



Metro Outer Joint Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 11 April 2022; 09:30am
Meeting Number: MOJDAP/164
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Chontelle Stone (Local Government Member, City of Cockburn)
Cr Phoebe Corke (Local Government Member, City of Cockburn)

Officers in attendance

Mr David King (City of Cockburn)

Minute Secretary

Ms Samantha Hansen (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Mr Tony Watson (M W Urban)
Mr Geoffrey Lush (Lush Fire and Planning)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 11 April 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

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

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

Mr Ian Birch
Presiding Member, Metro Outer JDAP



2. Apologies

Ms Sheryl Chaffer (Deputy Presiding Member)

3. Members on Leave of Absence

DAP Member, Ms Sheryl Chaffer has been granted leave of absence by the Director General for the period of 23 April 2022 to 15 April 2022 inclusive.

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

The Presiding Member notes an addendum to the agenda was published in relation to Item 8.1, received on 1 April 2022 1 April 2022.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Tony Watson (MW Urban) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr David King (City of Cockburn) responded to questions from the panel in relation to Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 16 & 17 (87 & 85) Mell Road, Spearwood

Development Description: Warehouse, light and service industry
Applicant: M W Urban
Owner: Mell Road Project 2020 Pty Ltd
Responsible Authority: City of Cockburn
DAP File No: DAP/21/02081



REPORT RECOMMENDATION

Moved by: Cr Phoebe Corke

Seconded by: Cr Chontelle Stone

The following amendment was made administratively to amend Condition No.15 to read as follows;

*Traffic control devices shall be designed and constructed in accordance with the requirements and specifications certified by a suitably qualified ~~practicing~~ **practising** Engineer to the satisfaction of the City.*

REASON: To correct a spelling error.

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02081 is appropriate for consideration as a “Warehouse, Industry-Light and Industry-Service” land use and compatible with the objectives of the zoning table in accordance with the City of Cockburn Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/21/02081 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 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. **Prior to the issue of an application for 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.
4. **Prior to the issue of an application for Building Permit**, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
5. **Prior to the issue of an application for Building Permit**, Lot 16 and 17 Mell Road being amalgamated and/or the boundaries being realigned.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



6. **Prior to the lodgement of an application for building permit**, revised development plans being provided which include;
 - a. A 1.2m high masonry fence to Mell Road being shown on the site plan and elevations;
 - b. A 2m high fence being shown on the site plan and elevations on the southern boundary between Unit 09 and Mell Road;
 - c. A 3m high fence being shown on the site plan and elevations on the southern boundary between Unit 5 and Unit 6;
 - d. Delivery bays being marked internally for each tenancy.
7. **Prior to the lodgement of an application for building permit**, a further Acoustic Report shall be submitted to and approved by the City, and implemented thereafter, to the satisfaction of the City.
8. There shall be no deliveries to the Warehouse units 1, 9, 15 and 16 between the hours of 10:00pm to 7am Monday to Saturday and 10:00pm to 9:00am Sunday and Public Holidays.
9. Roller/Delivery doors shall remain closed for all units during the hours of 10:00pm to 7:00am Monday to Saturday and 10:00pm to 9:00am Sundays and Public Holidays, when power tools are in use.
10. 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.
11. **Prior to the issue of an application for Building Permit**, a schedule of the materials, finishes and colours shall be submitted to and approved by the City. The schedule shall include details of the type of materials proposed to be used including their colour and texture. The development shall thereafter be maintained in accordance with the approved material schedule.
 - a. Include detail for treatment of boundary walls.
12. All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
13. Prior to the initial occupation of the building hereby approved, the 86 parking bays, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
14. The car parking areas, access ways and landscaping located in front of the building shall be maintained to the satisfaction of the City, and shall not to be used for storage of any type.
15. Traffic control devices shall be designed and constructed in accordance with the requirements and specifications certified by a suitably qualified practising Engineer to the satisfaction of the City.



16. Crossovers are to be located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover(s).
17. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
18. All stormwater being contained and disposed of on-site to the satisfaction of the City.
19. Provisions identified in the Waste Management Plan provided by Parsons Management Group and dated 10 March 2022, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
20. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial, commercial or wash-down wastes shall not enter stormwater disposal systems or otherwise be discharged to the environment.
21. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.
22. A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land"

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. A Demolition Permit is required to be obtained from the City's Building Services prior to commencement of any demolition works on the site.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a Building Permit being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



4. The applicant/owner is advised that the development may/will generate the requirement for an Occupancy Permit to be obtained from the City's Building Services Department prior to commencement of use. In this regard, please contact the City's Building Services on 9411 3444 to confirm.
5. Accessible car parking and access shall be provided and designed in accordance with the Australian Standard AS 2890.6.
6. With regard to Condition 13, the 86 parking bays, driveways and points of ingress and egress are to be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS 2890) and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
7. With regard to Condition 15, the traffic control devices referred to are the requirement for suitable wheelstops to be provided per the development plans.
8. With regard to Condition 16, it is the City's expectation that vehicular access to the retained dwelling shall be in accordance with the crossover plan dated 10 February 2021 in Attachment 3. The landowner/applicant is encouraged to liaise with service providers with regard to the possible relocation of services during crossover design.
9. The Public Transport Authority wish to advise the following
 - a. All construction works must be contained within the lot boundary and as such management protocols must be in place for all construction methods to ensure no material is placed within the rail corridor boundary.
 - b. No services including water, electricity, fibre optic, gas and any other services running to and from the site can run across the rail corridor, either above or below ground
 - c. No parking of construction equipment, such as front end loaders, excavators, dozers, dump trucks, bobcats, utility vehicles and any other equipment are permitted on rail corridor land at any time during the performance of the construction works;
 - d. In the instance where the developer requires access to, or across, the rail corridor to enable construction works, a separate application must be submitted to Arc's Third Party Projects for review;
 - e. Dust suppression methods must be used during the performance of any construction works;
 - f. No drainage, water runoff or erosion from construction works is permitted to run onto rail corridor land and as such all water runoff must be contained on site;
 - g. No clearing of Native vegetation is permitted in the rail corridor;
 - h. Effective hygiene and biosecurity management must be in place to ensure there is no spread of weeds or disease into the rail corridor.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



10. The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997. The installation of equipment within the development including air-conditioners, plant and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
11. The development site shall be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
12. The City recommends the building permit for Units 10 and 11 be constructed to the Australian Standards 3959-2009 *Construction of buildings in bushfire prone areas*.
13. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
14. If an odour and/or nuisance 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 and/or nuisance shall be stopped until the process, equipment and or activity has been altered to prevent odours to the satisfaction of the City.
15. With regard to Condition 21, the landowner/applicant is required to identify on site the location of two (2) car parking bays for the retained dwelling.

The Report Recommendation was put and CARRIED UNANIMOUSLY

PROCEDURAL MOTION

Moved by: Cr Chontelle Stone

Seconded by: Cr Phoebe Corke

That the item be reopened to confirm inclusion of the new condition and amended advice note as included in the addendum published as part of the Agenda on Friday, 1 April 2022

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: To ensure the inclusion of the new Condition No.17 and amendment to Advice Note No.8 provided by the City as addendum to the published Responsible Authority Report.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



AMENDING MOTION 1

Moved by: Cr Phoebe Corke

Seconded by: Cr Chontelle Stone

The following amendments were made en bloc;

- i) That a new Condition No. 17 be added to read as follows and the remaining Conditions be renumbered accordingly:

Within 90 days of the occupancy permit being issued, the crossover to Proposed Lot 2 shall be constructed in accordance with the Access Plan dated 10 February 2021.

- ii) That Advice Note 8 be amended to read as follows;

With regard to Condition 16, it is the City's expectation that vehicular access to the retained dwelling shall be in accordance with the crossover plan dated 10 February 2021 in Attachment 3. the landowner/applicant is encouraged to liaise with service providers with regard to the possible relocation of services during crossover design. A copy of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined that the existing recommended Condition 16 relates to the two (2) crossovers which will service the Industrial Development. The additional condition provides the City with specific compliance enforcement should the crossover to the existing residence on Lot 2 not be provided or an unsuitable alternate access arrangement is proposed.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02081 is appropriate for consideration as a "Warehouse, Industry-Light and Industry-Service" land use and compatible with the objectives of the zoning table in accordance with the City of Cockburn Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/21/02081 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:

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2. This decision constitutes planning approval only and is valid for a period of 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.
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4. **Prior to the issue of an application for Building Permit**, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
5. **Prior to the issue of an application for Building Permit**, Lot 16 and 17 Mell Road being amalgamated and/or the boundaries being realigned.
6. **Prior to the lodgement of an application for building permit**, revised development plans being provided which include;
 - a. A 1.2m high masonry fence to Mell Road being shown on the site plan and elevations;
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15. Traffic control devices shall be designed and constructed in accordance with the requirements and specifications certified by a suitably qualified practising Engineer to the satisfaction of the City.
16. Crossovers are to be located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover(s).
17. **Within 90 days of the occupancy permit being issued**, the crossover to Proposed Lot 2 shall be constructed in accordance with the Access Plan dated 10 February 2021.
18. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
19. All stormwater being contained and disposed of on-site to the satisfaction of the City.
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21. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial, commercial or wash-down wastes shall not enter stormwater disposal systems or otherwise be discharged to the environment.
22. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.
23. A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:



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Advice Notes

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7. With regard to Condition 15, the traffic control devices referred to are the requirement for suitable wheelstops to be provided per the development plans.
8. With regard to Condition 16, the landowner/applicant is encouraged to liaise with service providers with regard to the possible relocation of services during crossover design. A copy of crossover specifications are available from the City’s Engineering Services or from the City’s website www.cockburn.wa.gov.au.
9. The Public Transport Authority wish to advise the following
 - a. All construction works must be contained within the lot boundary and as such management protocols must be in place for all construction methods to ensure no material is placed within the rail corridor boundary.
 - b. No services including water, electricity, fibre optic, gas and any other services running to and from the site can run across the rail corridor, either above or below ground



- c. No parking of construction equipment, such as front end loaders, excavators, dozers, dump trucks, bobcats, utility vehicles and any other equipment are permitted on rail corridor land at any time during the performance of the construction works;
 - d. In the instance where the developer requires access to, or across, the rail corridor to enable construction works, a separate application must be submitted to Arc's Third Party Projects for review;
 - e. Dust suppression methods must be used during the performance of any construction works;
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 - h. Effective hygiene and biosecurity management must be in place to ensure there is no spread of weeds or disease into the rail corridor.
10. The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997. The installation of equipment within the development including air-conditioners, plant and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
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 15. With regard to Condition 21, the landowner/applicant is required to identify on site the location of two (2) car parking bays for the retained dwelling.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY

REASON: As outlined in the Responsible Authority Report, a Local Structure Plan intended to guide development for the area is yet to be prepared, however, the application has been assessed against the objectives of the existing Mixed Business zoning over the land, together with related development control provisions, and is considered to be consistent with the general planning intent for the area. The applicant has responded positively to matters raised by City officers through the assessment process, resulting in an acceptable design outcome, with appropriate measures included in the design and by way of conditions of approval to protect the amenity of nearby residential residents.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

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 10:00am.