



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 8 February 2021; 9:30am
Meeting Number: MOJDAP/65
Meeting Venue: Via Zoom

1 Table of Contents

| | | |
|-----|---|----|
| 1. | Opening of Meeting, Welcome and Acknowledgement..... | 2 |
| 2. | Apologies..... | 3 |
| 3. | Members on Leave of Absence..... | 3 |
| 4. | Noting of Minutes..... | 3 |
| 5. | Declaration of Due Consideration..... | 3 |
| 6. | Disclosure of Interests..... | 3 |
| 7. | Deputations and Presentations..... | 3 |
| 8. | Form 1 – Responsible Authority Reports – DAP Applications..... | 3 |
| 8.1 | Lot 34 (2) Wellard Street, Bibra Lake..... | 4 |
| 8.2 | Lot 102 (19) & Lot 103 (11) Legacy Way, Cockburn Central | 13 |
| 9. | Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval | 17 |
| | Nil | 18 |
| 10. | State Administrative Tribunal Applications and Supreme Court Appeals ... | 18 |
| 11. | General Business..... | 18 |
| 12. | Meeting Closure | 18 |



Attendance

DAP Members

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

Officers in attendance

Mr Lorenzo Santoriello (City of Cockburn)

Item 8.1

Mr Patrick Andrade (City of Cockburn)
Mr Daniel Arndt (City of Cockburn)

Item 8.2

Mr Luke Harris (City of Cockburn)

Minute Secretary

Ms Megan Ventris (DAP Secretariat)
Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Ms Terrina Lo (Meyer Shircore Architects)

Item 8.2

Ms Kate Bainsbridge (Element WA)
Dr Neale Fong (Bethesda)
Mr Mark Zuvela (Silver Thomas Hanley Architecture)
Mr Basil Vogas (Silver Thomas Hanley Architecture)
Mr Yohanes Tadesse (PDS Group)

Members of the Public / Media

Mr Ben Smith from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 8 February 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

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Mr Jason Hick (Third Specialist Member)

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 The City of Cockburn Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

Item 7.1 was heard prior to the application at Item 8.1.

- 7.2 Mr Mark Zuvela (Silver Thomas Hanley Architecture) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

- 7.3 Ms Kate Bainbridge (element WA) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

- 7.4 The City of Cockburn Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.2 - 7.4 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications



8.1 Lot 34 (2) Wellard Street, Bibra Lake

Development Description: Service Station
Applicant: Meyer Shircore Architects
Owner: Holm Pty Ltd
Responsible Authority: City of Cockburn
DAP File No: DAP/20/01902

REPORT RECOMMENDATION

Moved by: Cr Chontelle Stone

Seconded by: Ms Sheryl Chaffer

With the agreement of the mover and seconder, the following amendments were made:

- i) That condition no. 2 be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of **24** years from the date of approval (**this is inclusive 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 8 April 2020**). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

REASON: To provide more clarity around this condition in that approvals are now for a minimum period of 4 years in accordance with the State of Emergency provisions.

- ii) That condition no. 14 be amended to read as follows:

*Prior to the issue of a building permit, compliance with the Government Sewerage Policy (20129, **on advice from Department of Health**) must be demonstrated, to the satisfaction of the City.*

REASON: To reflect the most recent Government Sewerage Policy and the requirement to consult with the Department of Health.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01902 and accompanying 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 inclusive 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 8 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. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The approved development has approval to be used as a 'Service Station', 'Lunch Bar' and 'Transport Depot'.
4. Prior to the issue 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.
5. Prior to the issue of a Building Permit, a revised detailed landscaping plan shall be submitted to and approved by the City.
6. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the revised approved plan and maintained thereafter to the satisfaction of the City.
7. All stormwater drainage shall be retained on-site and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the City.
8. Crossovers are to be located and constructed to the City's specifications.
9. Prior to the initial occupation, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans and thereafter maintained to the satisfaction of the City.
10. Prior to the issue of a Building Permit, revised plans shall be submitted that demonstrates the Transport Depot land use providing sufficient car parking bays to Australian Standards, in accordance with the Town Planning Scheme No.3, to the satisfaction of the City.
11. The pylon sign and sign structures shall not overhang or encroach upon the road reserve or adjoining lot boundary.
12. The pylon signs shall not contain fluorescent, reflective or retro reflective colours or materials.
13. No bunting is to be erected on the site, bunting includes streamers, streamer strips, banner strips or decorations of similar kind.
14. Prior to the issue of a building permit, compliance with the Government Sewage Policy (2019, on advice from Department of Health) must be demonstrated, to the satisfaction of the City.
15. The site is limited to a maximum of two employees at the Service Station and three employees at the Lunch Bar at any one time.
16. The area annotated "existing gravel" on the landscaping plan abutting the southern boundary shall not be used for any purpose related to the Transport Depot. The area shall also not be used for lay down or storage of goods or materials.



17. Prior to the initial commencement of the use, a minimum of ten (10) bicycle bays that conform to Australian Standard 2890.3 (as amended) shall be provided within reasonable proximity to the entrance of the building, to the satisfaction of the City.
18. Prior to the issue of a Building Permit, the owner/applicant shall:
 - Submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - Submit to the City for approval an 'Application for Art Work Design'; and
 - Enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

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

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. Service Station means *premises other than premises used for a transport depot, panel beating, spray painting, major repair or wrecking, that are used for –*
 - (a) *the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
 - (b) *the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.*
3. Lunch Bar means *premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.*
4. Transport Depot means *land or buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, including management, maintenance and repair of the vehicles used and includes the garaging or parking of such vehicles associated with this use, but does not include the parking of a commercial vehicle in the residential and rural land use areas.*
5. You are advised that a Sign Permit is required in accordance with the City's Local Laws (2000) prior to the erection of the sign. A permit is obtainable from the City's Building Services Department.
6. 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.



7. With regards to the crossovers, copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au.
8. With respect to the parking bay/s, driveway/s and points of ingress and egress, these are to be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS 2890)
9. The disposal of industrial liquid waste is to comply with the City of Cockburn (Health) Local Laws 2000 and meet one of the following requirements:
 - (a) discharge to sewer as approved by the Water Corporation;
 - (b) discharge to on-site effluent disposal as approved by the Executive Director, Public Health or the Manager, Environmental Health;
 - (c) collection and disposal in an approved manner at an approved liquid waste disposal site.

Discharge of industrial liquid wastes directly to soak or ground is also not permitted and requires the approval of the Department of Environment and Conservation.

10. The Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall also address the PTA's concerns as follows:
 - i. *1 Construction works to be contained within construction site boundary, ensuring no building material is placed within the rail reserve boundary (e.g. stockpiled earth, concrete, sheet metal, cables, insulation, other materials).*
 - ii. *No parking of construction equipment (e.g. front end loader, excavator, dozer, dump trucks, bobcats, utilities, other equipment) is permitted on rail reserve land at any time during construction works.*
 - iii. *Should the developer require access across the rail reserve to enable construction works, this requires a separate application for approval.*
 - iv. *No drainage or water runoff from construction works is permitted onto rail reserve land. All water runoff is to be contained on the site during construction and operational phases.*
 - v. *During construction and any earthworks activities, PTA recommends dust suppression methods (i.e. watering down) are deployed to prevent airborne dust from being released to atmosphere.*
11. The landscaping plan revision shall demonstrate:
 - A minimum of 12 shade trees, their species and sizing (should they not be retained).
12. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting.
13. Storage methods and storage facilities for all hazardous materials must comply with the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 (the Storage and Handling Regulations). Consultation regarding the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment shall be directed to the relevant State Authority.



14. Where petrol, benzine or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed wash-down area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment and Conservation.
15. Any wash-down of plant, vehicles or equipment must be carried out over a wash down pad with waste water treated to remove solids and hydrocarbons prior to discharge to the environment. A Health Act application including detailed plans and specifications of the facility and the appropriate fee must be submitted together with building plans to the City's Health Services.
16. With regards to the Government Sewage Policy, the property is not connected to mains sewerage. Therefore, an application to install an onsite effluent disposal system must be lodged to the City's Health Service for approval by the Department of Health.
17. With regard to public art, the art work shall be in accordance with Council's Local Planning Policy LPP 5.13 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
18. All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
19. 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 1

Moved by: Ms Shelley Shephard

Seconded by: Cr Chamonix Terblanche

That condition no. 7 be amended to read as follows:

Prior to the occupancy of the development, All the stormwater management system drainage shall be retained on-site and the design is to be certified by a suitably qualified practicing Engineer is to be designed and constructed in accordance with a Water Management Plan consistent with the Stormwater Management Manual for Western Australia (DoW, 2004-2007), to the satisfaction of the City of Cockburn.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that stormwater management, particularly water quality from the site, is addressed and consistent with State Planning Policy 2.9: Water Resources

REPORT RECOMMENDATION (AS AMENDED)

Mr Ian Birch
Presiding Member, Metro Outer JDAP

Page 8



That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01902 and accompanying 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 inclusive 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 8 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. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The approved development has approval to be used as a 'Service Station', 'Lunch Bar' and 'Transport Depot'.
4. Prior to the issue 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.
5. Prior to the issue of a Building Permit, a revised detailed landscaping plan shall be submitted to and approved by the City.
6. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the revised approved plan and maintained thereafter to the satisfaction of the City.
7. Prior to the occupancy of the development, the stormwater management system is to be designed and constructed in accordance with a Water Management Plan consistent with the Stormwater Management Manual for Western Australia (DoW, 2004-2007), to the satisfaction of the City of Cockburn.
8. Crossovers are to be located and constructed to the City's specifications.
9. Prior to the initial occupation, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans and thereafter maintained to the satisfaction of the City.
10. Prior to the issue of a Building Permit, revised plans shall be submitted that demonstrates the Transport Depot land use providing sufficient car parking bays to Australian Standards, in accordance with the Town Planning Scheme No.3, to the satisfaction of the City.



11. The pylon sign and sign structures shall not overhang or encroach upon the road reserve or adjoining lot boundary.
12. The pylon signs shall not contain fluorescent, reflective or retro reflective colours or materials.
13. No bunting is to be erected on the site, bunting includes streamers, streamer strips, banner strips or decorations of similar kind.
14. Prior to the issue of a building permit, compliance with the Government Sewage Policy (2019, on advice from Department of Health) must be demonstrated, to the satisfaction of the City.
15. The site is limited to a maximum of two employees at the Service Station and three employees at the Lunch Bar at any one time.
16. The area annotated "existing gravel" on the landscaping plan abutting the southern boundary shall not be used for any purpose related to the Transport Depot. The area shall also not be used for lay down or storage of goods or materials.
17. Prior to the initial commencement of the use, a minimum of ten (10) bicycle bays that conform to Australian Standard 2890.3 (as amended) shall be provided within reasonable proximity to the entrance of the building, to the satisfaction of the City.
18. Prior to the issue of a Building Permit, the owner/applicant shall:
 - Submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - Submit to the City for approval an 'Application for Art Work Design'; and
 - Enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

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

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. Service Station means *premises other than premises used for a transport depot, panel beating, spray painting, major repair or wrecking, that are used for –*
 - (a) *the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
 - (b) *the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.*



3. Lunch Bar means *premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.*
4. Transport Depot means *land or buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, including management, maintenance and repair of the vehicles used and includes the garaging or parking of such vehicles associated with this use, but does not include the parking of a commercial vehicle in the residential and rural land use areas.*
5. You are advised that a Sign Permit is required in accordance with the City's Local Laws (2000) prior to the erection of the sign. A permit is obtainable from the City's Building Services Department.
6. 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.
7. With regards to the crossovers, copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au.
8. With respect to the parking bay/s, driveway/s and points of ingress and egress, these are to be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS 2890)
9. The disposal of industrial liquid waste is to comply with the City of Cockburn (Health) Local Laws 2000 and meet one of the following requirements:
 - (a) discharge to sewer as approved by the Water Corporation;
 - (b) discharge to on-site effluent disposal as approved by the Executive Director, Public Health or the Manager, Environmental Health;
 - (c) collection and disposal in an approved manner at an approved liquid waste disposal site.

Discharge of industrial liquid wastes directly to soak or ground is also not permitted and requires the approval of the Department of Environment and Conservation.

10. The Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall also address the PTA's concerns as follows:
 - i. *1 Construction works to be contained within construction site boundary, ensuring no building material is placed within the rail reserve boundary (e.g. stockpiled earth, concrete, sheet metal, cables, insulation, other materials).*
 - ii. *No parking of construction equipment (e.g. front end loader, excavator, dozer, dump trucks, bobcats, utilities, other equipment) is permitted on rail reserve land at any time during construction works.*
 - iii. *Should the developer require access across the rail reserve to enable construction works, this requires a separate application for approval.*



- iv. *No drainage or water runoff from construction works is permitted onto rail reserve land. All water runoff is to be contained on the site during construction and operational phases.*
- v. *During construction and any earthworks activities, PTA recommends dust suppression methods (i.e. watering down) are deployed to prevent airborne dust from being released to atmosphere.*
11. The landscaping plan revision shall demonstrate:
- A minimum of 12 shade trees, their species and sizing (should they not be retained).
12. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting.
13. Storage methods and storage facilities for all hazardous materials must comply with the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 (the Storage and Handling Regulations). Consultation regarding the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment shall be directed to the relevant State Authority.
14. Where petrol, benzine or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed wash-down area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment and Conservation.
15. Any wash-down of plant, vehicles or equipment must be carried out over a wash down pad with waste water treated to remove solids and hydrocarbons prior to discharge to the environment. A Health Act application including detailed plans and specifications of the facility and the appropriate fee must be submitted together with building plans to the City's Health Services.
16. With regards to the Government Sewage Policy, the property is not connected to mains sewerage. Therefore an application to install an onsite effluent disposal system must be lodged to the City's Health Service for approval by the Department of Health.
17. With regard to public art, the art work shall be in accordance with Council's Local Planning Policy LPP 5.13 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
18. All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
19. 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.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: As outlined in the assessment in the Responsible Authority Report, the proposed development generally satisfies the planning requirements for the area. Matters requiring further attention can in this case be adequately dealt with by way of conditions.

8.2 Lot 102 (19) & Lot 103 (11) Legacy Way, Cockburn Central

| | |
|--------------------------|--|
| Development Description: | Proposed New Hospital (Private Mental Health Facility) |
| Applicant: | element |
| Owner: | Bethesda Hospital Inc |
| Responsible Authority: | City of Cockburn |
| DAP File No: | DAP/20/01899 |

REPORT RECOMMENDATION

The typographical error “will to exceed” in condition 19 was corrected to read “will not exceed”.

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Chamonix Terblanche

With the agreement of the mover and seconder, the following amendments were made:

- i) That a new condition no. 1 be added to read as follows and the conditions be renumbered accordingly:

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.

REASON: To clarify that the approval is also made under the region scheme.

- ii) That condition no. 2 (now condition no. 3) be amended to read as follows:

This decision constitutes planning approval only and is valid for a period of 24 years from the date of approval (this is inclusive 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 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

REASON: To provide more clarity around this condition in that approvals are now for a minimum period of 4 years in accordance with the State of Emergency provisions.

- iii) That condition no. 7 (now condition no. 8) be moved to an advice note (now advice note no. 12) and the following conditions be renumbered accordingly.

Mr Ian Birch
Presiding Member, Metro Outer JDAP

Page 13



REASON: Covered under separate legislation so is not required to be a condition.

iv) That condition no. 12 be amended to read as follows:

*Prior to the issue of a building permit, the building design shall be revised to the extent of the finished **ground floor levels being consistent altered in height in accordance with the City's proposed car parking plan for Lot 125 Poletti Road, Cockburn Central.***

REASON: To better reflect the conditions for both developments.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01899 and accompanying plans (Attachment 2 – Development Plans, Attachment 3 – Landscape Plans, Attachment 4 – Waste Management Plan, Attachment 5 – Section J Report) 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. Development shall be carried out in accordance with the terms of the application as approved herein and any approved plan.
3. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval (this is inclusive 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 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
4. Prior to the issue of a building permit the applicant shall provide a cash-in-lieu contribution for provision of parking at an adjacent site in accordance with clause 4.9.6 of the City of Cockburn Town Planning Scheme No.3.
5. The signage shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public.
6. All stormwater being contained and disposed of on-site to the satisfaction of the City.
7. All services and service related hardware, including clothes drying areas, antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
8. Crossovers are to be constructed to the City's specifications.
9. A construction management plan shall be submitted to and approved by the City prior to the commencement of works.



10. Prior to the initial occupation of the building hereby approved, all parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
11. Prior to the issue of a Building Permit, the owner/applicant shall:
 - submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be to be located within the subject site as an integral part of the development;
 - submit to the City for approval an 'Application for Art Work Design';
 - enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed on the day of or within 12 months of the initial occupation of the building/development and maintained thereafter to the satisfaction of the City.

12. Prior to the issue of a building permit, the building design shall be revised to the extent of the finished ground levels being consistent with the City's proposed car parking plan for Lot 125 Poletti Road, Cockburn Central.
13. The bicycle stands/racks shall conform to Australian Standard 2890.3 and shall be provided prior to occupation of the building.
14. Prior to the occupation of the building all end of trip facilities shall be installed and thereafter maintained.
15. Prior to the occupation of the building landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City.
16. Prior to the occupation of the building the subject lots (Lot 102 and 103) shall be amalgamated.
17. All construction measures contained within the NCC 2016, Volume One Section J Compliance Report – JV3 prepared by Living Building Solutions and dated 13/10/2020 shall be incorporated into the proposed development.
18. Prior to the commencement of works on site a dilapidation survey is to be conducted for the areas adjacent to the site and an infrastructure bond paid to the City for the purposes of rectifying any damage to existing infrastructure.
19. A further 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. 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);
 - include considerations of the amenity impact of siren noise; and
 - include one comprehensive list of recommendations for implementation.



20. All noise attenuation measures, identified by the Hewshott Acoustics Acoustic Report “Silver Thomas Hanley – Cockburn Mental Health Services 3210 – Acoustic Report” (dated 25 January 2021) and the further acoustic report required under the previous condition, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be adhered to at all times
21. Written confirmation from the builder that all recommendations made in the Acoustic Reports required under the previous conditions have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application.
22. The builder shall provide written confirmation that the requirements of the Acoustic Reports referred to in the previous conditions have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. 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 airconditioners, and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the Environmental Protection (Noise) Regulations 1997 (as amended).
3. All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
4. 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.
5. You are advised that a Sign Licence is required in accordance with the City’s Local Laws (2000) prior to the erection of the signs. A licence is obtainable from the City’s Building Services Department.
6. With regard to the requirement to comply with the Section J report the applicant is advised that the development must be constructed in accordance with the following provisions of the National Construction Code 2016:
 - a. R.20 bulk installation to all external walls
 - b. R4.0 bulk installation to all roofs
 - c. All external glazing must meet or exceed the following performance: $U \leq 7.0$, $SHGC \leq 0.7$
 - d. Part J1 Building Fabric
 - e. Part J3 Building Sealing



- f. Part J5 Air Conditioning and Ventilation Systems
 - g. Part J6 Artificial Lighting and Power
 - h. Part J7 Heated Water Supply and Swimming Pool and Spa Pool Plant
 - i. Part J8 Facilities for Energy Monitoring
7. 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".
 8. The applicant is advised that a separate approval is required to be obtained from the City's Development Engineering department for all works to be undertaken external to the property boundary. The applicant is requested to contact the City of Cockburn Engineering Department on 9411 3444.
 9. With regard to the requirement to provide a further 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).
 10. With regard to the requirement for the cash-in-lieu provision the applicant is requested to contact the City's Statutory Planning Services on 9411 3444 for further details
 11. 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) Street tree retention and protection;
 - g) Management of construction waste; and
 - h) 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.
12. 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.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: As outlined in the assessment in the Responsible Authority Report, it is considered that the proposed use will make a positive contribution to the developing Cockburn Central West area. The design review process has resulted in a building which is complementary to development guidelines for the area. Where variations to Design Guidelines occur these have been satisfied with appropriate alternate design solutions.

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 |

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 10:53.