



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 16 March 2022; 9:30am  
**Meeting Number:** MOJDAP/159  
**Meeting Venue:** Electronic Means

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

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**Mr Ian Birch**  
Presiding Member, Metro JDAP



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## Attendance

### DAP Members

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)

#### *Item 8.1*

Cr John Keogh (City of Armadale)  
Cr Michael Hancock (City of Armadale)

#### *Item 8.1 & Item 91*

Cr Chontelle Stone (Local Government Member, City of Cockburn)  
Deputy Mayor Tom Widenbar (Local Government Member, City of Cockburn)

### Officers in attendance

#### *Item 8.1*

Mr Paul Sanders (City of Armadale)  
Mr Christopher Valentine (City of Armadale)  
Mr Glen Windass (City of Armadale)

#### *Item 8.2*

Mr Callum Wilson (City of Cockburn)

#### *Item 9.1*

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

### Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)  
Ms Adele McMahon (DAP Secretariat)

### Applicants and Submitters

#### *Item 8.1*

Mr Ben Doyle (Planning Solutions)  
Mr Nathan Maas (Planning Solutions)  
Ms Eva Cronin (Eco Logical Australia)  
Mr Greg Ewart (DMG Architecture)  
Mr Jarrod Sizer (Bode Property)  
Mr Brad Kelly (Bode Property)

#### *Item 8.2*

Mr James Lewisson (element)

#### *Item 9.1*

Mr Alessandro Stango (Apex Planning)  
Mr Rob Weise (Blackoak Property)

**Mr Ian Birch**  
Presiding Member, Metro JDAP



## Members of the Public / Media

Ms Indigo Lemay-Conway from Perth Now was in attendance.

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 16 March 2022 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.

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

### 2. Apologies

Cr Phoebe Corke (Local Government Member, City of Cockburn)

### 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 15 March 2022.

All members declared that they had duly considered the documents.

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## 6. Disclosure of Interests

DAP Member, Cr Michael Hancock, declared an Impartiality Interest in item 8.1. In 2014, Cr Hancock undertook a period of 6 months paid work experience with Planning Solutions, the applicant for item 8.1. Cr Hancock has had no contact or communication with the applicant outside of professional matters.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

7.1 Mr Ben Doyle (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Ms Eva Cronin (Eco Logical Australia) responded to questions from the panel in relation to the application at Item 8.1

7.3 Mr Paul Sanders (City of Armadale) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentation at Item 7.1- 7.3 was heard prior to the application at Item 8.1.***

7.4 Mr James Lewisson (element) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.5 Mr Callum Wilson (City of Gosnells) responded to questions from the panel in relation to the application at Item 8.2.

***The presentations at Items 7.4 - 7.5 were heard prior to the application at Item 8.2.***

7.6 Mr Alessandro Stango (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.7 Ms Chantala Hill (City of Gosnells) responded to questions from the panel in relation to the application at Item 9.1.

***The presentations at Items 7.6 - 7.7 were heard prior to the application at Item 8.1.***

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

### 8.1 Lot 9011 Erade Drive, Piara Waters

Development Description: Proposed Mixed Use Development  
Applicant: Planning Solutions  
Owner: Piara Village Pty Ltd  
Responsible Authority: City of Armadale  
DAP File No: DAP/21/02141

### REPORT RECOMMENDATION

**Moved by:** Cr Michael Hancock

**Seconded by:** Cr John Keogh

*With the approval of the mover and seconder the following amendments were made;*

- (i) Amend Condition No. 4 to read as follows;

*Operating hours of the Child Care Premises shall be during **6:30am** ~~7:00am~~ to 7:00pm Monday to Saturday only. **Outdoor play areas are not permitted to be utilised between 6:30am and 7:00am.***

- (ii) Amend Condition No. 9 c) to read as follows

*Relocate, remove or upgrade any drainage infrastructure on the lot ~~or within the adjoining road reserve that is impacted by~~ **to meet the drainage requirements created by the development and where appropriate modify and/or upgrade the existing public drainage system, where the proposed development creates the demand via including additional drainage in this system.***

**REASON:** These amendments were requested by the applicant and accepted by the City's planners.

The earlier staff time was accepted as a practical change for the effective delivery of service of the centre, noting that under noise regulations, reduced noise levels must be observed during the period 6.30am to 7.00am.

The revised wording for Condition 9c, provided by the City, adds clarity to the condition.

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Presiding Member, Metro JDAP



That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/21/02141 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme and the provisions of the City of Armadale Town Planning Scheme No. 4, subject to the following conditions

1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, in-accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that:
  - a) Amend the elevation of the Service Station building where it addresses Erade Drive and the Warton Road/Erade Drive intersection by utilising artwork, decorative cladding, landscaping or other measures to enhance the façade appearance and streetscape;
  - b) The development plans being modified to include the modified landscaping areas in-accordance with the Landscape Plan Drawing No.301 – Rev G;
  - c) Reduce the height of the 12m pylon sign to 9.5m;
  - d) Connect the path leading from the entrance of the service station to the Warton Road path.
2. Prior to occupation of the development, a notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:

*“The subject lot(s) is subject to a bushfire management plan and is within a bushfire prone area”.*
3. Prior to occupation of the development, a notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:

*“This lot is located within 200 metres of the cattery and dog kennel additional use area in the City of Cockburn and may be adversely affected by odour, noise and/or light emissions from that land use.”*
4. Operating hours of the Child Care Premises shall be during 6:30am to 7:00pm Monday to Saturday only. Outdoor play areas are not permitted to be utilised between 6:30am and 7:00am.
5. All noise attenuation measures, identified by Lloyd George Acoustics Environmental Noise Assessment (December 2021) and the further acoustic reports required under Condition 6, are to be implemented prior to occupancy of the development. The recommendations of the acoustic reports are to be implemented at all times.

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6. Prior to the commencement of the occupation of the development, Final Environmental Noise Assessment/s must be prepared and provided to the City of Armadale which demonstrates, to the City of Armadale's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Environmental Noise Assessment/s must include the following information:

- a) Confirmed noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- b) Tonality, modulation and impulsiveness of noise sources; and
- c) Confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Final Environmental Noise Assessment upon approval to the satisfaction of the City of Armadale and implemented thereafter for the duration of the development.

7. All landscaping shall be completed prior to occupancy of the development and continuously maintained in accordance with the approved landscape plan (Rev G).
8. Existing trees as identified on the approved site plan shall be retained to the satisfaction of the City of Armadale.
9. To meet drainage requirements, prior to occupation of the development the developer/owner shall, to the specifications and satisfaction of the City of Armadale:
- a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan;
  - b) Show any drainage easements as may be required on the Certificate of Title in favour of the City; and
  - c) Relocate, remove or upgrade any drainage infrastructure on the lot to meet the drainage requirements created by the development and where appropriate modify and/or upgrade the existing public drainage system, where the proposed development creates the demand via including additional drainage in this system.
10. Prior to occupation, all vehicle manoeuvring spaces shall be constructed, sealed, kerbed and drained in accordance with the approved site plan to the satisfaction of the City of Armadale and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.
11. Vehicle access to Warton Road is to be left in/left out only.
12. Any new footpaths shall be constructed to the satisfaction of the City of Armadale. Existing footpaths shall be reinstated appropriately.
13. The Bushfire Management Plan and Emergency Evacuation Plan prepared by EcoLogical Australia, dated December 2021 shall be implemented including site preparation prior to occupation of the development and maintained thereafter.

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14. In accordance with Part 5A and Schedule 9B (Development Contribution Plan No.3) of Town Planning Scheme No.4, a contribution shall be paid towards the provision of Common Infrastructure Works to service the Harrisdale/Piara Waters urban area, to the satisfaction of the City of Armadale, prior to the commencement of site works.
15. Prior to the submission of the relevant Building Permit, a schedule of external colours and materials shall be submitted to and approved by the City of Armadale. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the City.
16. Prior to occupation of the development, any walls or fencing fronting the public realm (e.g. streets or public open space) are to be treated with an anti-graffiti finish.
17. No materials or commercial bins shall be stored in car parking areas or landscaping areas.
18. Waste collection shall be carried out in accordance with the approved Waste Management Plan to the satisfaction of the City of Armadale.
19. Prior to occupation of the development, all rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points and residential development to the satisfaction of the City of Armadale.
20. Prior to occupation of the development, patron public rubbish bin facilities shall be provided adjacent to the shop frontages and Erade Drive in locations convenient to pedestrians, but positioned so as not to obstruct pedestrian movements in accordance with Clause 4C.4.1 of Town Planning Scheme No.4, to the satisfaction of the City of Armadale. Bins shall be continuously maintained in good condition and the surrounding area kept free of litter thereafter.
21. Prior to occupation of the development, air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the City of Armadale.
22. A Construction Management Plan shall be prepared by the applicant and submitted to the City for approval at least 30 days prior to the commencement of works on site. The Construction Management Plan shall be implemented by the applicant to the satisfaction of the City of Armadale and detail how the construction of the development will be managed, including the following:
  - a) Public safety and site security;
  - b) Hours of operation;
  - c) A Dust Management Plan in accordance with Clause 43 of the *City's Environment, Animals and Nuisance Local Laws 2002*;
  - d) Waste and material disposal;
  - e) Traffic management plans for the various phases of the construction;
  - f) Parking arrangements for contractors and sub-contractors;
  - g) Delivery and access arrangements;
  - h) The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);

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- i) Bonding and remediation arrangements; and
  - j) Any other matters likely to impact upon the surrounding properties or public realm.
23. Prior to the commencement of the occupation of the development, an Operational Management Plan (or Plans for individual uses) is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) litter, servicing, Child Care Premises drop offs, truck deliveries, loading, waste management, traffic management, odour, noise and anti-social behaviour to the satisfaction of the City of Armadale. The plan shall be implemented to the satisfaction of the City thereafter.
24. In accordance with the requirements of Local Planning Policy PLN 3.12 – Percent for Public Art, prior to the occupancy of the development, the applicant or landowner is to either:
- a) make a monetary contribution to the City of Armadale Public Art Reserve Account equal to one per cent (1%) of the estimated total development cost; or,
  - b) install public art work on site to the value of one per cent (1%) of the total development cost and continuously maintain the public art work thereafter.
25. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the City on advice from Department of Water and Environment Regulation before any ground disturbing development works or development are commenced. Where an acid sulfate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan.
26. All of the signs shall be:
- a) Located on the subject land and no part of the sign is to protrude onto the road verge;
  - b) Located to allow clear sight lines for vehicles entering or leaving Warton Road or Erade Drive or the crossovers;
27. All signs shall not :
- a) Contain fluorescent, reflective or retro reflective colours or materials to the satisfaction of the City of Armadale;
  - b) Exceed 6000cd/m<sup>2</sup> at daytime, not exceed 600cd/m<sup>2</sup> at dawn/dusk, not exceed 300cdm<sup>2</sup> at night and not flash, pulsate, move or rotate.

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## Advice Notes

- A. With regard to the Condition for a Final Acoustic Assessment please note that the Recreation Private (Gym), Fast Food Outlets and Shop (Supermarket) uses will require reassessment before the commencement of these uses relative to the needs and practices of potential operators once they have been appointed.

The acoustic assessment 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).

- B. With regard to the Condition requiring a development contribution, the developer should contact the City's Project Manager Contribution Arrangements, so that the contribution can be calculated and a Tax Invoice issued for payment.
- C. Lot 9011 is adjacent to a proposed shared pedestrian path in the adjoining Water Corporation reserve. Please contact the City of Armadale's developer contribution arrangements team to make enquiries/arrangements for development of the shared path.
- D. With regard to part b) of the condition relating to the City's PLN 3.12 – Percent for Public Art, the arts approval process is outlined under section 5 of the policy and the proponent will be required to lodge a Public Art Submission Form to the City's Community Services, which is available on the City's website:  
[https://www.armadale.wa.gov.au/.../Percent\\_for\\_Public\\_Art\\_Submission\\_Form.pdf](https://www.armadale.wa.gov.au/.../Percent_for_Public_Art_Submission_Form.pdf)
- E. The condition relating to acid sulfate risk, makes reference to an "acid sulfate soils self-assessment form". This form can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).
- F. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.
- G. Existing trees in the adjacent road and/or reserved land are to be managed in accordance with AS 4970 – 2009 Protection of Trees on Development Sites.
- H. In support of any infiltration proposal and as a part of geotechnical investigations the applicant and/or landowner is to provide soil saturated hydraulic conductivity values determined via onsite testing methods of the in-situ soils. The testing methodology is to be approved by the City prior to commencement of works.
- I. With regard to the Condition on construction of vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made
- J. Compliance with the *Health (Public Buildings) Regulations 1992* is required. In this regard, a Public Building application shall be submitted to the City's Health Services and approved prior to occupation of the relevant buildings.

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- K. Relevant premises must comply with the *Food Act 2008* and the Food Standards Code.
- L. The applicant should contact Water Corporation prior to the submission of a Building Permit.

### AMENDING MOTION

**Moved by:** Cr Michael Hancock

**Seconded by:** NIL

*The following amendments were made en bloc;*

That Conditions No. 5 & 6 and Advice Note A be deleted, and the remaining conditions and advice notes be renumbered and re-alphabetised accordingly.

**The Amending Motion LAPSED for want of a seconder.**

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** As outlined in the Responsible Authority Report, mixed use development is intended for the subject land under the Additional Use provision in the Scheme. Variations to development standards and policy have been assessed as falling within the planning objectives for the site, warranting the exercise of discretion. The panel was particularly mindful of bushfire assessment and sought clarification from the applicant's accredited practitioner and City officers and was satisfied that the Bushfire Management Plan and Emergency Evacuation Plan met SPP 3.7 requirements.

*Cr John Keogh and Cr Michael Hancock (City of Armadale) left the panel at 10:18am.*

*Cr Chontelle Stone and Deputy Mayor Tom Widenbar (City of Cockburn) joined the panel at 10:18am.*

### 8.2 Lot 9, 10, 11 Parkway Road, Bibra Lake

Development Description:	Proposed Child Care Premises
Applicant:	Element Advisory
Owner:	Jason Corkill & Leah Corkill, Dawei Lu & Yihan Yang, and Meei Kian Peh & Swee Seng Peh
Responsible Authority:	City of Cockburn
DAP File No:	DAP/21/02146

### REPORT RECOMMENDATION

**Moved by:** Cr Chontelle Stone

**Seconded by:** Deputy Mayor Tom Widenbar

That the Outer Metro Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02146 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 Town Planning Scheme No. 3, and

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2. **Approve** DAP Application reference DAP/21/02146 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 four (4) years from the date of approval (this is exclusive of the additional two (2) 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. All stormwater must be contained and disposed of on-site.
5. A maximum of thirteen (13) staff members and ninety-two (92) children are permitted on-site at any one time.
6. The hours of operation (open to customers) are limited to the hours of 6:30am to 6pm, 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 Monday to Friday and not at all on Saturdays, Sundays, and Public Holidays, between the hours of 7am to 7pm.
8. The outdoor play areas are not to be utilised prior to 7am.
9. Prior to the lodgement of an application for a Building Permit, a schedule of the external materials, finishes, and colours shall be submitted to the City for approval. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the initial occupation of the building and maintained for the life of the development.
10. Prior to the lodgement of an application for a Building Permit, an amended landscaping plan shall be submitted to and approved by the City for the area relating to the applicable building permit. Thereafter, the approved landscaping plan shall be carried out prior to the initial occupation of the development and maintained for the life of the development.

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11. Prior to the lodgement of an application for a Building Permit, or, the commencement of on-site works (whichever comes first), a Construction Management Plan (CMP) shall be submitted to and approved by the City. The approved CMP shall thereafter be implemented until the cessation of any on-site works.
12. 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 and to the specifications of AS 1742, AS/NZS 2890.1:2004, as appropriate. Once constructed, the parking bays, driveways and points of ingress and egress shall be maintained by the owner(s)/occupier(s) and made available for use, for the life of the development.
13. Prior to the initial occupation of the development, the staff parking bays, the 'turning around bay' and, all visitor parking bays shall be permanently demarcated to stipulate their intended purpose. The demarcation thereafter shall be maintained for the life of the development.
14. Prior to the initial occupation of the development, a vehicular crossover shall be provided to access the car parking area in accordance with the approved plans and AS2890.1, to the City's specifications. The crossover, once constructed, must be maintained for the life of the development.
15. All redundant crossovers shall be removed with the footpath and verge reinstated to the specifications and satisfaction of the City.
16. Prior to the initial occupation of the development, an Operational Management Plan (OMP) shall be submitted to and approved by the City. Once approved, the OMP shall be implemented thereafter for the life of the development.
17. Prior to the lodgement of an application for a Building Permit, a further Acoustic Report shall be submitted to the City for approval.
18. All noise recommendations for noise attenuation measures in the approved Acoustic Report shall be implemented for the life of the development.
19. Prior to the lodgement of an application for a Building Permit, the builder shall submit written confirmation to the City to confirm that all recommendations made in the Acoustic Report(s) have been incorporated into the development.
20. Prior to the initial occupation of the development, the builder shall submit written confirmation and evidence to confirm the requirements of the Acoustic Report have been incorporated into the completed development.

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21. Prior to the initial occupation of the development, the owner/applicant shall:
- a. submit a preliminary proposal for an artwork to the City. The artwork must be designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000) and shall be located within the subject site as an integral feature of the development,
  - b. on the advice of the City, submit an 'Application for Art Work Design' for approval to the City, and
  - c. enter into a contract with the professional artist(s) to design and install (if appropriate) the artwork approved by the City.

Thereafter, the approved artwork shall be installed prior to the initial occupation of the development and maintained for the life of the development.

22. Provisions identified in the Waste Management Plan provided by Encycle Consulting and approved by the City on 22/12/2021, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter for the life of the development.
23. Prior to the initial occupation of the development, the subject lots (Lots 9 (148), 10 (146) and 11 (144) Parkway Road, Bibra Lake), shall be amalgamated into one lot.
24. 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".

#### **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) All earthworks and/or associated drainage details shall be in accordance AS3500 with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
- c) All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- d) 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.
- e) With respect to Condition 4, drainage is to be contained at a rate of a 1 in 100-year storm event for a 24-hour period.

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- f) With respect to Condition 10, multiple building permits may be lodged in a staged approach and where relevant an amended landscaping plan is required to be submitted prior to the lodgement of each building permit. The landscaping plan is only required to address the area of hard / soft landscaping proposed in the relevant building permit. The updated landscaping plan shall include, at a minimum, the following detail where it is relevant to the landscaped area proposed in the relevant building permit:
- a. The location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area,
  - b. Any lawns to be established,
  - c. Those areas to be reticulated or irrigated,
  - d. Any existing landscape areas or vegetation to be retained,
  - e. Detail of street tree management and tree protection zones,
  - f. Implementation or staging plan (if applicable),
  - g. Any outdoor lighting fixtures,
  - h. Specifications of the shade sails, external store and play equipment,
  - i. Detail of the proposed screening devices for the service area, and
  - j. Verge treatments.
- g) With respect to Condition 11, 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. A detailed Dust Management Plan (DMP) submitted to the City for approval. The detailed Dust Management Plan shall comply with the City's "[Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn](#)",
  - 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. The recommendations of the required DMP,
  - g. Management of construction waste, and
  - h. Other matters likely to impact on the surrounding properties.
- h) With respect to Condition 14, copies of crossover specifications are available from the City's Engineering Services or from the City's website: [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au).
- i) With respect to Condition 16, the Operational Management Plan (OMP), on the advice of the City, shall address the following at a minimum:
- a. Procedure for on-site management operations,
  - b. Responsibility of staff for the purposes of an OMP,
  - c. How staff will be utilising the staff car parking areas, as informed by the further acoustic report as required,
  - d. How the staff will ensure the outdoor play area(s) are not utilised prior to 7am on operating days,
  - e. Toys utilised in the outdoor play area(s), with preference for rubber-wheeled/soft toys, or otherwise toys/equipment with minimal noise impact,

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- f. Waste management practices (including odour management, cleaning, location of bins on bin collection days),
  - g. Visitor and Children Safety Practices,
  - h. Management of incoming delivery vehicles, and
  - i. Complaints management.
- j) With respect to Condition 17, the Acoustic Report shall be prepared by a suitably qualified and recognised acoustic consultant. The report must demonstrate that the design and location of services, utilities 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).
- k) With respect to Condition 22, the external bin enclosure must be and of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. Further detail on this requirement can be viewed under the City's [Local Planning Policy 3.1 – Child Care Premises](#).
- l) The development must comply with the *Child Care Services Regulations 2007*, and the requirements of the Department for Child Protection. The applicant is advised approval shall be obtained from the Department of Families, Housing, Community Services, and Indigenous Affairs.
- m) Please be advised that hardstand must be constructed to City's Paving and Drainage Specification for trafficable areas. To ensure compliance, the City will expect compaction certificates, a sufficient stormwater plan and calculations to be submitted and reviewed.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under Regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and development (development Assessment Panels) Regulations 2011*.

### **AMENDING MOTION**

**Moved by:** Cr Chontelle Stone      **Seconded by:** Deputy Mayor Tom Widenbar

That Condition No. 6 be amended to read as follows:

*The hours of operation (open to customers) are limited to the hours of ~~6:30am~~ 6am to 6pm, Monday to Friday and not at all on Saturdays, Sundays, and Public Holidays.*

**The Amending Motion was put and CARRIED (4/1).**

For:                      Cr Chontelle Stone  
                                Deputy Mayor Tom Widenbar  
                                Ms Sheryl Chaffer  
                                Mr Jason Hick

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Against: Mr Ian Birch

**REASON:** To allow the applicant flexibility to provide earlier opening hours should parent need arise, noting that specific operational management measures are likely to be required to ensure the centre remains compliant with stricter Noise Regulation between the hours of 6.00am and 7.00am. The amendment was accepted by City officers.

### **REPORT RECOMMENDATION (AS AMENDED)**

That the Outer Metro Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02146 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 Town Planning Scheme No. 3, and
2. **Approve** DAP Application reference DAP/21/02146 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 four (4) years from the date of approval (this is exclusive of the additional two (2) 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. All stormwater must be contained and disposed of on-site.
5. A maximum of thirteen (13) staff members and ninety-two (92) children are permitted on-site at any one time.
6. The hours of operation (open to customers) are limited to the hours of 6am to 6pm, 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 Monday to Friday and not at all on Saturdays, Sundays, and Public Holidays, between the hours of 7am to 7pm.
8. The outdoor play areas are not to be utilised prior to 7am.

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9. Prior to the lodgement of an application for a Building Permit, a schedule of the external materials, finishes, and colours shall be submitted to the City for approval. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the initial occupation of the building and maintained for the life of the development.
10. Prior to the lodgement of an application for a Building Permit, an amended landscaping plan shall be submitted to and approved by the City for the area relating to the applicable building permit. Thereafter, the approved landscaping plan shall be carried out prior to the initial occupation of the development and maintained for the life of the development.
11. Prior to the lodgement of an application for a Building Permit, or, the commencement of on-site works (whichever comes first), a Construction Management Plan (CMP) shall be submitted to and approved by the City. The approved CMP shall thereafter be implemented until the cessation of any on-site works.
12. 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 and to the specifications of AS 1742, AS/NZS 2890.1:2004, as appropriate. Once constructed, the parking bays, driveways and points of ingress and egress shall be maintained by the owner(s)/occupier(s) and made available for use, for the life of the development.
13. Prior to the initial occupation of the development, the staff parking bays, the 'turning around bay' and, all visitor parking bays shall be permanently demarcated to stipulate their intended purpose. The demarcation thereafter shall be maintained for the life of the development.
14. Prior to the initial occupation of the development, a vehicular crossover shall be provided to access the car parking area in accordance with the approved plans and AS2890.1, to the City's specifications. The crossover, once constructed, must be maintained for the life of the development.
15. All redundant crossovers shall be removed with the footpath and verge reinstated to the specifications and satisfaction of the City.
16. Prior to the initial occupation of the development, an Operational Management Plan (OMP) shall be submitted to and approved by the City. Once approved, the OMP shall be implemented thereafter for the life of the development.
17. Prior to the lodgement of an application for a Building Permit, a further Acoustic Report shall be submitted to the City for approval.
18. All noise recommendations for noise attenuation measures in the approved Acoustic Report shall be implemented for the life of the development.
19. Prior to the lodgement of an application for a Building Permit, the builder shall submit written confirmation to the City to confirm that all recommendations made in the Acoustic Report(s) have been incorporated into the development.

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20. Prior to the initial occupation of the development, the builder shall submit written confirmation and evidence to confirm the requirements of the Acoustic Report have been incorporated into the completed development.
21. Prior to the initial occupation of the development, the owner/applicant shall:
  - a. submit a preliminary proposal for an artwork to the City. The artwork must be designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000) and shall be located within the subject site as an integral feature of the development,
  - b. on the advice of the City, submit an 'Application for Art Work Design' for approval to the City, and
  - c. enter into a contract with the professional artist(s) to design and install (if appropriate) the artwork approved by the City.

Thereafter, the approved artwork shall be installed prior to the initial occupation of the development and maintained for the life of the development.
22. Provisions identified in the Waste Management Plan provided by Encycle Consulting and approved by the City on 22/12/2021, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter for the life of the development.
23. Prior to the initial occupation of the development, the subject lots (Lots 9 (148), 10 (146) and 11 (144) Parkway Road, Bibra Lake), shall be amalgamated into one lot.
24. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 - 2019 "Control of the Otrusive Effects of Outdoor Lighting".

### **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) All earthworks and/or associated drainage details shall be in accordance AS3500 with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
- c) All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- d) 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.
- e) With respect to Condition 4, drainage is to be contained at a rate of a 1 in 100-year storm event for a 24-hour period.

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- f) With respect to Condition 10, multiple building permits may be lodged in a staged approach and where relevant an amended landscaping plan is required to be submitted prior to the lodgement of each building permit. The landscaping plan is only required to address the area of hard / soft landscaping proposed in the relevant building permit. The updated landscaping plan shall include, at a minimum, the following detail where it is relevant to the landscaped area proposed in the relevant building permit:
- a. The location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area,
  - b. Any lawns to be established,
  - c. Those areas to be reticulated or irrigated,
  - d. Any existing landscape areas or vegetation to be retained,
  - e. Detail of street tree management and tree protection zones,
  - f. Implementation or staging plan (if applicable),
  - g. Any outdoor lighting fixtures,
  - h. Specifications of the shade sails, external store and play equipment,
  - i. Detail of the proposed screening devices for the service area, and
  - j. Verge treatments.
- g) With respect to Condition 11, 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. A detailed Dust Management Plan (DMP) submitted to the City for approval. The detailed Dust Management Plan shall comply with the City's "[Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn](#)",
  - 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. The recommendations of the required DMP,
  - g. Management of construction waste, and
  - h. Other matters likely to impact on the surrounding properties.
- h) With respect to Condition 14, copies of crossover specifications are available from the City's Engineering Services or from the City's website: [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au).

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- i) With respect to Condition 16, the Operational Management Plan (OMP), on the advice of the City, shall address the following at a minimum:
- a. Procedure for on-site management operations,
  - b. Responsibility of staff for the purposes of an OMP,
  - c. How staff will be utilising the staff car parking areas, as informed by the further acoustic report as required,
  - d. How the staff will ensure the outdoor play area(s) are not utilised prior to 7am on operating days,
  - e. Toys utilised in the outdoor play area(s), with preference for rubber-wheeled/soft toys, or otherwise toys/equipment with minimal noise impact,
  - f. Waste management practices (including odour management, cleaning, location of bins on bin collection days),
  - g. Visitor and Children Safety Practices,
  - h. Management of incoming delivery vehicles, and
  - i. Complaints management.
- j) With respect to Condition 17, the Acoustic Report shall be prepared by a suitably qualified and recognised acoustic consultant. The report must demonstrate that the design and location of services, utilities 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).
- k) With respect to Condition 22, the external bin enclosure must be and of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. Further detail on this requirement can be viewed under the City's [Local Planning Policy 3.1 – Child Care Premises](#).
- l) The development must comply with the *Child Care Services Regulations 2007*, and the requirements of the Department for Child Protection. The applicant is advised approval shall be obtained from the Department of Families, Housing, Community Services, and Indigenous Affairs.
- m) Please be advised that hardstand must be constructed to City's Paving and Drainage Specification for trafficable areas. To ensure compliance, the City will expect compaction certificates, a sufficient stormwater plan and calculations to be submitted and reviewed.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under Regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and development (development Assessment Panels) Regulations 2011*.

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

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**REASON:** As outlined in the Responsible Authority Report, the proposed Child Care Centre meets locational criteria and is assessed as satisfying relevant planning requirements and performance standards where discretion is sought. Supporting technical reports have been reviewed and accepted by City officers. Measures to mitigate against amenity impacts on surrounding residents are adequately covered in the proposal as submitted, together with appropriate conditions.

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

### 9.1 Lot 31 (125) Mayor Road, Lake Coogee

Development Description: Childcare Premises  
Proposed Amendments: Minor change to built form, carpark and conditions.  
Applicant: Apex Planning  
Owner: Osrich 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

That the Outer Metro Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/01958 as detailed on the DAP Form 2 dated 9 December 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/21/01958 and accompanying plans ('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, for the proposed minor amendment to the approved Child Care Premises at 125 Mayor Road, Lake Coogee, subject to the following conditions:

### Conditions

1. 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.
2. The development must be carried out in accordance with the details of this application herein, and any approved plans.

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3. A maximum of 15 full-time staff members, one part-time staff member and 84 children are permitted on site at any one time.
4. 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.
5. 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.
6. Service vehicles, including delivery vehicles, are only permitted to access the property on weekdays between 7am and 7pm.
7. **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.
8. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
9. **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.
10. **Prior to the initial occupation** of the building hereby approved, the bicycle racks shall be installed, made available for use and thereafter maintained in accordance with AS2890.3 and the approved plans to the satisfaction of the City.
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.

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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**, 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.
21. **Prior to the lodgement of an application for a Building Permit**, a further Acoustic Report shall be submitted to the City for approval.
22. Any recommendations for noise attenuation measures in the approved Acoustic Report shall be implemented for the life of the development.
23. **Prior to the lodgement of an application for a Building Permit**, written confirmation that all recommendations in the approved Acoustic Report have been incorporated into the proposed development and building plans shall be submitted to the City.
24. **Prior to the initial occupation of the development**, written confirmation that all recommendations in the approved Acoustic Report have been incorporated into the completed development shall be submitted to the City.
25. **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.
26. 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.
27. **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.

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28. **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 be 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; 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.

29. 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.

#### **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](http://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.

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- 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 25m<sup>2</sup> 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.
- h) With regard to Condition 20, 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 21, the further Acoustic Report shall be prepared by a suitably qualified and recognised acoustic consultant, and shall address the following:
- a. 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 29, 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.

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- 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.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The proposed amendments do not significantly alter the approved development and are accepted as a Form 2 revision application. It is considered that proposed modifications to the plans improve the functionality of the centre and they have been assessed as not having any material effect on compliance with planning provisions applicable to the site.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

The Presiding Member noted the following SAT Applications -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

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<b>Finalised SAT Applications*</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP.21/02016 DR207/2021	City of Joondalup	Centre Lot 667 (73) Kingsley Drive & Kit 666 (22) Woodford Wells Way, Kingsley	Child care Centre	28/09/2021

\* Matters finalised during the last meeting cycle.

## **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 10:59am.

**Mr Ian Birch**  
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