



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 18 December 2024; 9:30am
Meeting Number: MODAP/52
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/52 – 18 December 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
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations
 - 5.1 Lot 9501 Gaebler Road, Hammond Park – Mixed Use Commercial Development – DAP/23/02623

PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. 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 Tarun Dewan	Chantala Hill
Cr Michael Separovich	Lucia Dunstan
	Riley Brown

Karen Hyde
Presiding Member, Metro Outer DAP



Applicant and Submitters

Part B – City of Cockburn

Neil Teo (Dynamic Planning & Development)
John Del Dosso (Broad Vision Projects Pty Ltd)
Belinda Moharich (Moharich & More)
Mark Holst
Joanne Lisciandro
Jennifer Wragg
Damien Wragg

Members of the Public / Media

There was 1 member of the public in attendance.

Observers via livestream

There were 5 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 9:30am on 18 December 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

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

Cr Tom Widenbar (Local Government DAP 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](#).

Karen Hyde
Presiding Member, Metro Outer DAP



PART B – CITY OF COCKBURN

1. Declaration of Due Consideration

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

Nil.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

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

Deputations and Presentations

Mark Holst addressed the DAP in support of the recommendation for the application at Item 5.1.

Jennifer Wragg, Joanne Lisciandro & Damien Wragg addressed the DAP in support of the recommendation for the application at Item 5.1 and responded to questions from the panel.

Neil Teo (Dynamic Planning & Development) & John Del Dosso (Broad Vision Projects Pty Ltd) addressed the DAP against the recommendation for the application at Item 5.1 and responded to questions from the panel.

Belinda Moharich (Moharich & More) addressed the DAP against the recommendation for the application at Item 5.1 and responded to questions from the panel.

The City of Cockburn addressed the DAP in relation to the application at Item 5.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Tarun Dewan

Seconded by: NIL

Karen Hyde
Presiding Member, Metro Outer DAP



That the Metro Outer Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 94 of 2024, resolves to:

Reconsider its decision dated 23 May 2024 and **REFUSE** DAP Application reference DAP/23/02623 and amended 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'.

The Report Recommendation LAPSED for want of a seconder.

Karen Hyde
Presiding Member, Metro Outer DAP



ALTERNATE MOTION

Moved by: Lee O'Donohue

Seconded by: Cr Michael Separovich

An administrative amendment was made to correct the alphabetisation of the footnotes as published in the agenda.

That the Metro Outer Development Assessment Panel, pursuant to section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 94 of 2024, resolves to:

Reconsider its decision dated 23 May 2024 and **APPROVE** DAP Application reference DAP/23/02623 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. 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.
Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, by the provision of a schedule for the building which is to be constructed, to the satisfaction of the City.
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. 26 bicycle stands/racks that conform to Australian Standard 2890.3;
 - b. Fencing details and extent of retaining walls to the southern and eastern boundaries of the proposed development; and
 - c. Appropriate footpaths.

Karen Hyde
Presiding Member, Metro Outer DAP



7. Prior to the issue of any Building Permit, a detailed Dust Management Plan describing how dust will be managed during construction shall be submitted to and approved by the City. The Dust Management Plan shall be implemented thereafter to the satisfaction of the City.

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, by the provision of a Dust Management Plan relating to the building which is to be constructed, to the satisfaction of the City.

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 Occupancy 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.
10. 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.
11. 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.
12. 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).

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, by the provision of an updated Acoustic Report relating to the building which is to be constructed, to the satisfaction of the City.

13. Prior to the issue of any Building Permit, written confirmation from the developer shall be submitted to the City, confirming that all recommendations relating to construction/installation 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 12 above have been incorporated into the proposed development.

Karen Hyde
Presiding Member, Metro Outer DAP



14. 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.
15. 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.
16. 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.
17. Prior to the issue of any 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 Art Work Design';
 - c. 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.
18. Prior to the issue of a Building Permit for the Service Station, an Operational Management Plan to address traffic management for cheap fuel days, and appropriate delivery times, be provided to the satisfaction of the City and implemented for the duration of the development.
19. 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.
20. 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



21. Prior to the initial occupation of any buildings hereby approved, landscaping in accordance with the approved landscaping plan shall be installed and maintained thereafter to the satisfaction of the City.

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, to the satisfaction of the City.

22. 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.

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, to the satisfaction of the City.

23. Prior to occupation of the building in question, a further Acoustic Report is to be provided which confirms that noise level measurements from the noise sources outlined 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 12 above, comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

24. 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 further Acoustic Report/s required by Condition 12 and Condition 23, are to be observed at all times to the satisfaction of the City.

25. 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.

26. All services and service related hardware being suitably located away from public view and/or screened to the satisfaction of the City.

27. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".

28. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.

29. 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.

30. The areas identified adjacent to the crossovers on Sheet 30 of the approved plans shall be maintained clear of obstructions above a height of 0.75m.

31. Crossovers are to be constructed to the City's specifications.

Karen Hyde
Presiding Member, Metro Outer DAP



32. All stormwater being contained and disposed of in accordance with the updated Local Water Management Strategy required by Condition 10.

FOOTNOTES

- 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 4, a contribution is required for the development in relation to DCA 9.
- c) With regard to Condition 6c), the footpath shall run along the Hammond and Gaebler Road frontages, with a single point of crossing (pram ramp) to the north side of Gaebler Road in front of the Medical Centre. The crossing point shall be designed to comply with sightline requirements of the *Austrroads Guidelines* on both sides of the road.
- d) With regard to Condition 7, 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).
- e) With regard to Condition 8, 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)
- f) With regard to Condition 9, the Wetland Management Plan shall be in accordance with the Department of Biodiversity, Conservation and Attractions’ Guidelines Checklist for preparing a Wetland Management Plan.
- g) With regard to Condition 10, the updated Local Water Management Strategy shall address the following:
- Attachment 1 of the Department of Water and Environmental Regulation’s referral response (dated 28 February 2024);
 - Appropriate design of post-development flow into the wetland;
 - Further detail on the specific petrol/oil separation, chemical containment and treatment systems proposed for both the Service Station and the Motor Vehicle Wash;
 - Contingency plan for chemical spills/emergencies in accordance with DWER’s Water Quality Protection Note 10;

Karen Hyde
Presiding Member, Metro Outer DAP



- e. Demonstration that fuel storage and associated pipework meets provisions 23 and 24 of DWER's Water Quality Protection Note 49;
 - f. Appropriate vertical separation between drainage structures and the maximum groundwater level;
 - g. Explanation for how the permeability rate can be achieved in the bio-filtration areas;
 - h. A column to be added within Table 5 showing 10 year storage volume required for each catchment area;
 - i. Indication of finished floor levels to establish overland flow paths.
- h) With regard to Condition 12, 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.
- i) With regard to Condition 15, 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 16, 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 18, the Operational Management Plan shall include the following:
- a. Number of vehicles that can be accommodated on site at any one time;
 - b. Number of staff members on site at any one time;
 - c. Fuel storage capacity;
 - d. How fuel delivery will operate (delivery times/frequencies)
 - e. Guidance to patrons regarding access, internal circulation and egress
 - f. Details on how the surrounding road network would not be unduly impacted during peak periods
 - g. Cheap fuel days queuing assessment
 - h. Management of vehicles and pedestrians entering/exiting
 - i. Scope to update the plan to the City's satisfaction if required.

Karen Hyde
Presiding Member, Metro Outer DAP



- l) With regard to Condition 20, the updated Waste Management Plan shall include a relocated bin presentation area for the Motor Vehicle Wash that will not conflict with landscaped areas.
- m) With regard to Condition 26, this relates to items such as roof ventilation, exhausts, AC units, bins and plumbing pipes.
- n) With regard to Condition 31, 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) A clearing permit from the Department of Environment and Conservation is required prior to development under the provisions of the *Environmental Protection Act 1986*.
- p) 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.

AMENDING MOTION 1

Moved by: John Syme

Seconded by: Karen Hyde

That Condition No. 21 be amended to read as follows:

Prior to the initial occupation of any buildings hereby approved, landscaping in accordance with the approved landscaping plan shall be installed and maintained thereafter to the satisfaction of the City.

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, to the satisfaction of the City.

All landscaping treatments and planting to the verge should be included as Stage 1 works.

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

For: Karen Hyde
Lee O'Donohue
John Syme
Cr Michael Separovich

Against: Cr Tarun Dewan

Karen Hyde
Presiding Member, Metro Outer DAP



REASON: The majority of the panel were supportive of the amendment as it provided for early implementation of landscape in the public realm and at the interface with the new development, thereby providing early amenity to the streetscape and an opportunity for the proposed species to mature and establish as the development is constructed in stages.

AMENDING MOTION 2

Moved by: Karen Hyde

Seconded by: John Syme

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

Appropriate footpaths shall run along the Hammond and Gaebler Road frontages, with a single point of crossing (pram ramp) to the north side of Gaebler Road in front of the Medical Centre. The crossing point shall be designed to comply with sightline requirements of the Austroads Guidelines on both sides of the road.

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

For: Karen Hyde
Lee O'Donohue
John Syme
Cr Michael Separovich

Against: Cr Tarun Dewan

REASON: The majority of the panel were supportive of the amendment as it provided clarity and certainty to the meaning of the condition and requirements for design standards.

ALTERNATE MOTION (AS AMENDED)

That the Metro Outer Development Assessment Panel, pursuant to section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 94 of 2024, resolves to:

Reconsider its decision dated 23 May 2024 and **APPROVE** DAP Application reference DAP/23/02623 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.

Karen Hyde
Presiding Member, Metro Outer DAP



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.
Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, by the provision of a schedule for the building which is to be constructed, to the satisfaction of the City.
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. 26 bicycle stands/racks that conform to Australian Standard 2890.3;
 - b. Fencing details and extent of retaining walls to the southern and eastern boundaries of the proposed development; and
 - c. Appropriate footpaths shall run along the Hammond and Gaebler Road frontages, with a single point of crossing (pram ramp) to the north side of Gaebler Road in front of the Medical Centre. The crossing point shall be designed to comply with sightline requirements of the Austroads Guidelines on both sides of the road.
7. Prior to the issue of any Building Permit, a detailed Dust Management Plan describing how dust will be managed during construction shall be submitted to and approved by the City. The Dust Management Plan shall be implemented thereafter to the satisfaction of the City.

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, by the provision of a Dust Management Plan relating to the building which is to be constructed, to the satisfaction of the City.
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 Occupancy 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.

Karen Hyde
Presiding Member, Metro Outer DAP



10. 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.
11. 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.
12. 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).

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, by the provision of an updated Acoustic Report relating to the building which is to be constructed, to the satisfaction of the City.

13. Prior to the issue of any Building Permit, written confirmation from the developer shall be submitted to the City, confirming that all recommendations relating to construction/installation 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 12 above have been incorporated into the proposed development.
14. 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.
15. 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.
16. 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.

Karen Hyde
Presiding Member, Metro Outer DAP



17. 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 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.

18. Prior to the issue of a Building Permit for the Service Station, an Operational Management Plan to address traffic management for cheap fuel days, and appropriate delivery times, be provided to the satisfaction of the City and implemented for the duration of the development.
19. 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.
20. 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.
21. Prior to the initial occupation of any buildings hereby approved, landscaping in accordance with the approved landscaping plan shall be installed and maintained thereafter to the satisfaction of the City.

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, to the satisfaction of the City.

All landscaping treatments and planting to the verge should be included as Stage 1 works.

22. 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.

Where construction occurs in stages, this condition can be satisfied on a stage-by-stage basis, to the satisfaction of the City.

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Presiding Member, Metro Outer DAP



23. Prior to occupation of the building in question, a further Acoustic Report is to be provided which confirms that noise level measurements from the noise sources outlined 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 12 above, comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
24. 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 further Acoustic Report/s required by Condition 12 and Condition 23, are to be observed at all times to the satisfaction of the City.
25. 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.
26. All services and service related hardware being suitably located away from public view and/or screened to the satisfaction of the City.
27. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
28. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
29. 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.
30. The areas identified adjacent to the crossovers on Sheet 30 of the approved plans shall be maintained clear of obstructions above a height of 0.75m.
31. Crossovers are to be constructed to the City's specifications.
32. All stormwater being contained and disposed of in accordance with the updated Local Water Management Strategy required by Condition 10.

FOOTNOTES

- 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 4, a contribution is required for the development in relation to DCA 9.

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- c) With regard to Condition 6c), the footpath shall run along the Hammond and Gaebler Road frontages, with a single point of crossing (pram ramp) to the north side of Gaebler Road in front of the Medical Centre. The crossing point shall be designed to comply with sightline requirements of the *Austrroads Guidelines* on both sides of the road.
- d) With regard to Condition 7, 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).
- e) With regard to Condition 8, 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)
- f) With regard to Condition 9, 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.
- g) With regard to Condition 10, the updated Local Water Management Strategy shall address the following:
- Attachment 1 of the Department of Water and Environmental Regulation’s referral response (dated 28 February 2024);
 - Appropriate design of post-development flow into the wetland;
 - Further detail on the specific petrol/oil separation, chemical containment and treatment systems proposed for both the Service Station and the Motor Vehicle Wash;
 - Contingency plan for chemical spills/emergencies in accordance with DWER’s Water Quality Protection Note 10;
 - Demonstration that fuel storage and associated pipework meets provisions 23 and 24 of DWER’s Water Quality Protection Note 49;
 - Appropriate vertical separation between drainage structures and the maximum groundwater level;
 - Explanation for how the permeability rate can be achieved in the bio-filtration areas;
 - A column to be added within Table 5 showing 10 year storage volume required for each catchment area;
 - Indication of finished floor levels to establish overland flow paths.

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- h) With regard to Condition 12, 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:
- Assessment of noise emissions associated with activities, plant or equipment (such as bin areas, exhaust canopies, refrigeration equipment etc);
 - Predictions of anticipated break out noise levels;
 - Sound proofing measures proposed to mitigate noise;
 - Control measures to be undertaken (including monitoring procedures); and
 - A complaint response procedure.
- i) With regard to Condition 15, 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 16, 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:
- Access to and from the site;
 - Delivery of materials and equipment to the site;
 - Storage of materials and equipment on the site;
 - Parking arrangements for contractors and subcontractors;
 - Management of construction waste; and
 - Other matters likely to impact on the surrounding properties.
- k) With regard to Condition 18, the Operational Management Plan shall include the following:
- Number of vehicles that can be accommodated on site at any one time;
 - Number of staff members on site at any one time;
 - Fuel storage capacity;
 - How fuel delivery will operate (delivery times/frequencies)
 - Guidance to patrons regarding access, internal circulation and egress
 - Details on how the surrounding road network would not be unduly impacted during peak periods
 - Cheap fuel days queuing assessment
 - Management of vehicles and pedestrians entering/exiting
 - Scope to update the plan to the City's satisfaction if required.
- l) With regard to Condition 20, the updated Waste Management Plan shall include a relocated bin presentation area for the Motor Vehicle Wash that will not conflict with landscaped areas.
- m) With regard to Condition 26, this relates to items such as roof ventilation, exhausts, AC units, bins and plumbing pipes.

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- n) With regard to Condition 31, 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) A clearing permit from the Department of Environment and Conservation is required prior to development under the provisions of the *Environmental Protection Act 1986*.
- p) 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 was put and CARRIED (4/1).

For: Karen Hyde
Lee O'Donohue
John Syme
Cr Michael Separovich

Against: Cr Tarun Dewan

REASON: Upon consideration of the SAT request to review the reviewable conditions associated with the approved development, the majority of the panel regarded the proposed revisions to be appropriate and to provide sufficient guidance and control over the future development stages. Additional amendments to conditions 6 and 21 were also supported to provide clarity, certainty and to facilitate public amenity in the streetscape.

Overall, the development proposal was felt to be consistent with the previously approved land uses and general layout, with the addition of design development in terms of access arrangements, landscape and signage, elements and associated technical documents which had been assessed by the City to be satisfactory. The majority of the panel therefore supported the revised conditions and footnotes (advice notes) associated with approved development.

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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
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024
DR148/2024 DAP/24/02696	City of Gosnells	Lot 8 (1510) Albany Highway, Beckenham	Service Station, Convenience Store and Signage	30/10/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:36am.

Karen Hyde
Presiding Member, Metro Outer DAP