



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 1 February 2023; 9:30am
Meeting Number: MOJDAP/226
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 Eugene Koltasz

Presiding Member, Metro Outer JDAP

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Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Phoebe Corke (Local Government Member, City of Cockburn)
Cr Tom Widenbar (Local Government Member, City of Cockburn)

Officers in attendance

Mr Riley Brown (City of Cockburn)
Mr David King (City of Cockburn)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Mr Oliver Basson (Planning Solutions)
Ms Melanie Cox (Planning Solutions)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 1 February 2023 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.


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2. Apologies

Ms Karen Hyde (Deputy Presiding Member)
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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

7.1 Mr Oliver Basson (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 The City of Cockburn addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 23 Russell Road, Hammond Park

Development Description:	Child Care Premises
Applicant:	Planning Solutions
Owner:	Prosperous Development Pty Ltd
Responsible Authority:	City of Cockburn
DAP File No:	DAP/22/02351

REPORT RECOMMENDATION

Moved by: Cr Tom Widenbar

Seconded by: Cr Phoebe Corke

An administrative change was made to correct typographical errors in the advice notes.

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

- i) *That Condition No. 14 be amended to read as follows:
Prior to the issue of a building permit, the existing bin store shall be increased in size to 23m² and moved north to the satisfaction of the City.*


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REASON: The current location of the bin store on the property boundary with a residential property is not considered to be ideal, and relocating the bin store to the north will ensure that it is no longer located on a common boundary with a residential property.

- ii) *That a new Advice Note q. be added to read as follows:
Any additional signage to the premises is to be the subject of a separate application if required, in accordance with the City's local laws (2000).*

REASON: It was considered appropriate to include this new advice note so that the applicants are alerted to the fact that approval has only been provided for the signs shown on the plans, and that any addition signage will require additional approval.

- iii) *That Condition No. 8 and Condition No. 25 be deleted and the remaining conditions and advice notes be renumbered accordingly.*

REASON: Conditions 8 and 25 are covered by the Public Health Act and its regulations and should therefore not be duplicated as planning conditions.

That the Metropolitan Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02351 is appropriate for consideration as a "Child Care Premises" land use and compatible with the objectives of the zoning table in accordance with City of Cockburn Town Planning Scheme No. 3.
2. **Approve** DAP Application reference DAP/22/02351 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 (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 development must be carried out in accordance with the details of this application herein, and any approved plans.
4. Hours of operation are restricted to 6:30am to 6:30pm Monday to Friday and not at all on weekends or public holidays.
5. A maximum of twenty (20) staff and 119 children are permitted on site at any one time.
6. The outdoor play areas are not to be utilised prior to 7am.


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7. All stormwater must be contained and disposed of on-site, to the satisfaction of the City of Cockburn.
8. **Prior to the issue of a building permit**, a detailed landscaping plan shall be submitted to and approved by the City.
9. Landscaping shall be installed and reticulated in accordance with the approved landscape plan prior to the occupation of the development. Landscaped areas are to be maintained thereafter in perpetuity and in good order to the satisfaction of the City.
10. **Prior to the issue of a building permit**, a schedule of the materials, finishes and colours are to be submitted to and approved by the City. The schedule shall include details of the type of materials proposed to be used including their colour and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.
11. **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.
12. **Prior to the issue of a Building Permit**, the owner/applicant shall:
 - submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - submit to the City for approval an 'Application for Art Work Design';
 - 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.
13. **Prior to the issue of a building permit**, the existing bin store shall be increased in size to 23m² and moved north to the satisfaction of the City.
14. **Prior to the issue of a building permit**, a revised Waste Management Plan shall be provided to and approved by the City. The approved plan shall be implemented for the duration of the development.
15. **Prior to the occupation of the building hereby approved**, the 32 parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
16. The hardstand is to be constructed and maintained to City's Paving and Drainage Specification for trafficable areas for the duration of the development. A compaction certificate is to be provided to the City prior to the issue of an occupancy permit.
17. The premises must clearly display the street numbers.


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18. As per the approved plans, the two (2) bicycle racks shall be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.
19. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".
20. **Prior to the issue of a building permit**, a revised Acoustic Report shall be submitted to the City for approval.
21. The approved Acoustic Report required by Condition 21 (above), shall be implemented at all times to the satisfaction of the City.
22. Prior to the issue of a building permit application, written confirmation from the builder shall be provided advising that the recommendations contained in the approved Acoustic Report are detailed within the building permit plans.
23. Prior to occupation of the development, the applicant shall provide written confirmation that the requirements of the Acoustic Report referred to in condition 20 have been incorporated into the completed development within the occupancy permit.
24. If an odour complaint is received by the City and deemed to be offensive, then any process, equipment and/or activities that are causing the odour shall be stopped until the process, equipment and/or activity has been altered to prevent odours to the satisfaction of the City.
25. The applicant shall implement all of the recommendations contained in the Bushfire Management Plan for Lot 23 Russell Road, Hammond Park prepared by *Eco Logical Australia* dated *11 October 2022* and approved by the *Local Government* for the duration of the development.
26. **Prior to occupation of the building hereby approved**, a revised Bushfire Emergency Evacuation Plan shall be submitted to and approved by the City.

Advice Notes

- a. This is a Planning Approval only and does not remove the responsibility of the applicant/landowner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3, or with the requirements of any external agency.
- b. The development shall comply with the requirements of the Building Code of Australia.
- c. With regard to Condition 7, drainage is to be contained at a rate of 1 in 100 year storm event for a 24 hour period.
- d. With regard to Condition 8, the landscape plan shall address the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area. It shall detail additional tree wells in the northern car parking bays and landscaping of the verges.


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- e. With regard to Condition 11, the Construction Management Plan shall address the following items:
- I. Access to and from the site;
 - II. Delivery of materials and equipment to the site;
 - III. Storage of materials and equipment on the site;
 - IV. Parking arrangements for contractors and subcontractors;
 - V. Management of construction waste; and
 - VI. Other matters likely to impact on surrounding properties;
 - VII. Dust mitigation measures during the construction phase.
- f. With regard to Condition 13 and 14, the bin store area must be of an adequate size to contain all waste bins, at least 1.8m high, covered, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
- g. Crossover is to be located and constructed to the City's specifications.
- h. All food businesses shall comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- i. An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with mentioned legislation.
- j. 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.
- k. The proposal shall comply with the *Child Care Services Regulations 2007* and the requirements of the Department for Child Protection and the applicant is advised approval shall be obtained from the Department for Families, Housing, Community Services and Indigenous Affairs.
- l. The dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas complying with AS2890.1 and AS2890.6.
- 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. If dust is detected at adjacent premises and is deemed to be a nuisance by the City, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City.


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- o. With regard to condition 24, the Operational Management Plan shall address the following:
 - a. Available on-site and off-site parking provision for all users including staff and visitors and access/egress measures,
 - b. Arrangements for service or delivery vehicles,
 - c. The communication and promotion of alternative modes of travel like the provision of bike racks and EoT facilities and other applicable staff incentives like carpooling between staff.
- p. With regard to condition 26, the revised Bushfire Emergency Evacuation Plan shall include contact details of the operator.
- q. Any additional signage to the premises is to be the subject of a separate application if required, in accordance with the City's local laws (2000)

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed development is considered to be appropriate in the location, and the assessment of the application is considered to have been comprehensive. The changes to the conditions and advice notes have been included to provide additional clarity.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02220 DR162/2022	City of Kwinana	Lot 9507 Berthold Street, Orelia	Proposed Child Care Centre	28/09/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022
DAP/21/02036 DR236/2022	City of Swan	Lot 97 (31) & 817 (47) Lakes Road, Hazelmere	Proposed Construction of a Logistics Depot with Ancilliary Office Area	23/12/2022

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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 10:07am.