



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 23 May 2024; 9:30am
Meeting Number: MODAP/14
Meeting Venue: 140 William Street, Perth
Public Observing: Online

A recording of the meeting is available via the following link: [MODAP/14 – 23 May 2024 – City of Cockburn](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF COCKBURN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 9501 Gaebler Road, Hammond Park – Mixed Use Commercial Development – DAP/23/02623
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

Karen Hyde
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Karen Hyde (Presiding Member)	Claire Ortlepp
Lee O'Donohue (Deputy Presiding Member)	Ashlee Kelly
John Syme	
<i>Part B – City of Cockburn</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Tom Widenbar	Lucia Dunstan
Cr Tarun Dewan	Chantala Hill

Karen Hyde
Presiding Member, Metro Outer DAP



Applicant and Submitters

Part B – City of Cockburn

Neil Teo (Dynamic Planning & Development)

John Del Dosso (Landowner/Broad Vision Projects Pty Ltd)

Belinda Moharich (Moharich & More)

Chris West (Build Plus)

Scott Lambie (PTG Traffic Engineering)

Paul van der Moezel (PGV Environmental)

Dawson Demassiet-Huning (Pracsys)

Mike Scott (Bushfire Prone Planning)

Kris Kennedy (Aigle Royal Group)

Matthew Pears (Aigle Royal Group)

Alessandro Stagno (Apex Planning) – *written submission*

Scott Baker (Collins Foods) – *written submission*

Members of the Public / Media

There were 6 members of the public in attendance.

Observers via livestream

There were 63 persons observing the meeting via the livestream.

Karen Hyde
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 23 May 2024 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 2024 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 meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. 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](#).

Karen Hyde
Presiding Member, Metro Outer DAP



PART B – CITY OF COCKBURN

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 14 May 2024 was published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 9501 Gaebler Road, Hammond Park – Mixed Use Commercial Development – DAP/23/02623

Deputations and Presentations

Kris Kennedy (Aigle Royal Group) addressed the DAP in support of the recommendation but against the application at Item 3.1 and responded to questions from the panel.

Neil Teo (Dynamic Planning & Development), John Del Dosso (Broad Vision Projects), Belinda Moharich (Moharich & More), Paul van der Moezel (PGV Environmental), Dawson Demassiet-Huning (Pracsys) and Scott Lambie (PTG Traffic Engineering addressed the DAP against the recommendation but in support of the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission from Alessandro Stagno (Apex Planning) in support of the recommendation and against the application at Item 3.1.

The panel noted a written submission from Scott Baker (Collins Foods) in relation to the application at Item 3.1.

The City of Cockburn addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Cr Tom Widenbar (Local Government DAP Member, City of Cockburn) left the panel at 9:50am.

Cr Tom Widenbar (Local Government DAP Member, City of Cockburn) re-joined the panel at 9:53am.

Karen Hyde
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Cr Tarun Dewan

Seconded by: NIL.

That the Metro Outer Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference **DAP/23/02623** (DAP23/004) 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, for the following reasons:

Reasons

1. The proposal does not comply with the City of Cockburn *Town Planning Scheme No. 3* including the 'Aims of the scheme.'
2. The proposal does not comply with the Draft '*Part Lot 41 Gaebler Road, Hammond Park Structure Plan*' (2017).
3. The proposal does not comply with the *Southern Suburbs District Structure Plan Stage 3 (Hammond Park / Wattleup)* (2012).
4. The proposal does not comply with the Environmental Protection Authority *Guidance for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses No. 3* (2005).
5. The proposal does not comply with the State Planning Policy No. 4.2 *Activity Centres* (2023).
6. The proposal does not comply with the City of Cockburn *Local Commercial and Activity Centre Strategy* (2012).
7. The proposal does not comply with the WAPC's *Draft Guideline for the Determination of Wetland Buffer Requirements* (2005).
8. The proposal does not comply with the WAPC's *Draft Operational Policy 1.12 Planning Proposals Adjoining Regional Roads in Western Australia* (2023).
9. The proposal does not comply with the WAPC's *Operational Policy 2.4 - Planning for School Sites* (2022).
10. The proposal is considered to pose an unacceptable impact on human health and the natural environment.
11. The proposal is incompatible with its setting.
12. The proposal is not considered to accord with the provisions of orderly and proper planning. As such the proposal is likely to reduce the quality of life enjoyed by the surrounding inhabitants and is therefore considered to be 'poor planning'.

Karen Hyde
Presiding Member, Metro Outer DAP



The Report Recommendation LAPSED for want of a seconder.

ALTERNATE MOTION

Moved by: Cr Tom Widenbar

Seconded by: Karen Hyde

Alternative Responsible Authority Recommendation

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02623 and accompanying plans 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 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. Development shall be carried out in accordance with the approved plans.
4. **Prior to the issue of any Building Permit**, a subdivision application must be approved by the Western Australian Planning Commission to facilitate the process of ceding the nominated wetland and buffer to the Crown as a Conservation Reserve, with a Management Order in favour of the City of Cockburn.
5. **Prior to the issue of any Building Permit**, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City's Town Planning Scheme No. 3, to the City's satisfaction.
6. **Prior to the issue of any Building Permit**, a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
7. **Prior to the issue of any Building Permit**, updated development plans shall be provided to the satisfaction of the City addressing the following:
 - a. Modified access to Hammond Road and Gaebler Road, deceleration lane and internal access road modifications in accordance with the Technical Memo prepared by Stantec (Reference 300305045, dated 06 March 2024);
 - b. 26 bicycle stands/racks that conform to Australian Standard 2890.3;
 - c. Fencing details and extent of retaining walls to the southern and eastern boundaries of the proposed development;

Karen Hyde
Presiding Member, Metro Outer DAP



- d. The five (5) pylon signs on the 'Pylon Sign' plan being reduced to a maximum of 6 metres in height;
 - e. Any signage over 0.75m in height within 2.5m of where driveways meet the front lot boundaries being relocated to maintain vehicle sightlines; and
 - f. Retention of the two mature Black Cockatoo habitat trees (Jarrahs).
8. **Prior to the issue of any Building Permit**, a detailed Dust Management Plan shall be submitted to and approved by the City. The Dust Management Plan shall be implemented thereafter to the satisfaction of the City.
 9. **Prior to the issue of any Building Permit**, a Fauna Relocation Management Plan for the native fauna species within the site is to be submitted to and approved by the City to ensure the protection and management of the site's environmental assets, with satisfactory arrangements being made for the implementation of the approved plan.
 10. **Prior to the issue of any Building Permit**, an Environmental Management Plan shall be submitted to and approved by the City, with satisfactory arrangements being made for the implementation of the approved plan.
 11. **Prior to the issue of any Building Permit**, a Wetland Management Plan shall be submitted to and approved by the City, with satisfactory arrangements being made for the implementation of the approved plan.
 12. **Prior to the issue of any Building Permit**, an updated Local Water Management Strategy shall be submitted to, and approved by, the City and the Department of Water and Environmental Regulation, with satisfactory arrangements being made for the implementation of the approved plan.
 13. **Prior to the issue of any Building Permit**, a self-assessment shall be undertaken on the advice of the Department of Water and Environmental Regulation to determine whether acid sulfate soils are present on the land, and if present, their extent and severity. If the site is found to contain acid sulfate soils, an Acid Sulfate Soils Management Plan shall be submitted to and assessed by the Department of Water and Environmental Regulation, and all development shall be carried out in accordance with the provisions of the approved Management Plan.
 14. **Prior to the issue of any Building Permit**, an updated Acoustic Report 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).
 15. **Prior to the issue of any Building Permit**, written confirmation from the builder shall be submitted to the City, confirming that all recommendations made in the Acoustic Report "*Commercial Development Hammond Park*" (Herring Storer Acoustics, Job No: 23260 Doc Ref 31742-2-23260; dated October 2023) and the updated Acoustic Report required by Condition 14 above have been incorporated into the proposed development.

Karen Hyde
Presiding Member, Metro Outer DAP



16. **Prior to the issue of any Building Permit**, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all development works have been carried out in accordance with the pre-works geotechnical report.
17. **Prior to the issue of any Building Permit**, an updated landscaping plan shall be submitted to, and approved by, the City.
18. **Prior to the issue of any Building Permit**, an updated Bushfire Management Plan shall be submitted to the satisfaction of the City. All recommendations within the updated Bushfire Management Plan shall be implemented for the duration of the development to the satisfaction of the City.
19. **Prior to the issue of any Building Permit**, a Construction Management Plan shall be submitted to and approved by the City. The Construction Management Plan shall be implemented to the satisfaction of the City.
20. **Prior to the issue of any Building Permit**, an updated Transport Impact Assessment shall be provided to the satisfaction of the City.
21. **Prior to the issue of any 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';
 - 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.
22. **Prior to the issue of a Building Permit** for the Service Station, an Operational Management Plan shall be provided to the satisfaction of the City and implemented for the duration of the development.
23. **Prior to the issue of a Building Permit** for the Service Station, written confirmation shall be provided to the satisfaction of the City confirming that Stage 2 Vapour Recovery Technology is to be installed at the refuelling bowsers to minimise petrol emissions. VR2 technology shall be maintained to the satisfaction of the City for the duration of the development.
24. **Prior to the issue of a Building Permit** for the Motor Vehicle Wash, an updated Waste Management Plan shall be provided to the satisfaction of the City and implemented thereafter for the duration of the development.

Karen Hyde
Presiding Member, Metro Outer DAP



25. **Prior to the initial occupation** of any buildings hereby approved, landscaping in accordance with the updated landscaping plan required by Condition 17 above shall be installed and maintained thereafter to the satisfaction of the City.
26. **Prior to the initial occupation** of any buildings hereby approved, all parking bays, bicycle stands/racks driveways and points of ingress and egress shall be installed, sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans and to the satisfaction of the City.
27. **Prior to the initial occupation** of any buildings hereby approved, the builder shall provide written confirmation to the City, confirming that the requirements of the Acoustic Report "*Commercial Development Hammond Park*" (Herring Storer Acoustics, Job No: 23260 Doc Ref 31742-2-23260; dated October 2023), and the updated Acoustic Report required by Condition 14 above, have been incorporated into the completed development.
28. All noise attenuation measures identified by the Acoustic Report "*Commercial Development Hammond Park*" (Herring Storer Acoustics, Job No: 23260 Doc Ref 31742-2-23260; dated October 2023), and the updated Acoustic Report required by Condition 14 above, are to be observed at all times to the satisfaction of the City.
29. 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, unless otherwise approved by the City.
30. All services and service related hardware being suitably located away from public view and/or screened to the satisfaction of the City.
31. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
32. If an odour detected at an adjacent premises is deemed to be offensive by the City, 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.
33. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
34. The dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas complying with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
35. A 2m x 2.5m sightline shall be provided at the intersection of the crossovers and the front boundaries. All sightlines shall be maintained clear of obstructions above a height of 0.75m.
36. Crossovers are to be located and constructed to the City's specifications.
37. All stormwater being contained and disposed of on-site to the satisfaction of the City.

Karen Hyde
Presiding Member, Metro Outer DAP



Advice Notes:

- a) This is a Development 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) With regard to Condition 8, an Application for Approval of a Dust Management Plan form may be obtained from www.cockburn.wa.gov.au, and shall identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Water and Environment Regulation document titled “*Land Development Sites and Impacts on Air Quality – A Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia*” (1996). The developer is further advised bulk earthworks are prohibited on Class 3 and 4 sites between 1 October and 31 March (the moratorium period).
- c) With regard to Condition 9, the Fauna Relocation Management Plan must be prepared in accordance with the guidance outlined within the *City of Cockburn Procedure – Preparation of Fauna Relocation Management Plan* [ECM 11549425 v1 Guideline - Preparation of Fauna Relocation Management Plan \(cockburn.wa.gov.au\)](http://www.cockburn.wa.gov.au)
- d) With regard to Condition 10, the Environmental Management Plan must include details on the following:
 - a. Underground fuel storage and associated pipe-work and venting
 - b. Paved forecourts and fuel dispenser areas
 - c. Tank fill point sites
 - d. Any unpaved areas with poorly draining soils
 - e. Any vehicle wash facilities or café facilities
 - f. All goods and waste holding and/or treatment facilities
 - g. Structural measure to protect the environment
 - h. A detailed description of how site stormwater will be managed, including the installation of petrol and oil separators, any fuel or chemical containment and treatment facilities proposed.
 - i. Details of any nearby environmental features, such as bores, waterways or wetlands, likely to be affected by discharges from the site
 - j. A proposal for the interim storage and disposal of workshop wastes
 - k. Detailed description of the wastewater management system for any mechanical equipment wash down facilities
 - l. A contingency plan for chemical spills and emergencies.
 - m. A written statement and associated plans and diagrams to address all the requirements of DWER’s *Water Quality Protection Note 49 – Service Stations*
- e) With regard to Condition 11, the Wetland Management Plan shall be in accordance with the Department of Biodiversity, Conservation and Attraction’s *Guidelines Checklist for preparing a Wetland Management Plan*.

Karen Hyde
Presiding Member, Metro Outer DAP



- f) With regard to Condition 12, the updated Local Water Management Strategy shall address Attachment 1 of the Department of Water and Environmental Regulation's referral response (dated 28 February 2024).
- g) With regard to Condition 14, the updated Acoustic Report 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). The updated Acoustic Report is to include:
- a. Assessment of noise emissions associated with activities, plant or equipment (such as bin areas, exhaust canopies, refrigeration equipment etc);
 - b. Predictions of anticipated break out noise levels;
 - c. Sound proofing measures proposed to mitigate noise;
 - d. Control measures to be undertaken (including monitoring procedures); and
 - e. A complaint response procedure.
- h) With regard to Condition 17, the updated Landscaping Plan shall include the following:
- a. Removal of turf
 - b. All mulch to be certified weed and dieback free
 - c. Species selection amended to reflect the endemic native species within Harry Waring Marsupial Reserve (for example *Melaleuca preissiana*, *Eucalyptus Marginata*) in accordance with the Department of Biodiversity, Conservation and Attraction's recommendations
 - d. Street trees along the Gaebler Road frontage at a rate of one tree per 10 metres.
- i) With regard to Condition 18, the updated Bushfire Management Plan shall address the items listed in the Department of Fire and Emergency Services referral response (dated 2 April 2024).
- j) With regard to Condition 19, the Construction Management Plan 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; and
 - f. Other matters likely to impact on the surrounding properties.

Karen Hyde
Presiding Member, Metro Outer DAP



- k) With regard to Condition 20, the updated Transport Impact Assessment shall address the following:
- a. Modelling that reflects the updated access arrangements
 - b. Queuing assessment for cheap fuel days
 - c. Traffic control measures (signs, line markings, no standing areas)
 - d. Provision of a deceleration lane in accordance with Austroads Guidelines
 - e. Updated swept paths
- l) With regard to Condition 22, the Operational Management Plan shall include the following:
- a. Hours of operations;
 - b. Days of operation;
 - c. Number of vehicles that can be accommodated on site at any one time;
 - d. Number of staff members on site at any one time;
 - e. Fuel storage capacity;
 - f. How fuel delivery will operate (delivery times/frequencies)
 - g. Guidance to patrons regarding access, internal circulation and egress
 - h. Details on how the surrounding road network would not be unduly impacted during peak periods
 - i. Cheap fuel days queuing assessment
 - j. Management of vehicles and pedestrians entering/exiting
 - k. Scope to update the plan to the City's satisfaction if required.
- m) With regard to Condition 24, the updated Waste Management Plan shall include a relocated bin presentation area for the Motor Vehicle Wash that will not conflict with landscaped areas.
- n) With regard to Condition 36, copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au. The applicant shall also liaise with the City's Infrastructure Services Team regarding the modification of the Side Entry Pit impacted by the proposed western crossover along Gabler Road, and location of infrastructure in relation to proposed footpaths.
- o) With regard to Condition 37, Stormwater drainage to be able to contain a 1 in 100 year, critical storm event and shall also be designed with consideration to the Environmental Management Plan required by Condition 10.
- p) A clearing permit from the Department of Environment and Conservation is required prior to development under the provisions of the *Environmental Protection Act 1986*.
- q) The occupier of premises in which clinical waste is produced shall comply in all respects with the *Environmental Protection (Controlled Waste) Regulations 2004*. For further information please contact the Department of Environment and Conservation.

Karen Hyde
Presiding Member, Metro Outer DAP



AMENDING MOTION 1

Moved by: John Syme

Seconded by: Lee O'Donohue

That Condition No. 32 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Karen Hyde
Lee O'Donohue
John Syme
Cr Tom Widenbar

Against: Cr Tarun Dewan

REASON: The majority of the panel considered the subdivision of the lot unnecessary in regard to this development application. The development proposal does not require subdivision in order to operate. The management of the wetland is catered for by conditions 9-12 of the approval. The majority of the panel considered the requirement to subdivide the lot prior to a building permit to be unreasonable and unnecessary and supported deletion of this condition.

AMENDING MOTION 2

Moved by: John Syme

Seconded by: Lee O'Donohue

That Condition No. 4 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Karen Hyde
Lee O'Donohue
John Syme
Cr Tom Widenbar

Against: Cr Tarun Dewan

REASON: The majority of the panel considered the matter of odour emissions to be adequately managed through Australian Standards and other regulations which the development proposal will need to comply with and was therefore beyond the planning framework and an unnecessary condition of approval. On this basis, the majority of the panel was in support of deleting this condition.

Karen Hyde
Presiding Member, Metro Outer DAP



ALTERNATE MOTION (AS AMENDED)

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02623 and accompanying plans 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 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. Development shall be carried out in accordance with the approved plans.
4. **Prior to the issue of any Building Permit**, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City's Town Planning Scheme No. 3, to the City's satisfaction.
5. **Prior to the issue of any Building Permit**, a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
6. **Prior to the issue of any Building Permit**, updated development plans shall be provided to the satisfaction of the City addressing the following:
 - a. Modified access to Hammond Road and Gaebler Road, deceleration lane and internal access road modifications in accordance with the Technical Memo prepared by Stantec (Reference 300305045, dated 06 March 2024);
 - b. 26 bicycle stands/racks that conform to Australian Standard 2890.3;
 - c. Fencing details and extent of retaining walls to the southern and eastern boundaries of the proposed development;
 - d. The five (5) pylon signs on the 'Pylon Sign' plan being reduced to a maximum of 6 metres in height;
 - e. Any signage over 0.75m in height within 2.5m of where driveways meet the front lot boundaries being relocated to maintain vehicle sightlines; and
 - f. Retention of the two mature Black Cockatoo habitat trees (Jarrahs).
7. **Prior to the issue of any Building Permit**, a detailed Dust Management Plan shall be submitted to and approved by the City. The Dust Management Plan shall be implemented thereafter to the satisfaction of the City.

Karen Hyde
Presiding Member, Metro Outer DAP



8. **Prior to the issue of any Building Permit**, a Fauna Relocation Management Plan for the native fauna species within the site is to be submitted to and approved by the City to ensure the protection and management of the site's environmental assets, with satisfactory arrangements being made for the implementation of the approved plan.
9. **Prior to the issue of any Building Permit**, an Environmental Management Plan shall be submitted to and approved by the City, with satisfactory arrangements being made for the implementation of the approved plan.
10. **Prior to the issue of any Building Permit**, a Wetland Management Plan shall be submitted to and approved by the City, with satisfactory arrangements being made for the implementation of the approved plan.
11. **Prior to the issue of any Building Permit**, an updated Local Water Management Strategy shall be submitted to, and approved by, the City and the Department of Water and Environmental Regulation, with satisfactory arrangements being made for the implementation of the approved plan.
12. **Prior to the issue of any Building Permit**, a self-assessment shall be undertaken on the advice of the Department of Water and Environmental Regulation to determine whether acid sulfate soils are present on the land, and if present, their extent and severity. If the site is found to contain acid sulfate soils, an Acid Sulfate Soils Management Plan shall be submitted to and assessed by the Department of Water and Environmental Regulation, and all development shall be carried out in accordance with the provisions of the approved Management Plan.
13. **Prior to the issue of any Building Permit**, an updated Acoustic Report 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).
14. **Prior to the issue of any Building Permit**, written confirmation from the builder shall be submitted to the City, confirming that all recommendations made in the Acoustic Report "*Commercial Development Hammond Park*" (Herring Storer Acoustics, Job No: 23260 Doc Ref 31742-2-23260; dated October 2023) and the updated Acoustic Report required by Condition 14 above have been incorporated into the proposed development.
15. **Prior to the issue of any Building Permit**, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all development works have been carried out in accordance with the pre-works geotechnical report.
16. **Prior to the issue of any Building Permit**, an updated landscaping plan shall be submitted to, and approved by, the City.

Karen Hyde
Presiding Member, Metro Outer DAP



17. **Prior to the issue of any Building Permit**, an updated Bushfire Management Plan shall be submitted to the satisfaction of the City. All recommendations within the updated Bushfire Management Plan shall be implemented for the duration of the development to the satisfaction of the City.
18. **Prior to the issue of any Building Permit**, a Construction Management Plan shall be submitted to and approved by the City. The Construction Management Plan shall be implemented to the satisfaction of the City.
19. **Prior to the issue of any Building Permit**, an updated Transport Impact Assessment shall be provided to the satisfaction of the City.
20. **Prior to the issue of any 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';
 - 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.

21. **Prior to the issue of a Building Permit** for the Service Station, an Operational Management Plan shall be provided to the satisfaction of the City and implemented for the duration of the development.
22. **Prior to the issue of a Building Permit** for the Service Station, written confirmation shall be provided to the satisfaction of the City confirming that Stage 2 Vapour Recovery Technology is to be installed at the refuelling bowsers to minimise petrol emissions. VR2 technology shall be maintained to the satisfaction of the City for the duration of the development.
23. **Prior to the issue of a Building Permit** for the Motor Vehicle Wash, an updated Waste Management Plan shall be provided to the satisfaction of the City and implemented thereafter for the duration of the development.
24. **Prior to the initial occupation** of any buildings hereby approved, landscaping in accordance with the updated landscaping plan required by Condition 17 above shall be installed and maintained thereafter to the satisfaction of the City.
25. **Prior to the initial occupation** of any buildings hereby approved, all parking bays, bicycle stands/racks driveways and points of ingress and egress shall be installed, sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans and to the satisfaction of the City.

Karen Hyde
Presiding Member, Metro Outer DAP



26. **Prior to the initial occupation** of any buildings hereby approved, the builder shall provide written confirmation to the City, confirming that the requirements of the Acoustic Report "*Commercial Development Hammond Park*" (Herring Storer Acoustics, Job No: 23260 Doc Ref 31742-2-23260; dated October 2023), and the updated Acoustic Report required by Condition 14 above, have been incorporated into the completed development.
27. All noise attenuation measures identified by the Acoustic Report "*Commercial Development Hammond Park*" (Herring Storer Acoustics, Job No: 23260 Doc Ref 31742-2-23260; dated October 2023), and the updated Acoustic Report required by Condition 14 above, are to be observed at all times to the satisfaction of the City.
28. 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, unless otherwise approved by the City.
29. All services and service related hardware being suitably located away from public view and/or screened to the satisfaction of the City.
30. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
31. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
32. The dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas complying with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
33. A 2m x 2.5m sightline shall be provided at the intersection of the crossovers and the front boundaries. All sightlines shall be maintained clear of obstructions above a height of 0.75m.
34. Crossovers are to be located and constructed to the City's specifications.
35. All stormwater being contained and disposed of on-site to the satisfaction of the City.

Advice Notes:

- a) This is a Development 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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- b) With regard to Condition 8, an Application for Approval of a Dust Management Plan form may be obtained from www.cockburn.wa.gov.au, and shall identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Water and Environment Regulation document titled “*Land Development Sites and Impacts on Air Quality – A Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia*” (1996). The developer is further advised bulk earthworks are prohibited on Class 3 and 4 sites between 1 October and 31 March (the moratorium period).
- c) With regard to Condition 9, the Fauna Relocation Management Plan must be prepared in accordance with the guidance outlined within the *City of Cockburn Procedure – Preparation of Fauna Relocation Management Plan ECM 11549425 v1 Guideline - Preparation of Fauna Relocation Management Plan (cockburn.wa.gov.au)*
- d) With regard to Condition 10, the Environmental Management Plan must include details on the following:
- a. Underground fuel storage and associated pipe-work and venting
 - b. Paved forecourts and fuel dispenser areas
 - c. Tank fill point sites
 - d. Any unpaved areas with poorly draining soils
 - e. Any vehicle wash facilities or café facilities
 - f. All goods and waste holding and/or treatment facilities
 - g. Structural measure to protect the environment
 - h. A detailed description of how site stormwater will be managed, including the installation of petrol and oil separators, any fuel or chemical containment and treatment facilities proposed.
 - i. Details of any nearby environmental features, such as bores, waterways or wetlands, likely to be affected by discharges from the site
 - j. A proposal for the interim storage and disposal of workshop wastes
 - k. Detailed description of the wastewater management system for any mechanical equipment wash down facilities
 - l. A contingency plan for chemical spills and emergencies.
 - m. A written statement and associated plans and diagrams to address all the requirements of DWER’s *Water Quality Protection Note 49 – Service Stations*
- e) With regard to Condition 11, the Wetland Management Plan shall be in accordance with the Department of Biodiversity, Conservation and Attraction’s *Guidelines Checklist for preparing a Wetland Management Plan*.
- f) With regard to Condition 12, the updated Local Water Management Strategy shall address Attachment 1 of the Department of Water and Environmental Regulation’s referral response (dated 28 February 2024).

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- g) With regard to Condition 14, the updated Acoustic Report 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). The updated Acoustic Report is to include:
- a. Assessment of noise emissions associated with activities, plant or equipment (such as bin areas, exhaust canopies, refrigeration equipment etc);
 - b. Predictions of anticipated break out noise levels;
 - c. Sound proofing measures proposed to mitigate noise;
 - d. Control measures to be undertaken (including monitoring procedures); and
 - e. A complaint response procedure.
- h) With regard to Condition 17, the updated Landscaping Plan shall include the following:
- a. Removal of turf
 - b. All mulch to be certified weed and dieback free
 - c. Species selection amended to reflect the endemic native species within Harry Waring Marsupial Reserve (for example *Melaleuca preissiana*, *Eucalyptus Marginata*) in accordance with the Department of Biodiversity, Conservation and Attraction's recommendations
 - d. Street trees along the Gaebler Road frontage at a rate of one tree per 10 metres.
- i) With regard to Condition 18, the updated Bushfire Management Plan shall address the items listed in the Department of Fire and Emergency Services referral response (dated 2 April 2024).
- j) With regard to Condition 19, the Construction Management Plan 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; and
 - f. Other matters likely to impact on the surrounding properties.
- k) With regard to Condition 20, the updated Transport Impact Assessment shall address the following:
- a. Modelling that reflects the updated access arrangements
 - b. Queuing assessment for cheap fuel days
 - c. Traffic control measures (signs, line markings, no standing areas)
 - d. Provision of a deceleration lane in accordance with Austroads Guidelines
 - e. Updated swept paths

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- l) With regard to Condition 22, the Operational Management Plan shall include the following:
- a. Hours of operations;
 - b. Days of operation;
 - c. Number of vehicles that can be accommodated on site at any one time;
 - d. Number of staff members on site at any one time;
 - e. Fuel storage capacity;
 - f. How fuel delivery will operate (delivery times/frequencies)
 - g. Guidance to patrons regarding access, internal circulation and egress
 - h. Details on how the surrounding road network would not be unduly impacted during peak periods
 - i. Cheap fuel days queuing assessment
 - j. Management of vehicles and pedestrians entering/exiting
 - k. Scope to update the plan to the City's satisfaction if required.
- m) With regard to Condition 24, the updated Waste Management Plan shall include a relocated bin presentation area for the Motor Vehicle Wash that will not conflict with landscaped areas.
- n) With regard to Condition 36, copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au. The applicant shall also liaise with the City's Infrastructure Services Team regarding the modification of the Side Entry Pit impacted by the proposed western crossover along Gabler Road, and location of infrastructure in relation to proposed footpaths.
- o) With regard to Condition 37, Stormwater drainage to be able to contain a 1 in 100 year, critical storm event and shall also be designed with consideration to the Environmental Management Plan required by Condition 10.
- p) A clearing permit from the Department of Environment and Conservation is required prior to development under the provisions of the *Environmental Protection Act 1986*.
- q) The occupier of premises in which clinical waste is produced shall comply in all respects with the *Environmental Protection (Controlled Waste) Regulations 2004*. For further information please contact the Department of Environment and Conservation.

The Alternate Motion (as amended) was put and CARRIED (4/1).

For: Karen Hyde
Lee O'Donohue
John Syme
Cr Tom Widenbar

Against: Cr Tarun Dewan

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REASON: The panel noted that the planning framework, including the District Structure Plan, was over 10 years old and the draft local structure plan had not been formally adopted; so whilst due regard was given to these documents, it was noted that much had changed in the locality in terms of development and that the context for this proposal was very different to that envisaged at the time of the structure plans. The majority of the panel considered that the development could be approved without the need for further structure plans in accordance with section 27(2) of the Deemed Provisions, as the proposal is located on a single lot in sole ownership and the technical studies demonstrated orderly and proper planning and that the proposal did not cause unacceptable impact on the locality.

The development is sufficiently separated from nearby residential, education and other commercial and retail development to not cause undue impacts. The traffic analysis had been supported by the City and appropriate conditions were provided for satisfactory management of access, egress, and traffic management for the development.

The wetland buffer was demonstrated to be appropriate for the typology and ongoing management was secured through conditions 9-12. The majority of the panel, having considered the submissions in favour and against the proposal, the technical information supporting the development application and the responses to the questions raised with the applicant and the City, were on balance in support of the alternate recommendation to approve the development with conditions as amended.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR179/2023 DAP/22/02358	Shire of Serpentine Jarrahdale	Lot 806 South Western Highway, Byford	Proposed Showroom and Fast Food/Takeaway Development	4/12/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
DAP/23/02545 PA23/588	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

* Matters finalised during the last meeting cycle.

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:20am.

Karen Hyde
Presiding Member, Metro Outer DAP