearly displayed on the façade of the building prior to occupation of the building hereby approved and remain in perpetuity to the satisfaction of the City.
  23. This approval does not include the areas shown on the site plan as 'Public Open Space 1', 'Public Open Space 2' and all other lots shown on the site plan other than proposed lot 21 (subject site).
  24. The mounted goal camera shown in the road reserve of 'Road 2' does not form part of this approval. A separate development application will be required to be submitted to and approved by the City.
  25. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sundays or Public Holidays (unless prior approval of the City is issued).
  26. Provisions identified in the Waste Management Plan approved by the City on 9 September 2014, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.

### Footnotes

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.



2. Nothing in the approval or the above conditions shall excuse non-compliance with any and all other relevant written laws and/or legislation in the commencement and carrying out of the development.
3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. On-site stormwater retention is to be designed for a 1 in 100 year, 24 hour duration storm event.
5. Conditions 2-5 are to be addressed in consultation with the City's Statutory Planning team, the City's Traffic and Development Engineers.
6. Conditions 6-8 are to be addressed in consultation with the City's Statutory Planning team and Landscape Architect.
7. Conditions 13-19 are to be addressed in consultation with the City's Statutory Planning team and Environmental Health Team
8. With respect to conditions 12-15 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 the local community generally.
9. A plan and description of any signage and advertising not exempt under Town Planning Scheme Schedule 5 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
10. With regards to street numbering of this proposal, you are advised to contact the Strategic Planning team on 9411 3444 or email [streetnumbers@cockburn.wa.gov.au](mailto:streetnumbers@cockburn.wa.gov.au) to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales/easing contracts being drawn up.
11. Prior to the lodgement of a Building Permit application for new buildings, the applicant is advised to liaise with the City's Health Department to ensure noise emissions and impacts on nearby noise sensitive premises are addressed.
12. With regards to condition 20, the facility infrastructure must be constructed in accordance with the requirements of the Water Corporation and may be required by the Water Corporation to have grease traps and oil separators.
13. 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*. A Building Permit Application must be submitted for approval, prior to works commencing.
14. 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.

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 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 to are 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.
17. 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 the further approval of the JDAP and/or City having first been sought and obtained.

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

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

Nil

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

Nil

**11. Meeting Close**

There being no further business, the presiding member declared the meeting closed at 11:28am.