



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 6 August 2021; 10:00am
Meeting Number: MOJDAP/113
Meeting Venue: City of Rockingham
Central Promenade (Cnr Contest Parade),
Rockingham.

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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)

Item 8.1

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

Item 8.2

Cr Deb Hamblin (Local Government Member, City of Rockingham)
Cr Mark Jones (Local Government Member, City of Rockingham)

Officers in attendance

Item 8.1

Mr David King (City of Cockburn)

Item 8.2

Mr David Banovic (City of Rockingham)
Mr Mike Ross (City of Rockingham)
Mr Chris Parlane (City of Rockingham)
Mr Danny Sriono (City of Rockingham)

Minute Secretary

Ms Nicole Gardner (City of Rockingham)

Applicants and Submitters

Item 8.1

Mr Stefan Oh (MJA Studio)
Mr Wes Barrett (MJA Studio)

Item 8.2

Mr Josh Watson (Planning Solutions)
Mr Benham Bordbar (Transcore)
Mr Matthew Elliott (Accord Property)
Mr Oliver Basson (Planning Solutions)

Members of the Public / Media

Nil.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.03am on 6 August 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Cr Chontelle Stone (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 8.1, received on 5 August 2021.

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 5 August 2021.

All members declared that they had duly considered the documents.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Deb Hamblin and Cr Mark Jones, declared that they participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Hamblin and Cr Jones acknowledged that they are 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 them, which will be considered on its planning merits.

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

7. Deputations and Presentations

7.1 Mr Stefan Oh (MJA Studio) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Benham Bordbar (Transcore) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 Mr Josh Watson (Planning Solutions) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

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

The presentations at Items 7.3 - 7.5 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 1015 (1015L) Orsino Boulevard, North Coogee

Development Description:	Mixed Use Development - 61 Multiple Dwellings and One Commercial Tenancy
Applicant:	MJA Studio
Owner:	Port Coogee No 2 Pty Ltd
Responsible Authority:	City of Cockburn
DAP File No:	DAP/21/02007

Mr Ian Birch
Presiding Member, Metro Outer JDAP



REPORT RECOMMENDATION

Moved by: Cr Phoebe Corke

Seconded by: Cr Chamonix Terblanche

With the agreement of the mover and seconder, the following amendments were made en bloc.

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

*All noise attenuation measures, identified by the Herring Storer Acoustics Reports, "Development Application Acoustic Report" (Ref 27594-1-21146 Dated 16 April 2021) (Ref 27594-1-21146 dated 19 April 2021) and the further acoustic reports required under Conditions ~~19~~ **15** and ~~20~~ **16**, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.*

REASON: Condition 14 refers to subsequent recommended conditions for an acoustic report and noise management plan, which are conditions 15 and 16 of the Responsible Authority Report. The wording of the condition, however, has referenced Condition 19 and 20 which relate to a revised parking management plan and traffic control devices. The suggested wording seeks to amend a typing error.

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

***Prior to the issue of a Building Permit Application**, written confirmation from the builder that all recommendations made in the Acoustic Report required under Condition ~~17~~ **15** have been incorporated into the proposed development, shall be submitted to the City.*

REASON: Condition 17 refers to an acoustic report under Condition 17. This is a typing error which is intended to reference the further acoustic report recommended under Condition 15.

- (iii) That condition no. 18 be amended to read as follows:

***Prior to occupation of the development**, written confirmation from the builder shall be provided that the requirements of the Acoustic Report referred to in Condition ~~17~~ **15** have been incorporated into the completed development with the Form BA7 Completion Form.*

REASON: Condition 18 refers to an acoustic report under Condition 17. This is a typing error which is intended to reference the further acoustic report recommended under Condition 15.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



- (iv) That a new condition no. 25 be added to read as follows:

Prior to lodgement of a Building Permit, a revised plan is to be provided re-labelling the Commercial tenancy to Café/Restaurant.

REASON: As the land use is being specifically selected as café/restaurant, the plans should reflect this tenancy as being labelled Café/Restaurant.

- (v) That a new advice note (s) be added to read as follows:

Consideration be given to the inclusion of dedicated parking and charging stations to cater for people using E-Bikes and aged and disabled persons with motorised scooters.

REASON: To encourage alternative modes of transport to the development and to cater for all persons and vehicles.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02007 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 four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to the issue of a Building Permit application, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City's Town Planning Scheme No. 3, to the City's satisfaction.
4. Prior to the lodgement of a Building Permit application, a schedule of the materials, finishes and colours shall 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.
5. The Restaurant tenancy is restricted to a maximum occupancy of 38 persons at any one time.

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6. Prior to the lodgement of a Building Permit, the owner/applicant shall:
 - submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - submit to the City for approval an 'Application for Art Work Design';
 - 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.

7. The provisions identified in the Waste Management Plan provided by Talis Consultants dated 12 May 2021 under project number TW21036, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
8. Prior to the lodgement of a Building Permit Application, a stormwater management plan is to be provided to the City's satisfaction.
9. A minimum of 39 bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided in close proximity to the entrance of the building prior to occupation of the building. Details of the bicycle parking shall be provided prior to the lodgement of a Building Permit Application.
10. Prior to the occupation of the buildings, all vehicle parking, access ways, footpaths and external lighting shall be constructed and maintained in accordance with the Australian Standards AS2890 in the form and layout depicted on the approved plans to the satisfaction of the City.
11. Prior to the lodgement of a Building Permit Application, a revised landscaping plan shall be submitted to and approved by the City, and shall include the following:-
12. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development, to the satisfaction of the City.
13. 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.
14. All noise attenuation measures, identified by the Herring Storer Acoustics Reports, "Development Application Acoustic Report" (Ref 27594-1-21146 Dated 16 April 2021) (Ref 27594-1-21146 dated 19 April 2021) and the further acoustic reports required under Conditions 15 and 16, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.
15. 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.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



16. Prior to the submission of a Occupancy Permit Application for the café/restaurant development, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise emissions will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.
17. Prior to the issue of a Building Permit Application, written confirmation from the builder that all recommendations made in the Acoustic Report required under Condition 15 have been incorporated into the proposed development, shall be submitted to the City.
18. Prior to occupation of the development, written confirmation from the builder shall be provided that the requirements of the Acoustic Report referred to in Condition 15 have been incorporated into the completed development with the Form BA7 Completion Form.
19. Prior to the lodgement of a Building Permit Application, a revised Parking Management Plan shall be submitted to and approved by the City, and implemented thereafter, to the satisfaction of the City.
20. Traffic control devices shall be designed and constructed in accordance with the requirements and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
21. Prior to the lodgement of a Building Permit Application, a revised Wind Assessment shall be submitted to and approved by the City.
22. All mechanical plant and related hardware must be screened from view of adjoining properties and the primary and secondary street frontages. The details in respect of which are to be provided to the City's satisfaction prior to lodgement of a Building Permit Application. The location of plant and equipment must also minimise the impact of noise on future occupants of the development and adjoining residents.
23. Crossovers are to be located and constructed to the City's specifications.
24. Clothes drying shall not occur on open balconies at any time unless behind purpose built screening approved as part of the development.
25. Prior to lodgement of a Building Permit, a revised plan is to be provided re-labelling the Commercial tenancy to Café/Restaurant.

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.

Mr Ian Birch
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- b. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
- c. With regard to Condition 6, it is recommended the public art be located on the corner of Pantheon Avenue and Orsino Boulevard to assist in providing an iconic/gateway building.
- d. The waste water from the proposed car/dog wash is to be discharged to sewer.
- e. All proposed food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- f. 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.
- g. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and condensating clothes dryers installed.
- h. With regard to Condition 11, the revised landscaping plan is requested to detail species selection on the larger roof terrace which is not shown on the revised development plans.
- i. With regard to Condition 15, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant, including air conditioning and mechanical exhaust, break out and operational noise from the café, 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).
- j. With regard to Condition 16, the Noise Management Plan shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended) and the City of Cockburn Noise Attenuation Policy (LPP 1.12).
 - a. The Noise Management Plan is to include:
 - i. Predictions of anticipated noise emissions associated with activities, music, plant or equipment (such as bin areas, exhaust canopies, refrigeration equipment etc);
 - ii. Predictions of anticipated break out noise levels;
 - iii. Sound proofing measures proposed to mitigate noise;
 - iv. Control measures to be undertaken (including monitoring procedures); and
 - v. A complaint response procedure.

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- k. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
- l. With regard to Condition 19, the revised Parking Management Plan is requested to update 'Revision A' to reflect the parking allocations identified in the Briefing Note.
- m. 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. Parking arrangements for contractors and subcontractors;
 - e. Management of construction waste;
 - f. Protection of existing verge trees; and
 - g. Other matters likely to impact on the surrounding properties.
- n. As part of transitioning Australia to the National Broadband Network (NBN), developers are encouraged to engage early with NBN, at least six months before the required service date, to understand requirements around future connections and the timing of infrastructure provision. This will ensure a connection is ready when residents move in. For more information please refer to <https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments> or contact NBN on newdevelopments@nbnco.com.au or 1800 687 626.
- o. With regard to Condition 21, a revised Wind Assessment report is requested to provide detail on the roof terrace measures to be required for the significantly larger roof terrace.
- p. With regard to Condition 23, copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au. It is recommended that an alternate material/pavement be used to differentiate between the crossover and existing footpath.
- q. 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.
- r. The applicant is advised this determination does not constitute an approval for the relocation of the existing electricity infrastructure in the north-eastern corner of the site. A third party approval is required for that process.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



- s. Consideration be given to the inclusion of dedicated parking and charging stations to cater for people using E-Bikes and aged and disabled persons with motorised scooters.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is consistent with the development intent for the planned Port Coogee Marina Village. Through the design review process, the applicants have responded by introducing revisions to their plans, adding to the quality of the design both in terms of the function of the building and its contribution to the desired urban character of the village. Variations to building height, setbacks and car parking standards have been assessed as minor and of no material impact on the planning merit of the development. The conditions proposed cover ongoing matters. Having regard for the above, the approval recommendation in the Responsible Authority Report was adopted.

8.2 Lot 10 (115) Dixon Road, East Rockingham

Development Description:	Service Station development
Applicant:	Planning Solutions
Owner:	Autoservice Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/21/01976

REPORT RECOMMENDATION

Moved by: Cr Deb Hamblin

Seconded by: NIL

That the Metro Outer Joint Development Assessment Panel (MOJDAP) resolves to:

REFUSE Development Assessment Panel reference DAP/21/01976 and accompanying plans (Attachment 2):

- Site Plan, Drawing No.3357 03, Rev 5, dated 11 June 2021;
- Floor Plans and Elevations - Shop, Drawing No. 3357 04, Rev 5, dated 11 June 2021;
- Floor Plans and Elevations - Commercial Canopy, Drawing No. 3357 05, Rev 5, dated 11 June 2021;
- Floor Plans and Elevations - Truck Canopy, Drawing No. 3357 06, Rev 5, dated 11 June 2021;
- Signage Plan and Schedule, Drawing No. 3357 07, Rev 5, dated 11 June 2021;
- 3D Views, Drawing No. 3357 08, Rev 5, dated 11 June 2021; and
- Landscape Plan, Drawing No. 3357 09, Rev 5, dated 11 June 2021;

in accordance with the Metropolitan Region Scheme and Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, for the reasons detailed below.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Reasons for Responsible Authority Recommendation

1. Traffic generated by the proposed development will adversely impact on the operation of Dixon Road/Day Road intersection, which currently has an unsatisfactory level of service, and will further exacerbate the effect on traffic flow and safety surrounding the site.
2. The development fails to provide for sufficient on-site car parking to cater for long term planning of the site. There are also unresolved concerns of the City regarding the functionality of the site plan layout.

The Report Recommendation LAPSED for want of a seconder.

PROCEDURAL MOTION

Moved by: Cr Mark Jones

Seconded by: Cr Deb Hamblin

That the consideration of DAP Application DAP/21/01976 be deferred until on or before 1 October 2021, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To consider an alternative arrangement for access onto Dixon Road which would include left in/left out entry and exit onto Dixon Road for light vehicles to reduce congestion concerns at the Day Road intersection.
- An updated Traffic Assessment be provided accounting for these changed access arrangements and addressing outstanding matters raised in the Responsible Authority Report concerning the overall traffic impact assessment.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: It was evident that these revised access arrangements could resolve traffic concerns.

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

Nil.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



10 State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

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

11 General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12 Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.11pm.

Mr Ian Birch
Presiding Member, Metro Outer JDAP