



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 7 July 2021; 9:30am
Meeting Number: MOJDAP/105
Meeting Venue: Via Zoom

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

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

Item 8.2

Cr Caroline Wielinga (Local Government Member, City of Armadale)
Cr Jeff Munn (Local Government Member, City of Armadale)

Officers in attendance

Item 8.1

Mr David King (City of Cockburn)
Mr Lorenzo Santoriello

Item 8.2

Mr Paul Rosser (City of Armadale)

Minute Secretary

Ms Megan Ventris (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr George Hajigabriel (Rowe Group)

Item 8.2

Mr Josh Carmody (Planning Solutions)
Mr Reece Hendy (Planning Solutions)
Mr Stefan Piruk (Jarra Property)
Mr Scott Ferguson (Jarra Property)
Mr Benham Bordbar (Transcore)
Mr Alex Aitkin (Ecological)

Members of the Public / Media

Mr Ben Smith from Community News was in attendance for item 8.1.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:41am on 7 July 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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



1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Chontelle Stone (Local Government Member, City of Cockburn)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 29 June 2021.

The Presiding Member notes an addendum to the agenda was published to include details of a response from the City of Armadale to the applicant's presentation in relation to Item 8.2, received on 1 July 2021 and 2 July 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

PROCEDURAL MOTION

Moved by: Cr Chamonix Terblanche

Seconded by: Ms Sheryl Chaffer

That the meeting be adjourned for a period of 5 minutes to allow those members that were yet to log into the DAP meeting additional time.

The meeting was adjourned at 9:43am.

The meeting was reconvened at 9:46am.



7. Deputations and Presentations

7.1 Mr Josh Carmody (Planning Solutions), Mr Benham Bordbar (Transcore) and Mr Alex Aitkin (Ecological) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.2 The City of Armadale addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.1 - 7.2 were heard prior to the application at Item 8.2.

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

The presentations at Items 7.3 was heard prior to the application at Item 8.1.

Cr Jeff Munn (Local Government Members, City of Armadale) joined the meeting at 10:06am.

PROCEDURAL MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Jason Hick

That the application at Item 8.2 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: Due to deputations for item 8.2 having been heard, for continuity, the panel agreed it would be better to hear this item first.

Cr Chamonix Terblanche (Local Government Member, City of Cockburn) left the panel at 10:06am.

Cr Caroline Wielinga and Cr Jeff Munn (Local Government Members, City of Armadale) joined the panel at 10:06am.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 503 (11) and 504 (13) Argong Chase, Cockburn Central

Development Description:	Child care premises
Applicant:	Rowe Group
Owner:	Unit Shelf Co. No 104 Pty Ltd
Responsible Authority:	City of Cockburn
DAP File No:	DAP/20/01928



REPORT RECOMMENDATION

Moved by: Cr Chamonix Terblanche

Seconded by: Ms Sheryl Chaffer

With the approval of the mover and seconder, the following amendment was made:

- i. That reason no. 7 be amended to read as follows:

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 surrounding inhabitants and is therefore considered to be "poor planning".~~

REASON: To delete unnecessary words for simplicity and clarity.

That the Metro Outer JDAP resolves to:

Refuse DAP Application reference DAP/20/01928 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 reasons:

Reasons

1. The proposal does not comply with the *objectives of draft State Planning Policy 4.1 Industrial Interface November 2017*.
2. 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 – June 2005*.
3. The proposal, if approved, is likely to prejudice existing and future development within the Light and Service zone by way of land use conflicts.
4. The proposal does not comply with the relevant factors of the South Metropolitan Peel Sub-regional Planning Framework March 2018.
5. The proposal does not comply with the City of Cockburn Town Planning Scheme No. 3 including the "aims of the Scheme"
6. The proposal does not meet 5 of the objectives outlined under Schedule 2 part 9 of Clause 67 "Matters to be considered by local government" under the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.
7. The proposal is not considered to accord with the provisions of orderly and proper planning.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal was considered by the Panel to be in an inappropriate location primarily due to the adverse impact it would have on the further take-up of lots in the service industry zone for light industry and similar uses due to its sensitive land use nature and not consistent with orderly and proper planning. The proposal is not consistent with the strategic planning framework or statutory planning objectives for the locality.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Cr Caroline Wielinga and Cr Jeff Munn (Local Government Members, City of Armadale) left the panel at 10:16am.

Cr Chamonix Terblanche (Local Government Member, City of Cockburn) joined the panel at 10:16am.

8.2 Lot 87 (30) Anstey Road, Forrestdale

Development Description: Proposed child care premises
Applicant: Planning Solutions
Owner: Ladybug Five Pty Ltd as trustee for Ladybug Investment Trust Five
Responsible Authority: City of Armadale
DAP File No: DAP/21/01941

REPORT RECOMMENDATION

Moved by: Cr Jeff Munn

Seconded by: Cr Caroline Wielinga

With the approval of the mover and seconder, the following amendments were made:

- i. That condition no. 5 be deleted and the remaining conditions be renumbered accordingly.

REASON: Whilst noting that compliance with the condition may add some clarity to the operating requirements, the panel accepted the applicant's argument that these requirements are adequately covered in their submission and that the condition is not necessary.

- ii. That condition no. 10 (now condition no. 9) be amended to read as follows:

Prior to occupation of the development, a notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:

"The subject property) is subject to a bushfire management plan and is within a bushfire prone area. Dwellings and/or habitable buildings shall be designed/constructed in-accordance with Australian Standard 3959 – 'Construction of Buildings in Bushfire-Prone Areas' (or superseding standard) to minimise the risk of property damage, in the event the building envelope is within a bushfire prone area at the time of construction"

REASON: To allow for changing circumstances as is planning for the redevelopment area is well advanced.



- iii. That condition no. 11 (now condition no. 10) be amended to read as follows:

*The building shall be constructed in-accordance with **all practical elements of Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard) and the approved Bushfire Management Plan.***

REASON: To provide some flexibility in clearing this aspect of bushfire management as the Australian Standard does not normally apply to this class of building and planning for redevelopment of the area is well advanced.

- iv. That condition no. 12 (now condition no. 11) be amended to read as follows:

~~*Prior to occupation a Parking Management Plan shall be submitted to and approved by the City of Armadale. The Plan shall include signage directing visitor and staff parking areas, restricting the use of bays 10 and 14 for staff only and to be used after 7am as per the recommendations of the Lloyd George Acoustics Environmental Noise Assessment Report dated 5 January 2021. The Child Care Premises shall be operated in accordance with the approved Parking Management Plan thereafter.*~~ **Parking area shall include signage identifying visitor and staff parking areas. Bays 10 and 14 shall include specific signage restricting the use for staff only and to be used after 7am.**

REASON: Considered relevant conditions of approval adequately cover parking management.

- v. That condition no. 27 (now condition no. 26) be deleted and the remaining conditions be renumbered accordingly and a new advice note no. 8 be added as follows.

A separate development application will need to be submitted to the City of Armadale for any further proposed signage for the site.

REASON: Appropriately covered by advice note

- vi. That condition no. 28 (now condition no. 26) be deleted and the remaining conditions be renumbered accordingly.

REASON: Not considered to be a relevant planning condition.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/01941 and accompanying 'Revised Development Plans (Attachment 3)' 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 Armadale Town Planning Scheme No. 4, subject to the following conditions:

Conditions

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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. The Child Care Premises is restricted to a maximum of 92 children and 17 staff at any given time.
3. No outdoor play is to commence prior to 7:00am, Monday to Friday.
4. Operating hours shall be during 6:30am to 6:00pm Monday to Friday, in accordance with the Environmental Noise Assessment dated 5 January 2021 prepared by Lloyd George Acoustics Pty Ltd. All activities shall be conducted in a manner to avoid any noise impact upon adjoining neighbours, to the satisfaction of the City of Armadale.
5. The Child Care Premises (inclusive of fencing) shall be constructed and implemented prior to occupation in accordance with the recommendations of the Environmental Noise Assessment dated 5 January 2021 prepared by Lloyd George Acoustics Pty Ltd to the satisfaction of the City of Armadale.
6. Prior to the occupation of the development, a Final Environmental Noise Assessment must be prepared and provided to the City of Armadale which demonstrates, to the City of Armadale's satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997.

The Final Environmental Noise Assessment must include the following information:

- a. Confirmed noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- b. Tonality, modulation and impulsiveness of noise sources; and
- c. Confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Final Environmental Noise Assessment upon approval to the satisfaction of the City of Armadale and implemented thereafter for the duration of the development.

7. The Bushfire Management Plan prepared by Ecological Australia (dated 2 February 2021 attached), shall be implemented including site preparation and establishment of the Asset Protection Zone prior to occupation of the development.
8. An Emergency Evacuation Plan prepared in accordance with the Bushfire Guidelines shall be submitted to the City of Armadale prior to occupation of the development and implemented thereafter.



9. Prior to occupation of the development, a notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:

“The subject property) is subject to a bushfire management plan and is within a bushfire prone area. Dwellings and/or habitable buildings shall be designed/constructed in-accordance with Australian Standard 3959 – ‘Construction of Buildings in Bushfire-Prone Areas’ (or superseding standard) to minimise the risk of property damage, in the event the building envelope is within a bushfire prone area at the time of construction”.
10. The building shall be constructed in-accordance with all practical elements of Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard) and the approved Bushfire Management Plan.
11. Parking area shall include signage identifying visitor and staff parking areas. Bays 10 and 14 shall include specific signage restricting the use for staff only and to be used after 7am.
12. Prior to occupation all internal vehicle manoeuvring spaces shall be constructed, sealed, kerbed and drained in accordance with the approved site plan to the satisfaction of the City of Armadale and continuously maintained thereafter. Relocation/Removal of any services/infrastructure will be at the cost of the developer/owner.
13. Seventeen (17) staff parking bays and ten (10) visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development. The rear tandem car parking bays must not form part of the visitor parking allocation.
14. Prior to occupation, satisfactory arrangements being made for the relocation and upgrading of the Anstey Road High Pressure Gas Pipeline to achieve compliance with Australian Standard AS2885, to the satisfaction of the City of Armadale on the advice of ATCO Gas.
15. Engineering drawings and specifications shall be submitted and approved prior to the commencement of site works, and works shall be undertaken in accordance with the approved plan, engineering drawings and specifications prior to occupation of the development, to the satisfaction of the City of Armadale for:
 - i. Construction, sealing, kerbing and draining of the proposed Anstey Road widening abutting the subject site including truncations and dual use path as per the approved Structure Plan;
 - ii. Relocation and upgrading of the Anstey Road High Pressure Gas Pipeline as part of the Anstey Road construction works on the advice of ATCO Gas.
16. Anstey Road being widened in accordance with the approved Site Plan, Revision 2 dated 22 February 2021 by the landowner transferring the land required to the Crown free of cost for the purpose of widening 2.25m along the full frontage.



17. In accordance with Part 5A and Schedule 9B (Development Contribution Plan No.4) of Town Planning Scheme No.4, a contribution shall be paid towards the provision of Common Infrastructure Works to service the Anstey Keane Urban Precinct Forrestdale, to the satisfaction of the City of Armadale, prior to the commencement of site works.
18. To meet drainage requirements prior to commencement of works, the developer/owner shall, to the specifications and satisfaction of the City of Armadale:
 - a. Submit a stormwater management plan in accordance with the approved Local Water Management Strategy, incorporating water sensitive design principles for approval and implement the approved plan thereafter;
 - b. Show any drainage easements as may be required on the Certificate of Title in favour of the City of Armadale; and
 - c. Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.
19. A Waste Management Plan shall be submitted and approved by the City prior to commencement of site works. Waste collection shall be carried out in accordance with the approved plan thereafter.
20. The development shall be connected to reticulated sewer and water prior to occupation, to the satisfaction of the City of Armadale on advice from the Water Corporation.
21. Bin storage areas, outdoor storage areas and external clothes drying areas shall be conveniently located and screened from view and adjoining properties, to the satisfaction of the City of Armadale.
22. Prior to submission of a Building Permit a schedule of external building and fencing colours and materials shall be submitted to and approved by the City of Armadale. The schedule shall include:
 - a. External colours and materials of proposed buildings/structures; and
 - b. Measures to break up the scale of blank boundary fencing visible from public vantage points, via methods such as colour/material differences and/or panel segmentation.

The development and fencing shall be completed and maintained in accordance with the approved schedule to the satisfaction of the City of Armadale.
23. The external surfaces of all parapet walls that are on or adjoining a property boundary shall be painted and finished in accordance with the schedule of colours required by Condition 23, prior to the installation of any parapet walls along a property boundary.
24. All landscaping shall be completed prior to occupancy of the development and maintained in accordance with the approved landscape plan (copy attached).



25. Prior to the commencement of works a Construction Management Plan is to be prepared and submitted to the City of Armadale for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented to the satisfaction of the City of Armadale and detail how the construction of the development will be managed, including the following:
 - a. Public safety and site security;
 - b. Hours of operation;
 - c. Dust management;
 - d. Waste and material disposal;
 - e. Traffic management plans for the various phases of the construction;
 - f. Parking arrangements for contractors and sub-contractors;
 - g. Delivery and access arrangements;
 - h. The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
 - i. Bonding and remediation arrangements; and
 - j. Any other matters likely to impact upon the surrounding properties or public realm.
26. Air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the City of Armadale.
27. In accordance with the requirements of Local Planning Policy PLN 3.12 - Percent for Public Art, prior to the occupancy of development, the applicant or landowner is to either:
 - a. Make a monetary contribution to the City of Armadale Public Art Reserve Account equal to one per cent (1%) of the estimated total development cost; or,
 - b. Install public art work to the value of one per cent (1%) of the total development cost and continuously maintain the public art work.
28. Conditions of this approval not specifying a particular timeframe are to be complied with prior to occupancy of the development, to the satisfaction of the City of the Armadale.

Advice Notes

1. The applicant is advised that fencing associated with the proposed development is to comply with the requirements of the City of Armadale Fencing Local Law 2011, unless otherwise varied by the recommendations of the Final Environmental Noise Assessment approved by the City of Armadale.
2. With regard to the condition limiting the number of children in attendance please be advised that the Department for Local Government and Communities may further restrict the number of children under their licence.
3. With regard to the condition requiring a Final Environmental Noise Assessment, the applicant is advised to consider acoustic impacts prior to Building Permit stage to confirm that the completed development and Final Environmental Noise Assessment can comply with the Environmental Protection (Noise) Regulations 1997.



4. With regard to the condition for the Parking Management Plan, please be advised that any changes made to the Management Plan shall be submitted to and approved by the City of Armadale Development Services Directorate prior to any changes being actioned. The Parking Management Plan should address any car parking recommendations of the Environmental Noise Assessment.
5. With regard to part b) of the condition relating to the City of Armadale's PLN 3.12 – Percent for Public Art, the arts approval process is outlined under section 5 of the policy and the proponent will be required to lodge a Public Art Submission Form to the City's Community Services Directorate, which is available on the City of Armadale's website.
6. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.
7. As the proposed building is Class 9b, plans will need to be provided to DFES Built Environment Branch for assessment, as required by Regulation 18B of the Building Regulations 2012 (as amended). It is noted that as the drawings indicate this building will exceed 500m² total floor area that fire hydrant/hose coverage will need to be provided. An on-site feed hydrant assembly meeting DFES Operational Requirements and AS2419 may be required.
8. A separate development application will need to be submitted to the City of Armadale for any further proposed signage for the site.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: In accordance with the RAR assessment and recommendation the proposal is consistent with the local and regional planning framework. Relevant issues of bushfire risk management, noise, gas pipeline and road infrastructure were addressed in agreed conditions negotiated by the City officers and the applicant and the final outcome supported by the Panel.

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

Nil.



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

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

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:45am.