



Metro South West Joint Development Assessment Panel Minutes

Meeting Date and Time: 13 March 2020; 11am
Meeting Number: MSWJDAP/206
Meeting Venue: City of Cockburn
9 Coleville Crescent, Spearwood

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (A/Specialist Member)
Cr Chontelle Stone (Local Government Member, City of Cockburn)
Cr Chamonix Terblanche (Local Government Member, City of Cockburn)

Officers in attendance

Mr Daniel Arndt (City of Cockburn)
Mr Luke Harris (City of Cockburn)
Ms Rachel Pleasant (City of Cockburn)
Mr Lorenzo Santoriello (City of Cockburn)

Minute Secretary

Ms Sue D'Agnone (City of Cockburn)

Applicants and Submitters

Mr Greg Rowe (Rowe Group)
Mr Paul Cunningham (Rowe Group)
Mr Tim Reynolds (Herring Stoner Acoustics)
Mr Adam Reynolds (Aurecon)
Mr Murray Casselton (element)
Ms Jessica Birbeck (element)
Mr Darren Levey (Uloth and Associates)
Mr Michael Hotchkin (Hotchkin Hanly)
Mr Tony Cimino (United Cinemas Australia)
Mr Andrew Byars (Perron Group)

Members of the Public / Media

Mr Ben Smith from Community Newspapers (Cockburn Gazette) was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 11.07am on 13 March 2020 and acknowledged the traditional owners and paid respect to elders past and present 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 was 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

Nil

7. Deputations and Presentations

- 7.1** Mr Murray Casselton (element) and Ms Jessica Birbeck (element) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Darren Levey (Uloth and Associates) addressed the DAP against the application at Item 8.1.
- 7.3** Mr Michael Hotchkin (Hotchkin Hanly) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Greg Rowe (Rowe Group) and Mr Paul Cunningham (Rowe Group) addressed the DAP in support of the application at Item 8.1. Mr Rowe, Mr Cunningham and Mr Adam Reynolds (Aurecon) responded to questions from the panel.
- 7.5** Mr Daniel Arndt, Mr Lorenzo Santoriello, Ms Rachel Pleasant and Mr Luke Harris (City of Cockburn) responded to questions from the Panel in relation to Item 8.1.



8. Form 1 – Responsible Authority Report – DAP Applications

8.1 Property Location:	Lot 114 (45) Midgegooroo Avenue, Lot 112 (2) Veterans Parade, and Lot 113 (8) Veterans Parade, Cockburn Central
Development Description:	Proposed Mixed Use Development (Entertainment/Shop/Cinema/Theatre)
Applicant:	Rowe Group
Owner:	Western Australian Land Authority
Responsible Authority:	City of Cockburn
DAP File No:	DAP/20/01734

REPORT RECOMMENDATION

Moved by: Cr Chamonix Terblanche

Seconded by: Mr John Syme

That the Metro South-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01734 and accompanying plans '2: Development Plans', '6: Landscape Concept Plan', '7: Waste Management Plan' in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the four (4) year period, the approval shall lapse and be of no further effect.
2. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. **The use of the land and/or tenancies has approval to be used for the following land uses:**
 - Amusement Parlour
 - Fast Food Outlet
 - Public Amusement
 - Recreation – Private
 - Restaurant
 - Convenience Store
 - Lunch Bar
 - Shop
 - Cinema/Theatre
3. Tenancy One being approved for the following uses:
 - Fast Food Outlet
4. All other ground floor tenancies (2 – 18) being approved for the following uses:
 - Restaurant
 - Convenience Store
 - Lunch Bar
 - Shop



5. Tenancies 20 and 22 being approved for the following uses:
 - Recreation – Private
6. Tenancy 21 being approved for the following uses:
 - Amusement Parlour
 - Recreation – Private
7. **Prior to the issue of a building permit** revised plans shall be submitted to the City of Cockburn for approval that detail the following changes:
 - Removal of six car bays directly opposite the loading dock entry and main vehicle entry
 - Inclusion of traffic calming devices (speed humps) at the drive-thru and loading dock exit points
 - Exhaust riser outlet locations and screening design and materials
 - Integration of ventilation adjacent to the plant room on level 4 into the overall façade design of the structure
8. A construction management plan (CMP) shall be submitted to and approved by the City **prior to the commencement of works**.
9. **Prior to the issue of a Building Permit** widening of the Centenary Lane road carriageway pavement from 5.8m to 6.4m is to be undertaken in accordance with Table 9-2 as contained in the Applicant's Traffic Impact Assessment (dated 26 June 2019). The road carriageway pavement widening is to be accommodated within the existing Centenary Lane road reservation.
10. A revised Acoustic Report shall be submitted to and approved by the City, **prior to the submission of a Building Permit application** and implemented thereafter, to the satisfaction of the City.
11. All noise attenuation measures, identified by the acoustic report required under condition 10, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.
12. Written confirmation from the builder that all recommendations made in the Acoustic Report required under condition 10 have been incorporated into the proposed development, shall be submitted to the City **prior to the issue of a building permit**.
13. The builder shall provide written confirmation that the requirements of the Acoustic Report referred to in condition 10 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
14. A Dust Management Plan shall be submitted to and approved by the City, **prior to any work commencing on-site**. The approved Dust Management Plan shall be implemented thereafter, to the satisfaction of the City.
15. **Prior to the issue of a building permit** a parking management plan shall be submitted to and approved by the City of Cockburn. The plan is to be implemented in perpetuity to the specification and the satisfaction of the City of Cockburn.



16. The signage type noted as 'S6 – Windows Signage' shall be restricted to the extent of obscure glazing and/or advertising to account for no more than 25% of the window area.
17. The Waste Management Plan dated April 2019 (Rev A) and approved by the City of Cockburn shall be implemented in perpetuity to the specification and satisfaction of the City of Cockburn.
18. **Prior to the initial occupation of the development** the parking bays, driveways, and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City of Cockburn.
19. **Prior to the initial occupation of the development** bicycle parking bays are to be designed and installed to comply with Australian Standard 2890.3.
20. **Prior to the initial occupation of the development** the end-of-trip facilities shall be installed and thereafter maintained to the satisfaction of the City of Cockburn.
21. In relation to the provision of public art, the owner/applicant shall:
 - Prior to the occupancy of the building the subject of this planning approval, provide a public art strategy for the overall site detailing the themes, typologies, potential locations, delivery approach and indicative staging for future public art to the satisfaction of the City;
 - Submit to the City for approval 'Applications for Art Work Design', prior to lodgement of the building permit for the building in accordance with the approved public art strategy;
 - Enter into an arrangement with an artist/s or otherwise suitable entity/group and install (if appropriate) the art work approved by the City prior to occupancy of the building in accordance with the approved public art strategy;

The art work shall then be installed prior to occupation of the relevant building in relation to this planning approval or within such alternative period that may be approved by the City and maintained thereafter to the satisfaction of the City.

22. Landscaping is to be installed, reticulated and/or irrigated in accordance with an approved landscaping plan and maintained thereafter to the satisfaction of the City of Cockburn. The landscaping shall be implemented prior to the occupation of the development.
23. All pedestrian footpaths, ramps, and pedestrian crossings shall be designed and constructed in accordance with Australian Standard 1428.1 to the satisfaction of the City of Cockburn.
24. All service areas and service related hardware and plant, including antennae, satellite dishes, air-conditioning units etc., shall be located out of public view and/or screened to the satisfaction of the City of Cockburn.
25. Crossovers shall be designed, located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover(s).



26. All stormwater to be retained on-site and meet City's on-site drainage requirements for commercial lots. Drainage plan and calculations to be submitted to the City's Development Engineering team for review and approval **prior to the issuing of the building permit approval.**

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 or with the requirements of any external agency. Prior to the commencement of any works associated with the development, a Building Licence is required.
2. This approval does not include signage. Any signage associated with the approved proposal that is not exempt under Schedule 5 of the City of Cockburn Town Planning Scheme No. 3 shall be the subject of a separate planning application.
3. 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, mechanical ventilation, coolrooms and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the Environmental Protection (Noise) Regulations 1997 (as amended).
4. The issue of a planning approval does not negate the need for the owner and/or applicant to seek all other required approvals for the site.
5. **With respect to the Acoustic Report**, 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)
6. **With respect to the Construction Management Plan**, the CMP shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall address the following items:
 - a) Dewatering of site
 - b) Access to and from the site;
 - c) Delivery of materials and equipment to the site;
 - d) Storage of materials and equipment on the site;
 - e) Parking arrangements for contractors and subcontractors;
 - f) Management of construction waste; and
 - g) 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 CMP.



7. **With respect to the construction of crossovers**, copies of crossover specifications are available from the City's Engineering Services and from the City's website.
8. **With respect to the retention of stormwater on-site**, stormwater drainage to be able to contain a 1 in 100 year, 24 hour storm event.
9. This development has been defined as a public building and shall comply with the relevant provisions of the Health (Miscellaneous Provisions) Act 1911 (as amended), and the Health (Public Buildings) Regulations 1992. A building permit application shall be submitted for approval, prior to works commencing.
10. The development shall comply with the noise pollution provisions 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. **With respect to the Dust Management Plan**, an Application for Approval of a Dust Management Plan form 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 Council approval may be required for bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
12. All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
13. 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.

AMENDING MOTION

Moved by: Mr John Syme

Seconded by: Ms Lee O'Donohue

That Condition 9 be amended to read as follows:

Prior to initial occupation of the development to the issue of a Building Permit widening of the Centenary Lane road carriageway pavement from 5.8m to 6.4m is to be undertaken in accordance with Table 9-2 as contained in the Applicant's Traffic Impact Assessment (dated 26 June 2019). The road carriageway pavement widening is to be accommodated within the existing Centenary Lane road reservation.

The Amending Motion was put and CARRIED UNANIMOUSLY.



REASON: It was not considered necessary to require the roads works to be undertaken prior to issue of the Building Permit.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro South-West JDAP resolves to:

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

For: Cr Chamonix Terblanche
Mr John Syme
Mr Lee O'Donohue

Against: Cr Chontelle Stone
Mr Tony Arias

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

Nil

10. Appeals to the State Administrative Tribunal

Current SAT Applications		
LG Name	Property Location	Application Description
City of Cockburn	Lot 45 (2) Pinnacle Road, Coogee	Child Care Centre



11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 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 12.59pm.