



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 2 May 2022; 1:00pm
Meeting Number: MOJDAP/169
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, 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 Chontelle Stone (Local Government Member, City of Cockburn)
Cr Phoebe Corke (Local Government Member, City of Cockburn)

Item 8.2

Cr Vinh Nguyen (Local Government Member, City of Wanneroo)
Cr Frank Cvitan (Local Government Member, City of Wanneroo)

Officers in attendance

Item 8.1

Mr Lorenzo Santoriello (City of Cockburn)

Item 8.2

Mr Greg Bowering (City of Wanneroo)
Mr Daniel Sheahan (City of Wanneroo)
Ms Mel Sun (City of Wanneroo)
Mr Josh Coppola (City of Wanneroo)
Mr Zain Hassen (City of Wanneroo)
Mr Ian Barker (City of Wanneroo)
Ms Sue Wesley (City of Wanneroo)

Minute Secretary

Ms Samantha Hansen (DAP Secretariat)
Ms Megan Ventris (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Murray Casselton (element)
Mr James Lewisson (element)

Item 8.2

Mr Alessandro Stagno (Apex Planning)
Mr Jed Casiro (Landowner)

Members of the Public / Media

There were four (4) members of the public in attendance.

Ms Tyler Brown from Perth Now was in attendance.

Mr Ian Birch
Presiding Member, JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:00pm on 2 May 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.

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

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

Mr Ian Birch
Presiding Member, JDAP



7. Deputations and Presentations

7.1 Mr Murray Casselton (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Lorenzo Santoriello from the City of Cockburn responded to questions from the panel.

The presentation at Item 7.1 and 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 The City of Wanneroo Officers responded to questions from the panel.

The presentations at Items 7.3 and 7.4 were heard prior to the application at Item 8.2

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Beeliar Drive, Success/Cockburn Central

Development Description: Pedestrian Bridge
Applicant: Element
Owner: City of Cockburn
Responsible Authority: City of Cockburn
DAP File No: DAP/21/02106

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02106 is appropriate for consideration as a “Road Infrastructure” land use and compatible with the objectives of the zoning table in accordance with the City of Cockburn Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/21/02126 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:

Mr Ian Birch
Presiding Member, JDAP



Conditions

1. Pursuant to clause 16 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 16 of the Metropolitan Region Scheme.
2. Development shall be carried out in accordance with the terms of the application as approved herein and any approved plan.
3. This decision constitutes planning approval only and is valid for a period of four (4) 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.
4. **Prior to the lodgement of an application for building permit**, the applicant shall provide engineered drawings and the structural design, including all stages of construction and erection, to the City for review by an independent and qualified engineer. The drawings and design shall including the following;
 - a. The architectural cladding for the soffit (or elsewhere) shall enable safe, easy access for the purposes of routine visual inspection of all faces of the primary structure;
 - b. Details of the bridge piling;
 - c. Details of the balustrading heights and strengths;
 - d. Confirmation of the primary elements of the bridge being designed to AS5100 standard (100 year lifespan);
 - e. Confirmation that the bridge structure can sustain the loading of shelter screens up to an including full enclosure.
5. **Prior to the lodgement of an application for building permit**, 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.
6. **Prior to the lodgement of an application for Building Permit**, the owner/applicant shall:
 - a. 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;
 - b. submit to the City for approval an 'Application for Artwork Design';
 - c. enter into a contract with a professional artist/s to design and install (if appropriate) the artwork approved by the City.

The artwork shall then be installed prior to the development being handed over to the City.

Mr Ian Birch
Presiding Member, JDAP



7. **Prior to the lodgement of an application for building permit** for the proposed Beeliar pedestrian bridge the subject of this application (Beeliar Pedestrian Bridge) the owner of Lot 203 (816) Beeliar Drive, Success (land) shall enter into a deed of agreement with the City of Cockburn (City) whereby the owner:
- a. Indemnifies the City against all actions, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the City or brought, maintained or made against the City in respect of:
 - i. Injury or damage, or to, any kind of property of thing;
 - ii. The death of, or injury suffered by any person;
 - iii. Any loss, damage or injury caused to the Beeliar Drive Road Reserve (other than as necessarily caused by the construction works); andCaused by, contributed to, or arising out of the undertaking of construction works for the Beeliar Pedestrian Bridge during the period of those works;
 - b. Agrees to remedy any construction defects and undertake any warranty works to the Beeliar Pedestrian Bridge for a period of twelve (12) months following practical completion of the Beeliar Pedestrian Bridge (**Defects Liability Period**) in accordance with the specifications (which shall not exceed the originally approved specifications) of and to the satisfaction of the City, and for the avoidance of doubt, which does not include matters not relating to construction defects or warranties such as accidental or malicious damage;
 - c. Agrees to provide to the City a bond in an amount satisfactory to the City to be held for the duration of the Defects Liability Period (Bond) to enable the City to draw against the bond for all costs incurred by the City in carrying out any defects/rectification works arising during the Defects Liability Period which are required to be undertaken under Condition 7b but not undertaken by the owner or owners builder within a reasonable time of demand by the City, but excluding any costs which are incurred and which do not relate to construction faults of the Beeliar Drive Bridge (including but not limited to routine (non-warranty) maintenance and cleaning damage from malicious acts of graffiti or vandalism and/or car accidents which might cause damage to the Beeliar Pedestrian Bridge); and
 - d. Agrees to take out and maintain (or ensures its builder takes out and maintains) a policy of public liability insurance with a reputable insurer in an amount satisfactory to the City to insure the City and the owner against all claims for loss or damage or injury occurring to the Beeliar Drive Road Reserve or property of the City or any person or property of any person as a result of or arising out of the construction of the Beeliar Pedestrian Bridge (Policy); which Policy shall be maintained until practical completion of the bridge and handover to the City.

Mr Ian Birch
Presiding Member, JDAP



The agreement shall be prepared by the City's solicitors to the satisfaction of the City and the owner of the land. The City shall be responsible to pay all costs associated with the City's solicitor's costs of and incidental to the preparation of the agreement (including all drafts). The owner shall be responsible for the costs of its own solicitors in negotiating the agreement.

8. **Prior to the lodgement of an application for building permit**, a Construction Management Plan shall be submitted to and approved by the City in consultation with Main Roads WA. The CMP shall be implemented to the satisfaction of the City.
9. **Prior to the lodgement of an application for building permit**, stormwater and drainage management plan shall be provided and approved to the City's satisfaction.
10. **Prior to the lodgement of an application for building permit**, the specifications of a suitable lift model shall be provided to the City for approval.
11. **Prior to the lodgement of an application for building permit**, a lighting plan shall be submitted to and approved by the City.
12. Above ground utility services that are located near paths should be placed so that they do not constitute a hazard for pedestrians.
13. Utility pits are to be located to allow for continuous access to the footpath, lift and stairs during maintenance.
14. The applicant shall repair (or at the election of the City, pay the reasonable cost of repairing) any damages to the public thoroughfare during the construction (up to practical completion) caused by the construction of Beeliar Pedestrian Bridge.
15. The applicant contributing to a bond to cover the costs of repairing damage to the public thoroughfare and/or public places resulting from construction of the development, to be released within 1 month of practical completion (unless there is unrepaired damage at that time).
16. The applicant shall take out (or ensure its builder takes out) and provide the City with a copy of the insurance policy referred to in condition 7(d) prior to commencing works.

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.

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Presiding Member, JDAP



- b. With regard to Condition 7, the agreement shall be in the form of a legal agreement and shall address the following
- a. A twelve (12) month maintenance/defects liability period;
 - b. City representatives attending key milestones of the construction;
- c. With regard to Condition 8, 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. Traffic management;
 - b. Utilities;
 - c. Access to and from the site;
 - d. Delivery of materials and equipment to the site;
 - e. Storage of materials and equipment on the site;
 - f. Parking arrangements for contractors and subcontractors;
 - g. Management of construction waste; and
- d. With regard to Condition 9, the drainage and stormwater management plan shall address the following items
- a. Drainage shall be designed to ensure no adverse impact upon the capacity or performance of the exiting precinct drainage in any way;
- e. With regard to Condition 10, the lift model is required to address the following.
- a. Controls to ensure comfortable temperatures are maintained during extreme temperatures;
 - b. Alternate power solutions to enable lift doors to open during electrical issues;
 - c. Provision of, or ability to provide, CCTV within the lift;
 - d. Exclusive service controls for fire services and landing call isolation.
 - e. Car call buttons and landing buttons are to be dual illuminating Dewhurst US 95 or approved alternative;
 - f. Ensure condensers are installed to enable ample air flow (not in a recess) and is shielded from direct sun and weather.
- f. With regard to Condition 11, the Lighting plan shall detail
- a. Integrated balustrade lighting;
 - b. Durable and vandal resistant lighting;
 - c. Lighting control gear to be easily accessible for maintenance.

The pedestrian bridge shall comply with the relevant Australian Standard AS:5100 for Bridge Design.

The Report Recommendation LAPSED for want of a mover and a seconder.

Mr Ian Birch
Presiding Member, JDAP



PROCEDURAL MOTION

Moved by: Cr Chontelle Stone

Seconded by: Cr Phoebe Corke

That the consideration of DAP Application DAP/21/02106 be deferred for a period of 30 days, in accordance with section 5.10.1a of the DAP Standing Orders 2020, as per the request of the applicant and agreed to by the officers of the City of Cockburn, in order to determine the bond and insurance policy amounts referred to in conditions 7c, 7d and Condition 15.

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: The procedural motion was put in order for the applicant to ensure that bond and insurance values as specified in Conditions 7c, 7d and 15 are reviewed and determined in a timely manner.

*Cr Chontelle Stone and Cr Phoebe Corke (City of Cockburn) left the panel at 1:15pm.
Cr Vinh Nguyen and Cr Frank Cvitan (City of Wanneroo) joined the panel at 1:15pm.*

8.2 Rochester Drive, 54 (Lot 383) and 56 (Lot 1), Mindarie

Development Description:	Child Care Centre
Applicant:	Apex Planning
Owner:	UZF Pty Ltd ATF the Mindarie Unit Trust
Responsible Authority:	City of Wanneroo
DAP File No:	DAP/22/02168

REPORT RECOMMENDATION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Frank Cvitan

With the agreement of the mover and seconder the following amendments were made to the report recommendation;

- i) To amend Condition 2 to read:
 1. *This decision constitutes planning approval only and is valid for a period of four (4) ~~years (Covid-19 extension)~~ 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.*

REASON: To correct a typographical error.

Mr Ian Birch
Presiding Member, JDAP



- ii) To amend Condition 26 to read:

*Detailed civil engineering drawings and specifications for works within the public road reserve (footpath and modification to median to restrict right out movement) shall be lodged with the City and approved in writing prior to the commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications at the cost of the proponent, and to the satisfaction of the City. All works shall be completed prior to occupation. **The new concrete footpath fronting the site on Rochester Drive to be extended to the east to connect with the Marmion Avenue footpath.***

REASON: The panel determined that the proposed new footpath on Rochester Drive be extended across the front of the development to join up with the footpath along Marmion Avenue for the purpose of continuity and ease of access. The applicants were accepting of this amendment.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02168 and the accompanying plans provided in **Attachment 1** 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 Wanneroo District Planning Scheme No. 2, 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. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The use of the premises is to be Child Care Centre as defined in the City of Wanneroo's District Planning Scheme No.2 as follows:

"Child Care Centre: *means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.*"

A change of use from that outlined above may require the approval of the City.

4. Revised plans shall be provided to City for approval prior to the granting of a building permit for the signage wall, which shall be relocated to the eastern side of the crossover, be no greater than 1.8 metres in height above natural ground level and be integrated with the design of the letterbox and planter so as to not obstruct sightlines.

Mr Ian Birch
Presiding Member, JDAP



5. A revised detailed landscaping plan is to be provided for the subject site and adjacent verges which shall include a minimum of 8% soft landscaping and an additional tree within the western landscaping strip. The landscaping plan shall detail the plant species, densities, confirmation on mulch details, planting locations, and shade trees, shall be lodged for approval by the City prior to lodging a building permit. Planting and installation shall be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
6. A maximum of **85 children** and **15 staff** are permitted on the premises at any one time.
7. The hours of operation of the Child Care Centre shall be between the hours of **6:30am and 6:30pm Monday to Friday (excluding public holidays)**.
8. The 'outdoor play area' is not to be used for any purpose related to the operations and use of the site as a Child Care Centre prior to 7:00am.
9. The movement of trucks for delivery purposes shall occur between 7:00am to 7:00pm, Monday to Friday only.
10. Prior to the granting of a building permit, the proponent shall provide a revised Environmental Noise Assessment for approval by the City which shall demonstrate how the Child Care Centre complies with the requirements of *State Planning Policy 5.4: Road and Rail Noise* and the *Environmental Protection (Noise) Regulations 1997*. The development shall then be undertaken in accordance with the recommendations of the revised report, to the satisfaction of the City.
11. Written certification shall be provided from the acoustic consultant confirming all noise attenuation measures contained within the Environmental Noise Assessment are incorporated into the building design prior to the occupancy of the development.
12. Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and shall be drained, sealed and marked to the satisfaction of the City prior to the occupation of the development, and maintained thereafter to the satisfaction of the City.
13. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893*, is to be placed on the certificate of title of the lots advising that "*The lot is situated in the vicinity of transport corridor and is currently affected or may in future be affected by transport noise.*" Notice of the notification is to be included on the diagram or plan of survey (deposited plan). The notification shall be placed on the title prior to the commencement of the use on the site or at which time the lots are amalgamated, whichever is sooner.
14. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.

Mr Ian Birch
Presiding Member, JDAP



15. Staff car parking spaces shall be marked and clearly signposted as dedicated for staff use only, to the satisfaction of the City.
16. The crossover is to be constructed in concrete to commercial specifications (TS07-11) to the satisfaction of the City.
17. Redundant vehicle crossovers are to be removed and the kerbing and verges reinstated with grass or landscaping to the satisfaction of the City.
18. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed shall be submitted for approval when application is made for a building licence and the system shall be installed during the construction of the development.
19. All storage areas, external fixtures and building plant, including air conditioning units shall be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
20. All signage is to be contained entirely within the allotment.
21. All signage is to be kept in accordance with the City's Signs Local Planning Policy and/or Signs Local Law (1999) as amended from time to time.
22. All waste shall be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
23. All future waste management operations on the lot shall be undertaken in accordance with the Waste Management Plan prepared by Talis Consultants dated 14 January 2022.
24. The development shall be finished in accordance with the approved Schedule of Materials Selections (including materials, colour schemes and details) prior to the use or occupation of the development.
25. Lighting shall be installed to pathways and car parking areas, be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to not overspill into nearby lots. All floodlights shall be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.
26. Detailed civil engineering drawings and specifications for works within the public road reserve (footpath and modification to median to restrict right out movement) shall be lodged with the City and approved in writing prior to the commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications at the cost of the proponent, and to the satisfaction of the City. All works shall be completed prior to occupation. The new concrete footpath fronting the site on Rochester Drive to be extended to the east to connect with the Marmion Avenue footpath.

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27. A construction management plan shall be submitted for approval to the City prior to an application for a building permit being made. The plan is to detail how construction of the development will be managed to minimise disruption to adjoining landowners. The plan will need to address the following:
- a. The delivery times for materials and equipment to the site;
 - b. Storage of materials and the location and type of equipment on site;
 - c. Adequate measures to be implemented during construction to minimise any adverse impacts caused by sand drift and dust from the site;
 - d. Parking arrangements for contractors and sub-contractors;
 - e. Construction times;
 - f. Measures to minimise noise impacts on surrounding residents; and
 - g. Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed Child Care Centre meets the City’s criteria for locating such uses in residential zoned areas. The plans have undergone amendments through a detailed design review by the City’s Design Review Panel and as outlined in the Responsible Authority Report, the development has been assessed as satisfying relevant planning requirements and performance standards where discretion is sought. Supporting technical reports concerning traffic impact and noise management have been reviewed and accepted by City officers as satisfying related regulatory standards. Measures to mitigate against amenity impacts on surrounding residents are suitably covered in the proposal, as amended, together with appropriate conditions.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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

Mr Ian Birch
Presiding Member, JDAP



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 1:40pm.

A handwritten signature in black ink, appearing to read 'Ian Birch'.

Mr Ian Birch
Presiding Member, JDAP