



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 22 February 2021; 9:30am
Meeting Number: MOJDAP/68
Meeting Venue: City of Cockburn
9 Coleville Crescent, Spearwood

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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 Chamonix Terblanche (Local Government Member, City of Cockburn)
Cr Chontelle Stone (Local Government Member, City of Cockburn)

Officers in attendance

Mr Daniel Arndt (City of Cockburn)
Mr Lorenzo Santoriello (City of Cockburn)
Mr David King (City of Cockburn)
Mr Ahmed Qader (City of Cockburn)

Minute Secretary

Ms Sue D'Agnone (City of Cockburn)

Applicants and Submitters

Mr Ross Underwood (Planning Solutions)
Mr Scout Walsh (Planning Solutions)
Mr Scott Lambie (Cardno)
Ms Vishna Dodia (Bloom Architects)
Mr John Miller (Property Owner)

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 9.30am on 22 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*.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

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4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Chontelle Stone, declared an Impartiality Interest in Item 8.1. Cr Stone was the mover of the motion in the City of Cockburn Ordinary Council Meeting on 11th June 2020 that rejected this application due to parking issues, which was carried. Cr Stone was also the seconder of the further motion for the City to investigate purchase of this land for community use, which was lost.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Chamonix Terblanche declared that she participated in a prior Council meeting in relation to the application at Item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Terblanche acknowledged that she is not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before her, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who had disclosed an Impartiality Interest interest, was permitted to participate in the discussion and voting on the item.

7 Deputations and Presentations

- 7.1** Mr Scott Lambie (Cardno) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Ross Underwood (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** City of Cockburn Officers responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 841 (41), Lot 842 (39) & Lot 843 (Reserve 49523) Lakefront Avenue, Beeliar

Development Description: Child Care Premises
Applicant: Planning Solutions
Owner: Beeliar Property Developments Pty Ltd &
Department of Planning, Lands and
Heritage
Responsible Authority: City of Cockburn
DAP File No: DAP/20/01904

REPORT RECOMMENDATION

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Jason Hick

With the agreement of the mover and seconder, the following amendments were made to the responsible authority report:

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

This decision constitutes planning approval only and is valid for a period of ~~2~~ 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 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.

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. 13 be amended to read as follows:

Prior to the ~~issue~~ lodgement of a building permit application, updated plans are to be provided which screens all mechanical plant 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.

REASON: For greater clarity and consistency with other, similarly worded conditions.

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

Prior to the ~~issue~~ lodgement of a building permit application, 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.

REASON: For greater clarity and consistency with other, similarly worded conditions.

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- (iv) That condition no. 15 be amended to read as follows:

*Prior to the **issue lodgement** of a Building Permit application, 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'; 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.*

REASON: For greater clarity and consistency with other, similarly worded conditions

- (v) That condition no. 17 be amended to read as follows:

The footpath adjacent to the car parking on Lakefront Avenue, within the property boundary, shall be ~~adequately~~ paved and drained to the satisfaction of the City.

REASON: To delete unnecessary wording.

- (vi) That condition no. 23 be amended to read as follows:

*Prior to the **issue lodgement** of a building permit application, the landowner/applicant shall provide written confirmation that the recommendations from the acoustic report have been incorporated into the completed development.*

REASON: For greater clarity and consistency with other, similarly worded conditions

REPORT RECOMMENDATION (AS AMENDED)

That the Outer Metro Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/01904 is appropriate for consideration as a "Child Care Premises" land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2 of the City of Cockburn District Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/20/01904 and accompanying '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.

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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 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. Prior to the occupancy of the development, Lot 841, 842 and 843 are to be amalgamated.
5. Hours of operation are restricted to 6:00am to 6:00pm Monday to Friday and not at all on weekends or public holidays.
6. A maximum of eleven (11) staff and 67 children are permitted on site at any one time.
7. The outdoor play areas are not to be utilised prior to 7am.
8. All stormwater must be contained and disposed of on-site, to the satisfaction of the City of Cockburn.
9. No building or construction activities shall be carried out before 7:00am or after 7:00pm, Monday to Saturday, and not at all on Sundays or public holidays.
10. Prior to the lodgement of a building permit application, a detailed landscaping plan shall be submitted to and approved by the City.
11. Landscaping shall be installed and reticulated in accordance with the approved landscape plan prior to the occupation of the development. Landscape areas are to be maintained thereafter in perpetuity and in good order to the satisfaction of the City.
12. Prior to the lodgement of a building permit application, a schedule of the materials, finishes and colours are to be submitted to and approved by the City. 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.
13. Prior to the lodgement of a building permit application, updated plans are to be provided which screens all mechanical plant 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.
14. Prior to the lodgement of a building permit application 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.

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15. Prior to the lodgement of a Building Permit application, 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 Artwork Design';
 - enter into a contract with a professional artist/s to design and install (if appropriate) the artwork approved by the City.

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

16. All waste and recycling materials must be contained within the bins. These bins must be stored in an internal enclosure within the building or within an external enclosure located and constructed to the satisfaction of the City.
17. The footpath adjacent to the car parking on Lakefront Avenue, within the property boundary, shall be paved and drained to the satisfaction of the City.
18. The premises must clearly display the street numbers.
19. Prior to the lodgement of a building permit application, details shall be provided for a minimum of 2 bicycle stands/racks to conform to Australian Standard 2890.3 to be provided in close proximity to the entrance of the building. The bicycle racks shall then be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.
20. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".
21. Prior to the lodgement of a Building Permit application, a further Acoustic Report shall be submitted to and approved by the City and implemented thereafter to the satisfaction of the City.
22. All noise attenuation measures identified by the *Herring Storer Acoustic Report "Proposed Child Care Centre Lots 841 and 842 Lakefront Avenue, Beeliar"* (Ref - 26453-3-19241-02; dated 5 February 2021) and the further acoustic report re under Condition 21, are to be implemented prior to the occupancy of the development and the requirements of the Acoustic Report/s are to be observed at all times.
23. Prior to the lodgement of a building permit application, the landowner/applicant shall provide written confirmation that the recommendations from the acoustic report have been incorporated into the completed development.
24. Prior to the occupation of the development, the landowner/applicant shall provide written confirmation that the recommendations from the acoustic report have been incorporated into the completed development.
25. Prior to the occupancy of the development, the owner shall grant free of cost to the City of Cockburn (the City) an easement(s) in gross for public access over Lot 483 Lakefront Avenue, Beeliar 49523R (the land) for the use and benefit of the public at large in accordance with any specifications of and to the satisfaction of the City. The

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easement(s) in gross shall be prepared by the City's solicitors to the satisfaction of the City and shall be registered over the Certificate of Title to the land. The owner shall be responsible to pay all costs of and incidentals to the preparation of the easement(s) in gross (including the drafts), the preparation of an easement(s) Deposited Plan and fees for the stamping and registration of the easement(s) in gross.

Advice Notes

- a. This is a Planning Approval only and does not remove the responsibility of the applicant/landowner 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 development shall comply with the requirements of the Building Code of Australia.
- c. With regard to Condition 8, drainage is to be contained at a rate of 1 in 100 year storm event for a 24 hour period.
- d. With regard to Condition 10, the landscape plan shall address the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area.
- e. With regard to Condition 14, the Construction Management Plan shall address the following items:
 - I. Access to and from the site;
 - II. Delivery of materials and equipment to the site;
 - III. Storage of materials and equipment on the site;
 - IV. Parking arrangements for contractors and subcontractors;
 - V. Management of construction waste; and
 - VI. Other matters likely to impact on surrounding properties.
- f. With regard to Condition 16, 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.
- g. With regard to Condition 21, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and shall demonstrate that the design and location of plant and other sources of noise within the development (such as air conditioners) will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
- h. All food businesses shall comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- i. 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 mentioned legislation.

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- j. 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 for Families, Housing, Community Services and Indigenous Affairs.
- k. A sign permit is required in accordance with the City's Local Laws (2000) prior to the erection of any signs on site. A permit is obtainable from the City's Building Services Department.
- l. Staff are encouraged to park in areas other than directly in front of the child care premises and to arrive to site via alternate forms of transport such as walking, cycling and public transport.

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

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick
Cr Chamonix Terblanche

Against: Cr Chontelle Stone

REASON: The proposed use, Child Care Centre, is a community use, consistent with the planning framework set out for the Beeliar Village Local Centre. The development follows the Main Street design principles intended for the Centre.

The site is incapable of providing on-site parking, without disturbing this Main Street character, and the Traffic Impact Statement accompanying the application demonstrates that adequate public parking exists to cater for the proposal. Similarly, the TIS establishes that traffic generated by the use can be comfortably catered for in the existing road network.

All other development requirements are satisfied in the submission or through appropriate conditions.

With minor amendments, the application is supported in accordance with the recommendation in the Responsible Authority report.

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

Nil

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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

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 10.24am.