



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 29 February 2024; 09:30am
Meeting Number: MOJDAP/301
Meeting Venue: Electronic Means

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

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Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Karen Hyde (Deputy Presiding Member)
Jason Hick (Third Specialist Member)

Item 8.1

Cr Tom Widenbar (Local Government Member, City of Cockburn)
Cr Tarun Dewan (Local Government Member, City of Cockburn)

Item 9.1a & 9.1b

Cr David Bolt (Local Government Member, Shire of Murray)
Cr Ange Rogers (Local Government Member, Shire of Murray)

Officers in attendance

Item 8.1

Ellie Kennedy (City of Cockburn)
Lucia Dunstan (City of Cockburn)
Chantala Hill (City of Cockburn)
Gary Wilkinson (City of Cockburn)
Amneet Malhi (City of Cockburn)

Item 9.1a & 9.1b

Gregory Delahunty (Shire of Murray)
Rod Peck (Shire of Murray)
Pasutadoll Seangsong (Western Australian Planning Commission)
Cale Luxton (Western Australian Planning Commission)

Minute Secretary

Claire Ortlepp (DAP Secretariat)

Applicants and Submitters

Item 8.1

David Read (element)
Emily Greenwood (element)
Anthony Cirprian (Milieux PM)
John Collier (Collier Architects)
Andrew Baranowski (PLAN E)

Item 9.1a & 9.1b

Jayde Sleight (Harley Dykstra)
Clayton Plug (Harley Dykstra)
Torben Sorensen (Metrowest)

Eugene Koltasz
Presiding Member, Metro Outer JDAP



Members of the Public / Media

Claire Tyrell from Business News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 29 February 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



6. Disclosure of Interests

DAP Member, Eugene Koltasz, declared an impartiality interest in item 9.1b. Mr Koltasz is a member of the Western Australian Planning Commission, which is the Responsible Authority for this application.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Francesca Lefante, determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 David Read (element), Anthony Ciprian (Milieux PM), John Colliere (Colliere Architecture), Andrew Baranowski (PLAN E) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 City of Cockburn addressed the DAP in relation to the application at Item 8.1 1 and responded to questions from the panel.

The presentation at Item 7.1 – 7.2 was heard prior to the application at Item 8.1.

7.3 Clayton Plug (Harley Dykstra) addressed the DAP in support of the recommendation for the application at Item 9.1 1 and responded to questions from the panel.

7.4 The Shire of Murray addressed the DAP in relation to the application at Item 9.1a 1 and responded to questions from the panel.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 9.1a.

7.5 Western Australian Planning Commission addressed the DAP in relation to the application at Item 9.1b 1 and responded to questions from the panel.

The presentation at Item 7.5 was heard prior to the application at Item 9.1b.

PROCEDURAL MOTION

Moved by: Cr Tarun Dewan

Seconded by: Cr Tom Widenbar

That the application at Item 9.1a and 9.1b be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: To allow for the less complex Item 9.1 to be heard first.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 100 and 9000 Kentucky Court, Cockburn Central

Development Description: Two residential towers and associated parking
Applicant: David Read (element)
Owner: Harvest Properties (WA) Pty Ltd
Responsible Authority: City of Cockburn
DAP File No: DAP/24/02628

REPORT RECOMMENDATION

Moved by: Cr Tarun Dewan

Seconded by: Cr Tom Widenbar

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02628 is appropriate for consideration as a “Multiple Dwelling” land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2 of the City of Cockburn Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/24/02628 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. Within 90 days of the issue of this approval, or as otherwise agreed with the City of Cockburn, an application for the subdivision of land, to create a road reserve is to be lodged to the Western Australian Planning Commission (WAPC), consistent with the movement network identified within the WAPC approved *Cockburn Central North (Muriel Court) Structure Plan*.
5. Prior to the lodgement of a Building Permit, a revised Traffic Impact Assessment being submitted to the City which considers the altered traffic impacts of inclusion of the road reserve required by Condition 4 and pursuant to the *Cockburn Central North (Muriel Court) Structure Plan*.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



6. Suitable arrangements being made with the City for any upgrade works to Kentucky Court, where applicable, as required by the revised Traffic Impact Assessment required by Condition 5.
7. Prior to occupation of the Building 3, suitable arrangements to be made with the City for the construction of the northern access road in accordance with the Cockburn Central North (Muriel Court) Structure Plan.
8. **Prior to the issue of a 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.
9. The applicant must implement all of the recommendations (*Section 6: Responsibilities*) contained in the Bushfire Management Plan prepared by Element Advisory Pty Ltd, reference number 21-264 dated 19 December 2023 and approved by the Local Government for the duration of the development.
10. **Prior to the issue of a 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.
11. **Prior to issue of a Building Permit application**, a Construction Management Plan shall be submitted to and approved by the City detailing management of:
 - i. access to and from the site;
 - ii. the delivery of materials and equipment to the site;
 - iii. the storage of materials and equipment on the site;
 - iv. the parking arrangements for contractors and subcontractors;
 - v. other matters likely to impact on surrounding properties; and
 - vi. management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase.

12. Prior to the commencement of any site works:
 - i. 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;
 - ii. 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;
 - iii. All development shall be carried out in accordance with the provisions of the approved Management Plan.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



13. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100 year, critical storm event.
14. **Prior to the lodgement of a Building Permit**, details about the stormwater drainage design intended for the proposed development shall be submitted to the City for review and approval, consistent with the Cockburn Central North (Muriel Court) Structure Plan.
15. **Prior to the lodgement of a Building Permit**, for each approved building, revised plans detailing the proposed 36 universally designed apartments have been designed to the Silver Level requirements of the Liveable Housing Design Guidelines (Liveable Housing Australia).
16. **Prior to the issue of a Building Permit**, the owner/applicant shall submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - i. submit to the City for approval an 'Application for Art Work Design';
 - ii. 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.
17. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked (including directional arrows) and kerbed in accordance with:
 - i. The approved plan;
 - ii. Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or brick paving in accordance with City's specifications, unless otherwise approved by the City.
18. The 17 visitor parking bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City of Cockburn.
19. All proposed vehicle crossover/s are to meet the City's Vehicle Crossover Specifications, or as otherwise approved by the City of Cockburn.
20. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site (1 in 100-year, 24 hour storm event) to the satisfaction of the City.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



21. Prior to the occupation of Building 3, a dedicated bicycle store, accommodating a minimum of 53 bicycle bays, shall be constructed as shown on the approved plans.
22. The 107 bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval **prior to lodgement of a Building Permit**.
23. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* shall be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows:

“This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise.”
24. A further Acoustic Report shall be submitted to and approved by the City, **prior to the submission of a Building Permit application** and implemented thereafter, to the satisfaction of the City.
25. All noise attenuation measures, identified by the Herring Storer Acoustics Development Application Acoustic Report “*Harmony Apartments Stage 2 and 3 Cockburn Central*” (Ref 23016-1-23404; dated 14th December 2023) and Herring Storer SPP 5.4 Noise Management Plan “*Harmony Apartments Stage 2 and 3 884-888 North Lake Road, Cockburn Central*” (Ref 32033-1-23404 dated 14 December 2023) the further acoustic report required under condition 24, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.
26. Written confirmation from the builder that all recommendations made in the Acoustic Report required under condition 24 have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application.
27. Written confirmation from the builder that all recommendations made in the Acoustic Report required under condition 24 have been incorporated into the completed development, prior to occupation of the development.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



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28. **Prior to lodgement of a Building Permit Application**, a detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:-
- i. Minimum sixteen (16) street trees to be located along Kentucky Court and the frontage adjacent the proposed northern access road;
 - ii. Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.
 - iii. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - iv. any lawns to be established;
 - v. any existing landscape areas to be retained;
 - vi. those areas to be reticulated or irrigated; and
 - vii. verge treatments.
29. Prior to the occupation of the buildings hereby approved, the minimum number of street trees shall be planted within the areas indicated on the approved landscaping plan, relevant to the development staging.
30. Prior to the occupation of the buildings hereby approved, the minimum number of shade trees shall be planted within the car park areas indicated on the approved landscaping plan, relevant to the development staging.
31. 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.
32. **Prior to the lodgement of a Building Permit**, an amended Waste Management Plan to be submitted to and approved by the City, which includes recycling measures and management of commercial and residential waste. The approved Waste Management Plan is to be implemented and maintained thereafter to the satisfaction of the City.
33. 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.
34. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
35. All services areas 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.
36. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



37. The approved development must clearly display the street number/s.

Advice Notes

1. This development has been assessed and approved as 'multiple dwellings' and should not be construed as an approval to subdivide the land which will be assessed if and when an application is referred from the Western Australian Planning Commission.
2. All earthworks and/or associated drainage details shall be in accordance AS3500 with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
3. With regard to 8, the City advises the liability for DCA may be staged via a legal agreement in accordance with clauses 5.3.14 .2 and 5.3.15 of Town Planning Scheme No. 3. The owner shall be responsible to pay all costs of and incidental to the preparation of the legal agreement. The legal agreement shall be submitted to and approved to the satisfaction of the City and the CEO.
4. The City envisages the provision of the on-street visitor bays to be constructed within the proposed lower order road, rather than Kentucky Court as the requirements for the construction to ultimate design may not support the provision of on-street bays.
5. With regard to Conditions 4, 5 and 6, the applicant is advised that the future road extension and works within the reserve are subject to the design requirements of *Local Planning Policy 4.2 – Cockburn Central North (Muriel Court) Structure Plan Design Guidelines*. The applicant is to submit to the City's Development Services team a revised plan addressing the future road upgrade needs for the Kentucky Court frontage, in liaison with the City of Cockburn and consistent with the recommendations of the approved TIA.
6. With regard to Condition 15, details should include information on storage volumes to be contained within the drainage cells and soakwells, drainage calculations with catchment area and rainfall intensity. The overall drainage plan is not to overrule the existing drainage plan applicable to Cockburn Central North (Muriel Court) Structure Plan.
7. With regard to Condition 16, swept path movements are to demonstrate all vehicles remaining 'lane correct'. Overall crossover width to be increased where necessary to allow concurrent movements.
8. With regard to Condition 18, the art work shall be in accordance with Council' Local Planning Policy 5.13 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artists full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



9. 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.
10. A separate crossover application is required to be submitted to the City, via the City's website, including a detailed site plan. A 1.5m x 1.5m sightline shall be provided at the intersection of the crossover and the front boundary for standard crossovers. All sightlines shall be maintained clear of obstructions above a height of 0.75m. Copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au.
11. With regard to Condition 26, the additional Acoustic Report must be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design of the development meets the following requirements:
 - i. the design and location of plant and other sources of noise within the development (such as air-conditioners, entry gates and break out noise, use of communal areas) will not exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended); and
 - ii. that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors"; and
 - iii. that indoor noise levels will comply with the requirements of the National Construction Code (Building Code of Australia) with regard to sound transmission between units and floors of the development.
12. With regard to Condition 33, the City requires tree protection areas around proposed or existing street trees, your attention is drawn to the Parks Department on 9411 3444.
13. This approval should not be construed as approval to install the swimming pool which requires a Building Permit from the City's Building Services.
14. An application for the construction of the swimming pool and/or aquatic facility shall be made to the state Department of Health's Executive Director, Public Health ("EDPH"). Construction shall not commence until formal approval from the EDPH is granted.
15. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and condensating clothes dryers installed.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



16. All bin storage areas must be of an adequate size to contain all waste bins, and be provided with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.
17. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City as a separate application. The application, including detailed plans, must be submitted to the City prior to the erection of any signage on the site/building.
18. Floodlights shall not be illuminated after 10.00pm with all illumination being confined to the limits of the development. Light spill shall be contained on site in accordance with AS 4282 - 1997.
19. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being drawn up.
20. As part of transitioning Australia to the National Broadband Network (NBN), developers are encouraged to engage early with NBN, at least six months before the required service date, to understand requirements around future connections and the timing of infrastructure provision. This will ensure a connection is ready when residents move in. For more information please refer to <https://www.nbnco.com.au/develop-orplan-with-the-nbn/new-developments> or contact NBN on newdevelopments@nbnco.com.au or 1800 687 626.
21. You are advised to contact Jandakot Airport prior to the commencement of construction and as soon as possible, please see the following link for further information - <http://www.jandakotairport.com.au/development/airspace-protection.html>

AMENDING MOTION 1

Moved by: Cr Tom Widenbar

Seconded by: Cr Tarun Dewarn

That Condition No. 17 be amended to read as follows:

*Prior to occupation or use of the **relevant stage of the development**, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked (including directional arrows) and kerbed in accordance with: The approved plan; Council's engineering requirements and design guidelines. The areas must be sealed in bitumen or brick paving in accordance with City's specifications, unless otherwise approved by the City.*

The Amending Motion was put and CARRIED UNANIMOUSLY

Eugene Koltasz
Presiding Member, Metro Outer JDAP



REASON: The Panel considered that from a construction viewpoint it would be impractical to build both stages of parking at once. Further if both stages of parking were provided there would be an unnecessary oversupply of parking.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02628 is appropriate for consideration as a “Multiple Dwelling” land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2 of the City of Cockburn Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/24/02628 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. Within 90 days of the issue of this approval, or as otherwise agreed with the City of Cockburn, an application for the subdivision of land, to create a road reserve is to be lodged to the Western Australian Planning Commission (WAPC), consistent with the movement network identified within the WAPC approved *Cockburn Central North (Muriel Court) Structure Plan*.
5. Prior to the lodgement of a Building Permit, a revised Traffic Impact Assessment being submitted to the City which considers the altered traffic impacts of inclusion of the road reserve required by Condition 4 and pursuant to the *Cockburn Central North (Muriel Court) Structure Plan*.
6. Suitable arrangements being made with the City for any upgrade works to Kentucky Court, where applicable, as required by the revised Traffic Impact Assessment required by Condition 5.
7. Prior to occupation of the Building 3, suitable arrangements to be made with the City for the construction of the northern access road in accordance with the *Cockburn Central North (Muriel Court) Structure Plan*.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



8. **Prior to the issue of a 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.
9. The applicant must implement all of the recommendations (*Section 6: Responsibilities*) contained in the Bushfire Management Plan prepared by Element Advisory Pty Ltd, reference number 21-264 dated 19 December 2023 and approved by the Local Government for the duration of the development.
10. **Prior to the issue of a 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.
11. **Prior to issue of a Building Permit application**, a Construction Management Plan shall be submitted to and approved by the City detailing management of:
 - i. access to and from the site;
 - ii. the delivery of materials and equipment to the site;
 - iii. the storage of materials and equipment on the site;
 - iv. the parking arrangements for contractors and subcontractors;
 - v. other matters likely to impact on surrounding properties; and
 - vi. management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase.
12. Prior to the commencement of any site works:
 - i. 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;
 - ii. 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;
 - iii. All development shall be carried out in accordance with the provisions of the approved Management Plan.
13. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100 year, critical storm event.
14. **Prior to the lodgement of a Building Permit**, details about the stormwater drainage design intended for the proposed development shall be submitted to the City for review and approval, consistent with the Cockburn Central North (Muriel Court) Structure Plan.
15. **Prior to the lodgement of a Building Permit**, for each approved building, revised plans detailing the proposed 36 universally designed apartments have been designed to the Silver Level requirements of the Liveable Housing Design Guidelines (Liveable Housing Australia).

Eugene Koltasz
Presiding Member, Metro Outer JDAP



16. **Prior to the issue of a Building Permit**, the owner/applicant shall submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
- iii. submit to the City for approval an 'Application for Art Work Design';
 - iv. 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.

17. Prior to occupation or use of the relevant stage of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked (including directional arrows) and kerbed in accordance with: The approved plan; Council's engineering requirements and design guidelines. The areas must be sealed in bitumen or brick paving in accordance with City's specifications, unless otherwise approved by the City.
18. The 17 visitor parking bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City of Cockburn.
19. All proposed vehicle crossover/s are to meet the City's Vehicle Crossover Specifications, or as otherwise approved by the City of Cockburn.
20. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site (1 in 100-year, 24 hour storm event) to the satisfaction of the City.
21. Prior to the occupation of Building 3, a dedicated bicycle store, accommodating a minimum of 53 bicycle bays, shall be constructed as shown on the approved plans.
22. The 107 bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval **prior to lodgement of a Building Permit**.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



23. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* shall be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows:
- “This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise.”*
24. A further Acoustic Report shall be submitted to and approved by the City, **prior to the submission of a Building Permit application** and implemented thereafter, to the satisfaction of the City.
25. All noise attenuation measures, identified by the Herring Storer Acoustics Development Application Acoustic Report “*Harmony Apartments Stage 2 and 3 Cockburn Central*” (Ref 23016-1-23404; dated 14th December 2023) and Herring Storer SPP 5.4 Noise Management Plan “*Harmony Apartments Stage 2 and 3 884-888 North Lake Road, Cockburn Central*” (Ref 32033-1-23404 dated 14 December 2023) the further acoustic report required under condition 24, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.
26. Written confirmation from the builder that all recommendations made in the Acoustic Report required under condition 24 have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application.
27. Written confirmation from the builder that all recommendations made in the Acoustic Report required under condition 24 have been incorporated into the completed development, prior to occupation of the development.
28. **Prior to lodgement of a Building Permit Application**, a detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:-
- i. Minimum sixteen (16) street trees to be located along Kentucky Court and the frontage adjacent the proposed northern access road;
 - ii. Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.
 - iii. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - iv. any lawns to be established;
 - v. any existing landscape areas to be retained;
 - vi. those areas to be reticulated or irrigated; and
 - vii. verge treatments.
29. Prior to the occupation of the buildings hereby approved, the minimum number of street trees shall be planted within the areas indicated on the approved landscaping plan, relevant to the development staging.

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30. Prior to the occupation of the buildings hereby approved, the minimum number of shade trees shall be planted within the car park areas indicated on the approved landscaping plan, relevant to the development staging.
31. 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.
32. **Prior to the lodgement of a Building Permit**, an amended Waste Management Plan to be submitted to and approved by the City, which includes recycling measures and management of commercial and residential waste. The approved Waste Management Plan is to be implemented and maintained thereafter to the satisfaction of the City.
33. 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.
34. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
35. All services areas 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.
36. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
37. The approved development must clearly display the street number/s.

Advice Notes

1. This development has been assessed and approved as 'multiple dwellings' and should not be construed as an approval to subdivide the land which will be assessed if and when an application is referred from the Western Australian Planning Commission.
2. All earthworks and/or associated drainage details shall be in accordance AS3500 with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
3. With regard to 8, the City advises the liability for DCA may be staged via a legal agreement in accordance with clauses 5.3.14 .2 and 5.3.15 of Town Planning Scheme No. 3. The owner shall be responsible to pay all costs of and incidental to the preparation of the legal agreement. The legal agreement shall be submitted to and approved to the satisfaction of the City and the CEO.

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4. The City envisages the provision of the on-street visitor bays to be constructed within the proposed lower order road, rather than Kentucky Court as the requirements for the construction to ultimate design may not support the provision of on-street bays.
5. With regard to Conditions 4, 5 and 6, the applicant is advised that the future road extension and works within the reserve are subject to the design requirements of *Local Planning Policy 4.2 – Cockburn Central North (Muriel Court) Structure Plan Design Guidelines*. The applicant is to submit to the City's Development Services team a revised plan addressing the future road upgrade needs for the Kentucky Court frontage, in liaison with the City of Cockburn and consistent with the recommendations of the approved TIA.
6. With regard to Condition 15, details should include information on storage volumes to be contained within the drainage cells and soakwells, drainage calculations with catchment area and rainfall intensity. The overall drainage plan is not to overrule the existing drainage plan applicable to Cockburn Central North (Muriel Court) Structure Plan.
7. With regard to Condition 16, swept path movements are to demonstrate all vehicles remaining 'lane correct'. Overall crossover width to be increased where necessary to allow concurrent movements.
8. With regard to Condition 18, the art work shall be in accordance with Council' Local Planning Policy 5.13 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artists full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
9. 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.
10. A separate crossover application is required to be submitted to the City, via the City's website, including a detailed site plan. A 1.5m x 1.5m sightline shall be provided at the intersection of the crossover and the front boundary for standard crossovers. All sightlines shall be maintained clear of obstructions above a height of 0.75m. Copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au .

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11. With regard to Condition 26, the additional Acoustic Report must be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design of the development meets the following requirements:
 - iv. the design and location of plant and other sources of noise within the development (such as air-conditioners, entry gates and break out noise, use of communal areas) will not exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended); and
 - v. that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled “Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors”; and
 - vi. that indoor noise levels will comply with the requirements of the National Construction Code (Building Code of Australia) with regard to sound transmission between units and floors of the development.
12. With regard to Condition 33, the City requires tree protection areas around proposed or existing street trees, your attention is drawn to the Parks Department on 9411 3444.
13. This approval should not be construed as approval to install the swimming pool which requires a Building Permit from the City’s Building Services.
14. An application for the construction of the swimming pool and/or aquatic facility shall be made to the state Department of Health’s Executive Director, Public Health (“EDPH”). Construction shall not commence until formal approval from the EDPH is granted.
15. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 “The use of mechanical ventilation for acceptable indoor air quality” and the City of Cockburn Health Local Laws 2000. The City’s Health Service further recommends that laundries without external windows and doors should be ventilated to external air and condensating clothes dryers installed.
16. All bin storage areas must be of an adequate size to contain all waste bins, and be provided with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.
17. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City as a separate application. The application, including detailed plans, must be submitted to the City prior to the erection of any signage on the site/building.
18. Floodlights shall not be illuminated after 10.00pm with all illumination being confined to the limits of the development. Light spill shall be contained on site in accordance with AS 4282 - 1997.

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19. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being drawn up.
20. As part of transitioning Australia to the National Broadband Network (NBN), developers are encouraged to engage early with NBN, at least six months before the required service date, to understand requirements around future connections and the timing of infrastructure provision. This will ensure a connection is ready when residents move in. For more information please refer to <https://www.nbnco.com.au/develop-orplan-with-the-nbn/new-developments> or contact NBN on newdevelopments@nbnco.com.au or 1800 687 626.
21. You are advised to contact Jandakot Airport prior to the commencement of construction and as soon as possible, please see the following link for further information - <http://www.jandakotairport.com.au/development/airspace-protection.html>

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

REASON: The Panel considered that the proposed two residential apartment towers would complete and complement the existing building on the site.

The proposed two additional buildings are consistent with the Planning Framework for the locality and generally in compliance with the Cockburn Central North (Muriel Court) Structure Plan.

The proposed development when completed will provide a key linkage for pedestrians to the Cockburn Central Train Station.

The Panel considered the granting of some elements of discretion were warranted and will result in a high-quality affordable housing precinct.

Cr Tom Widenbar and Cr Tarun Dewan (Local Government Member, Shire of Murray) left the panel at 9:35am

Cr David Bolt and Cr Ange Rogers (Local Government Member, City of Cockburn) joined the panel at 9:35am

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

9.1a Lots 71, 72, 73 Corio Road, Ravenswood

Development Description:	Proposed Modification to Intensive Agriculture (Poultry Farm)
Proposed Amendments:	<ul style="list-style-type: none">• Change the type of poultry farm from 'broiler' (meat production) to 'fertile egg production';• Construction of 16 tunnel ventilated sheds located on two (2) farms of eight (8) sheds each;• Construction of two 15m x 60m egg packing and amenities buildings;• Construction of an additional dwelling for a manager's residence;• Retention three existing poultry sheds for 'storage' as well as retention of existing ancillary buildings
Applicant:	Jayde Sleight (Harley Dykstra)
Owner:	Sprock Group Pty Ltd
Responsible Authority:	Shire of Murray
DAP File No:	DAP/21/01966

REPORT RECOMMENDATION

Moved by: Cr Ange Rogers

Seconded by: Karen Hyde

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/01966 as detailed on the DAP Form 2 dated 24 November 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/21/01966 and accompanying plans:
 - Development Site Plan, 23765-01, REV: E, 1 November 2023
 - Landuse Context and Buffer Plan, 22533-02, REV: A, 07 August 2023
 - A_Egg Packing & Amenities Elevation, PRO003-DRG-10-04, Rev: C, 10/20/23
 - A_Overall Site Plan, PRO003-DRG-10-05, REV:C, 10/20/23
 - A_Overall Site Elevation, PRO003-DRG-10-06, REV:C, 10/20/23
 - A_Overall Site 3DLayout, PRO003-DRG-10-07, REV:C, 10/20/23
 - A_Typical Shed Floor Plan, PRO003-DRG-10-01, REV:C, 10/20/23
 - A_Typical Shed Elevation, PRO003-DRG-10-02. REV:C, 10/20/23
 - A_Egg Packing & Amenities Floor Plan, PRO003-DRG-10-03, 10/20/23
 - Rural Worker's Dwelling, Received 17/1/24.

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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 Shire of Murray Local Planning Scheme No. 4, for the proposed amendment to the approved Intensive Agriculture (Poultry farm) at Lots 71 72 & 73 Corio Road, Ravenswood subject to the following conditions:

Amended Conditions

4. The finished floor level of each poultry shed is to be at least two metres higher than the maximum ground water level of the site. This may be reduced to 1m where a double liner is installed in accordance with the Department Water and Environment Regulation's Water Quality Protection Note. 26.
10. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Envision Bushfire Protection dated September 2023 is to be amended to include the rural worker's dwelling and demonstrate compliance with the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the Local Government.

Prior the occupation of the development, information is to be provided to demonstrate that the measures contained in the bushfire mitigation strategies identified in section 5.1 of the Bushfire Management Plan prepared by Envision Bushfire Protection dated September 2023 (as amended by this condition) are to be implemented to the satisfaction of the Local Government. This information must include a completed 'Certification by Bushfire Consultant' from the Bushfire Management Plan.

Compliance with the ongoing requirements of this Bushfire Management Plan are required for the duration of the development.

11. The Management Strategies contained within the Environmental Assessment and Management Plan - Lots 71, 72 & 73 Corio Road, Ravenswood, prepared by Aurora Environmental dated 16 November 2023, are to be implemented to the satisfaction of the Local Government for the duration of the development.

New Conditions

12. Prior to the occupation of the development, an Acoustic Assessment must be prepared and provided to the Local Government which demonstrates to Local Government's satisfaction, that the completed development in full operation will comply with the Environmental Protection (Noise) Regulations 1997.

The Acoustic Assessment must include the following information:

- (a) 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";
- (b) tonality, modulation and impulsiveness of noise sources; and

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- (c) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.
13. Building materials of the poultry sheds and the rural worker's dwelling must be of a colour not detrimental to the character of the natural landscape of the locality, being non-reflective and of muted tones.
 14. At least one occupant of the rural worker's dwelling shall be engaged in rural activities on the lot.
 15. The rural worker's dwelling and the amenities building of the poultry operation are to be serviced by an alternative effluent waste water disposal system with nutrient retention capabilities as approved by the Local Government.
 16. Prior to occupation of the rural worker's dwelling, a notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the local government and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners to the use and occupation restrictions of the rural worker's dwelling.

New Advice Notes

5. The proponent must ensure that they comply with the Food Standards Code (Standard 4.2.2 - Primary production and processing standards for poultry meat).
6. All drinking water provided on site must meet the health-related requirements and risk management framework set out in version 3.7 of the Australian Drinking Water Quality Guidelines 2011.

All other conditions and requirements detailed on the previous approval dated 29 July 2021, shall remain unless altered by this application.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered and agreed that the proposal is an appropriate use of rural zoned land that will contribute materially to the district's economy. It is consistent with the Planning Framework of the locality, and it has been sited to limit off site impacts. A number of strategies have been adopted and conditions imposed to ensure that the established rural amenity of the locality is maintained.

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9.1b Lots 71, 72, 73 Corio Road, Ravenswood

Development Description:	Change of use from Broiler Farm (Meat Production) to Fertile Egg Production and Extra Sheds
Proposed Amendments:	Change to fertile egg production and extra sheds
Applicant:	Jayde Sleight (Harley Dykstra Pty Ltd)
Owner:	Sprock Group Pty Ltd
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/21/01966

REPORT RECOMMENDATION

Moved by: Cr Ange Rogers

Seconded by: Karen Hyde

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01966 as detailed on the DAP Form 2 dated 29 November 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/21/01966 and accompanying modified plans date stamped **29 November 2023** by the Department of Planning, Lands and Heritage (Plan No.23765-01 Rev E; Drawing No. PR003-DRG-10-04 Rev C. Drawing No: PR0003-DRG-10-05 REV C; PRO003-DRG-10-06 REV C; PRO003-DRG-10-01 REV C; PRO003-DRG-10-02 REV C; PRO003-DRG-10-03 REV C) in accordance with the provisions of Clause 21 of the Peel Region Scheme; and
3. Amend Condition 3 of the DAP Form 1 Part B - Peel Region Scheme approval, dated 29 July 2021 as follows:

Amended Condition

3. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Envision Bushfire Protection dated September 2023 is to be amended to include the rural worker's dwelling and demonstrate compliance with the Guidelines for Planning in Bushfire Prone Areas to the specification of the Shire of Murray and to the satisfaction of the Western Australian Planning Commission.

Prior to the occupation of the development, the owner responsibilities identified in section 5.1 of the Bushfire Management Plan prepared by Envision Bushfire Protection dated September 2023 (as amended by this condition) are to be implemented to the satisfaction of the Local Government. Compliance with the requirements of this Bushfire Management Plan are required for the duration of the development.

All other conditions and requirements detailed on the previous approval dated 29 July 2021 shall remain unless altered by this application.

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The Report Recommendation was put and CARRIED UNANIMOUSLY

REASON: The Panel considered that the proposed change of use and amendment to the existing poultry farm approval does not substantially change the nature of the development from a Region Scheme perspective.

Sufficient information has been provided to demonstrate that any amenity impacts associated with the operation can be addressed.

The proposal is consistent with the proper and orderly planning for the locality and The Panel considered that conditional approval was appropriate.

Cr David Bolt and Cr Ange Rogers (Local Government Member, Shire of Murray) left the panel at 9:44am.

Cr Tom Widenbar and Cr Tarun Dewan (Local Government Member, City of Cockburn) joined the panel at 9:44am.

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
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	575 (Lot 218) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023

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The Presiding Member noted the following Supreme Court Appeal -

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

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 10:36am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP