



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 2 June 2021; 2:00pm
Meeting Number: MOJDAP/91
Meeting Venue: Via Zoom

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person

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Mr Ian Birch
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Chontelle Stone (Local Government Member, City of Cockburn)
Cr Chamonix Terblanche (Local Government Member, City of Cockburn)

Officers in attendance

Ms Chantala Hill (City of Cockburn)
Mr Lorenzo Santoriello (City of Cockburn)

Minute Secretary

Ms Megan Ventriss (DAP Secretariat)

Applicants and Submitters

Mr Alessandro Stagno (Apex Planning)
Mr Darren Blowes (Blok Property Australia)

Members of the Public / Media

Nil.

Mr Ben Smith from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 2:02pm on 2 June 2021 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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 meeting would not be recorded.

This meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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 Alessandro Stagno (Apex Planning) responded to questions from the DAP in relation to the application at Item 8.1.

7.2 City of Cockburn Officers responded to questions from the DAP in relation to the application at Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 31 (125) Mayor Road, Lake Coogee

Development Description:	Child Care Premises
Applicant:	Apex Planning
Owner:	Skybeat Enterprises Pty Ltd
Responsible Authority:	City of Cockburn
DAP File No:	DAP/21/01958

REPORT RECOMMENDATION

Moved by: Cr Chontelle Stone

Seconded by: Ms Sheryl Chaffer

With the approval of the mover and seconder, the following amendment was made:

To amend Condition no. 11 to read as follows:

- i. ***Prior to the initial occupation of the building hereby approved, the 15 staff parking bays and 9 customer pick-up/drop off bays shall be permanently marked, maintained and accessible for use exclusively by staff to the satisfaction of the City.***

Mr Ian Birch
Presiding Member, Metro Outer JDAP



REASON: The words are unnecessary and only add confusion the overall intent of the condition.

That the Outer Metro Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/21/01958 and accompanying plans ('Revised Development Plans') 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. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval (this is exclusive of the additional two years available under 'Clause 78H Notice of Exemption from Planning Requirements during State of Emergency', issued by the Minister for Planning on 30 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development must be carried out in accordance with the details of this application herein, and any approved plans.
4. A maximum of 15 staff members and 84 children are permitted on site at any one time.
5. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. The hours of operation (open to customers) are limited to between 6.30am and 6.30pm Monday to Friday, and not at all on Saturdays, Sundays and Public Holidays.
7. Service vehicles, including delivery vehicles, are only permitted to access the property on weekdays between 7am and 7pm.
8. **Prior to the lodgement of a Building Permit**, a schedule of the materials, finishes and colours shall be submitted to the City's satisfaction. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.
9. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
10. **Prior to the initial occupation** of the building hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked, made available for use and thereafter maintained in accordance with AS2890.1 and the approved plans to the satisfaction of the City.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



11. **Prior to the initial occupation** of the building hereby approved, the 15 staff parking bays and 9 customer pick-up/drop off bays shall be permanently marked, maintained and accessible to the satisfaction of the City.
12. Crossovers are to be located and constructed to the City's specifications.
13. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres to the satisfaction of the City.
14. **Prior to the lodgement of a Building Permit**, an updated landscaping plan shall be submitted to and approved by the City.
15. **Prior to the lodgement of a Building Permit**, a Street Tree Management Plan shall be submitted to, and approved by, the City.
16. **Prior to the initial occupation** of the building hereby approved, landscaping including verge planting shall be installed and reticulated in accordance with the approved plan. Landscape areas are to be maintained thereafter in perpetuity and in good order to the satisfaction of the City.
17. All stormwater must be contained and disposed of on-site, to the satisfaction of the City.
18. **Prior to the lodgement of a Building Permit**, an updated Operational Management Plan shall be provided to the satisfaction of the City. The Operational Management Plan shall be implemented thereafter to the satisfaction of the City.
19. **Prior to the lodgement of a Building Permit**, updated plans are to be provided which screen all mechanical plant, bin storage areas and related hardware from view of adjoining properties and the respective street frontages. The details in respect of which are to be provided to the City's satisfaction/approval. The location of plant and equipment shall also minimise the impact of noise on future occupants of the development and adjoining residents.
20. **Prior to the lodgement of a Building Permit**, updated elevations to match the site plan shall be provided which show the 2.2m height, double skinned Colorbond fencing along the northern and western sides, to the satisfaction of the City.
21. **Prior to the lodgement of a Building Permit**, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
22. **Prior to the lodgement of a Building Permit**, a further Acoustic Report shall be submitted to and approved by the City, and implemented thereafter, to the satisfaction of the City.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



23. All noise attenuation measures, identified by the Lloyd George Acoustics Childcare Noise Impact Assessment (ref 20115916-01 dated 21 January 2021) and the further acoustic report required under Condition 22, are to be implemented **prior to occupancy** of the development and the requirements of the Acoustic Report are to be observed at all times.
24. **Prior to the lodgement of a Building Permit**, written confirmation from the builder that all recommendations made in the Acoustic Report required under Condition 22 have been incorporated into the proposed development, shall be submitted to the City.
25. The builder shall provide written confirmation that the requirements of the Acoustic Report referred to in Condition 22 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
26. **Prior to the initial occupation** of the building hereby approved, the street number shall be clearly displayed on the façade of the building and remain in perpetuity to the satisfaction of the City.
27. The recommendations contained in the updated Bushfire Management Plan prepared by Envision Bushfire Protection (dated 12 May 2021) shall be implemented at all times to the satisfaction of the City.
28. **Prior to the initial occupation** of the development, a finalised Emergency Evacuation Plan shall be submitted to, and approved by, the City. The Emergency Evacuation Plan shall be implemented thereafter to the satisfaction of the City.
29. **Prior to the lodgement of a Building Permit**, the owner/applicant shall:
 - Submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - Submit to the City for approval an 'Application for Art Work Design'; and
 - enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The artwork shall then be installed **prior to the initial occupation** of the building and maintained thereafter to the satisfaction of the City.
30. All waste and recycling materials must be contained within the bins. These bins must be stored in an external enclosure located and constructed to the satisfaction of the City.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Advice Notes

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
- b) The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 - 2019 "Control of the Obtrusive Effects of Outdoor Lighting".
- c) 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.
- d) With regard to Condition 12, copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au . Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover.
- e) With regard to Condition 14, the updated landscaping plan shall include the following;
 - a. Provision of three (3) street trees which will grow to at least 5 metres in height and develop a natural canopy which will provide shade to at least 25m² on the ground at some time during the day, between the months of December and February of each year. This is in accordance with the definition of a 'shade tree' in the City's Town Planning Scheme No. 3;
 - b. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - c. any lawns to be established;
 - d. any existing landscape areas to be retained;
 - e. those areas to be reticulated or irrigated; and
 - f. verge treatments.
- f) With regard to Condition 17, drainage is to be contained at a rate of 1 in 100 year storm event for a 24 hour period.
- g) With regard to Condition 18, the updated Operational Management Plan shall address the following;
 - a. Staff car parking along the western lot boundary to be restricted to staff arriving after 7am, by way of cones placed in parking bays or similar;
 - b. Toys utilised in the outdoor play area, with preference for rubber-wheeled/soft toys;
 - c. Waste management; and
 - d. Delivery vehicles.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



- h) With regard to Condition 21, the Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall address the following items:
- a. Access to and from the site;
 - b. Delivery of materials and equipment to the site;
 - c. Storage of materials and equipment on the site;
 - d. Management of construction waste;
 - e. Parking arrangements for contractors and subcontractors; and
 - f. Other matters likely to impact on the surrounding properties.
- i) With regard to Condition 22, 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 (such as air-conditioners, entry gates and break out noise) will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
- j) With regard to Condition 30, the bin store area must be of an adequate size to contain all waste bins, at least 1.8m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
- k) A plan and description of any signage and advertising not exempt under Town Planning Scheme No. 3 shall be submitted to and approved by the City prior to the erection of any signage on the site/building. It is strongly advised to liaise with the City's Planning Services prior to any installation of signage to confirm what approvals, if any, are required.
- l) The proposal shall comply with the *Child Care Services Regulations 2007*, and the requirements of the Department for Child Protection and the applicant is advised approval shall be obtained from the Department of Families, Housing, Community Services and Indigenous Affairs.
- m) 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*.
- n) Retaining walls being constructed in accordance with a suitably qualified Structural Engineer's design and a Building Permit being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Chontelle Stone

That condition no. 6 be amended to read as follows:

*The hours of operation (open to customers) are limited to between 6.30am and 6.30pm Monday to Friday, and not at all on Saturdays, Sundays and Public Holidays, **unless otherwise approved by the City.***

Mr Ian Birch
Presiding Member, Metro Outer JDAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide flexibility in the application of the condition in the event the operators wish to have extended hours and are able to satisfy the City that such changes would not result in any adverse amenity impact on neighbouring properties.

REPORT RECOMMENDATION (AS AMENDED)

That the Outer Metro Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/21/01958 and accompanying plans ('Revised Development Plans') 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:

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3. The development must be carried out in accordance with the details of this application herein, and any approved plans.
4. A maximum of 15 staff members and 84 children are permitted on site at any one time.
5. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
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7. Service vehicles, including delivery vehicles, are only permitted to access the property on weekdays between 7am and 7pm.
8. **Prior to the lodgement of a Building Permit**, a schedule of the materials, finishes and colours shall be submitted to the City's satisfaction. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.

Mr Ian Birch
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9. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
10. **Prior to the initial occupation** of the building hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked, made available for use and thereafter maintained in accordance with AS2890.1 and the approved plans to the satisfaction of the City.
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20. **Prior to the lodgement of a Building Permit**, updated elevations to match the site plan shall be provided which show the 2.2m height, double skinned Colorbond fencing along the northern and western sides, to the satisfaction of the City.
21. **Prior to the lodgement of a Building Permit**, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



22. **Prior to the lodgement of a Building Permit**, a further Acoustic Report shall be submitted to and approved by the City, and implemented thereafter, to the satisfaction of the City.
23. All noise attenuation measures, identified by the Lloyd George Acoustics Childcare Noise Impact Assessment (ref 20115916-01 dated 21 January 2021) and the further acoustic report required under Condition 22, are to be implemented **prior to occupancy** of the development and the requirements of the Acoustic Report are to be observed at all times.
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The artwork shall then be installed **prior to the initial occupation** of the building and maintained thereafter to the satisfaction of the City.
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Advice Notes

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- d) With regard to Condition 12, copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au . Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover.
- e) With regard to Condition 14, the updated landscaping plan shall include the following;
 - a. Provision of three (3) street trees which will grow to at least 5 metres in height and develop a natural canopy which will provide shade to at least 25m² on the ground at some time during the day, between the months of December and February of each year. This is in accordance with the definition of a 'shade tree' in the City's Town Planning Scheme No. 3;
 - b. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - c. any lawns to be established;
 - d. any existing landscape areas to be retained;
 - e. those areas to be reticulated or irrigated; and
 - f. verge treatments.
- f) With regard to Condition 17, drainage is to be contained at a rate of 1 in 100 year storm event for a 24 hour period.
- g) With regard to Condition 18, the updated Operational Management Plan shall address the following;
 - a. Staff car parking along the western lot boundary to be restricted to staff arriving after 7am, by way of cones placed in parking bays or similar;
 - b. Toys utilised in the outdoor play area, with preference for rubber-wheeled/soft toys;
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 - d. Delivery vehicles.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



- h) With regard to Condition 21, the Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall address the following items:
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- n) Retaining walls being constructed in accordance with a suitably qualified Structural Engineer's design and a Building Permit being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.

The Report Recommendation (as amended) was put and CARRIED (4/1).

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick
Cr Chontelle Stone

Against: Cr Chamonix Terblanche

Mr Ian Birch
Presiding Member, Metro Outer JDAP



REASON: As outlined in the Responsible Authority Report, the application satisfies the planning requirements for the location of child care centres in residential zoned areas. Additional measures concerning safety and amenity are included in the conditions of approval.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2:41pm.

Mr Ian Birch
Presiding Member, Metro Outer JDAP