



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 5 January 2023; 9:30am  
**Meeting Number:** MOJDAP/221  
**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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## **Attendance**

### **DAP Members**

Mr Eugene Koltasz (Presiding Member)  
Ms Gabriela Poezyn (A/Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)

#### *Item 8.1*

Cr Lorna Buchan (Local Government Member, City of Rockingham)  
Cr Mark Jones (Local Government Member, City of Rockingham)

#### *Item 8.2 & Item 8.3*

Cr Rod Henderson (Local Government Member, City of Swan)  
Cr Charlie Zannino (Local Government Member, City of Swan)

### **Officers in attendance**

#### *Item 8.1*

Mr Mike Ross (City of Rockingham)

#### *Item 8.2 & Item 8.3*

Mr Chris Fudge (City of Swan)

### **Minute Secretary**

Mr Stephen Haimes (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Nik Hidding (Hidding Urban Planning)  
Mr Michael Abrusci (GAMA Capital Pty Ltd)

#### *Item 8.2*

Ms Jesse Dunbar (Taylor Burrell Barnett)

#### *Item 8.3*

Ms Georgina Richmond (SITE planning + design)  
Ms Kareena May (SITE planning + design)

### **Members of the Public / Media**

There was 1 member of the public in attendance.

Ms Nadia Budihardjo from WA Business News was in attendance.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 5 January 2023 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.

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

## 2. Apologies

Ms Karen Hyde (Deputy Presiding Member)

## 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.

## 6. Disclosure of Interests

DAP Member, Ms Karen Hyde (Deputy Presiding Member), declared an Indirect Pecuniary Interest in item 8.2. Ms Hyde is an employee of Taylor Burrell Barnett, the applicant of this item.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was not permitted to participate in the discussion and voting on the item.



In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Lorna Buchan and Cr Mark Jones, declared that they participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Buchan and Cr Jones acknowledged that they are not bound by any previous decision or resolution of the local government and undertake to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Charlie Zannino and Cr Rod Henderson, declared that they participated in a prior Council meeting in relation to the applications at item 8.2 and item 8.3. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Zannino and Cr Henderson acknowledged that they are not bound by any previous decision or resolution of the local government and undertake to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

7.1 Mr Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 8.1.

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

***The presentations at Items 7.1 – 7.2 were heard prior to the application at Item 8.1.***

7.3 Ms Jesse Dunbar (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

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

***The presentations at Items 7.3 – 7.4 were heard prior to the application at Item 8.2.***

7.5 Ms Georgina Richmond (SITE planning + design) addressed the DAP in support of the recommendation for the application at Item 8.3 and responded to questions from the panel.

7.6 The City of Swan addressed the DAP in relation to the application at Item 8.3 and responded to questions from the panel.

***The presentations at Items 7.5 - 7.6 were heard prior to the application at Item 8.3.***



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 1-5 (Lot 1887) Linott Close, Baldvis

Development Description: Child Care Premises  
Applicant: Hidding Urban Planning  
Owner: Danmar Homes Pty Ltd  
Responsible Authority: City of Rockingham  
DAP File No: DAP/22/02334

### REPORT RECOMMENDATION

**Moved by:** Cr Lorna Buchan

**Seconded by:** Cr Mark Jones

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02334 and accompanying plans listed below 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 Rockingham Town Planning Scheme No.2, subject to the following conditions:
  - Ground Floor Plan - Drawing No. A101; Rev B, and dated 5 August 2022;
  - Roof Plan - Drawing No. A102; Rev B and dated 5 August 2022;
  - Elevations - Drawing No. A103; Rev B and dated 5 August 2022.

### 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. No more than sixty one (61) children are to be accommodated by the Child Care Premises.
4. No more than ten (10) staff are permitted at the Child Care Premises at any time.
5. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas before 7:00am.
6. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



7. Prior to the commencement of works a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
- (i) A Dust, Noise and Vibration Management Plan;
  - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
  - (iii) How any stockpiles on site/s are to be managed;
  - (iv) Construction waste disposal strategy and location of waste disposal bins;
  - (v) How materials and equipment will be delivered and removed from the site/s; and
  - (vi) A Traffic Management Strategy for the duration of the project, including the locations of all car parking and loading areas to be used, the duration and frequency of use of these areas and any exemption requests.

All works must be carried out in accordance with the approved Construction Management Plan and maintained at all times, for duration of the development.

8. Prior to the occupation of the development, the existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City of Rockingham.
9. A 2.0m wide footpath connecting to the existing footpath network, extending along Linott Close to the southern side of the proposed vehicle crossover to the City's standard specifications shall be provided. A pram ramp will be required for the connection to the western side of Linott Close to connect to the existing footpath network to the City of Rockingham standard specifications.
10. The crossover shall be designed and constructed in accordance with the City of Rockingham Commercial Crossover Specifications.
11. Pavement markings and signage shall be provided restricting all vehicle access from Linott Close to 'entry only (no exit)', to the satisfaction of the City of Rockingham.
12. The carpark must:
- (i) provide a minimum of 15 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;



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- (iii) provide one (1) these car parking spaces as a space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iv) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
  - (v) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
  - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-2019, Control of the obtrusive effects of outdoor lighting, at all times.
13. Car parking shall be managed for the duration of the development in accordance with the Parking Restriction Plan contained within the Environmental Acoustic Assessment, prepared by Herring Storer Acoustics (Job No. 2244) and dated August 2022.
14. In accordance with City of Rockingham Planning Policy 3.3.14 - *Bicycle parking and End of Trip Facilities*, four (4) bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities* and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.
15. Prior to applying for a Building Permit, an amended Waste Management Plan generally in accordance with *Waste Management Plan (Ref No. 2513-01) prepared by Hidding Urban Planning and dated 2 November 2022* must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency and timing of bin collections of which are to be conducted outside of operating hours only and preferably outside of residential waste collection in the immediate locality.



All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development

16. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.
17. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to its satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*. The Final Acoustic Assessment must include the following information:
  - (i) 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;
  - (ii) tonality, modulation and impulsiveness of noise sources; and
  - (iii) 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.
18. Prior to applying for a Building Permit, a Landscaping Plan generally in accordance with *Landscape Plan – Job No. 0239, Rev B, drawn by Kelsie Davies Landscape Architecture and dated 2 November 2022*; to the satisfaction of the City of Rockingham must be prepared and include the following detail:
  - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated,
  - (iv) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
  - (v) Shade trees at a rate of one (1) per four (4) car parking bays; and
  - (vi) Fencing heights, types and alignments consistent with the recommendations of the Environmental Acoustic Assessment, prepared by Herring Storer Acoustic (Job No: 22244), dated August 2022.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.





19. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of *Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting*.

#### Advice

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City's Health Services in this regard.
4. The development must comply with the *Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
6. With respect to Condition 18, the applicant and owner should liaise with the City's Land Infrastructure and Development Services to confirm requirements for landscaping plans. The landscaping shall include the turf and trees to be installed between the back of kerb and footpath on Linott Close.
7. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
8. The applicant is advised that in respect of Condition 6, a Stormwater Management Plan will require compliance with *Planning Policy 3.4.3 - Urban Water Management*. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan.

#### **The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The Panel considered that the proposal was consistent with the provisions of the Planning framework for the locality. The Panel was also satisfied that issues related to noise attenuation and parking had been satisfactorily addressed and conditioned and therefore supported the recommendation for approval.

*Cr Lorna Buchan and Cr Mark Jones* (Local Government Members, City of Rockingham) left the panel at 9:39am.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



*Cr Charlie Zannino and Cr Rod Henderson (Local Government Members, City of Swan) joined the panel at 9:39am.*

## **8.2 Lot 59 Bushmead Road, Hazelmere**

Development Description: Warehouse and Incidental Office Use  
Applicant: Taylor Burrell Barnett  
Owner: The Trust Company (Australia)  
Responsible Authority: City of Swan  
DAP File No: DAP/22/02305

### **REPORT RECOMMENDATION**

**Moved by:** Cr Rod Henderson

**Seconded by:** Cr Charlie Zannino

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

(i) *That condition 12 be amended to read as follows:*

~~*Prior to submission for a Building Permit the applicant/owner shall submit to the satisfaction of the City of Swan a modified Landscape Plan that:*~~

- ~~*1. Provides for an area of 2,905m<sup>2</sup> for landscaping purposes, this being 10.1% of the site area of 28, 696m<sup>2</sup>; and*~~
- ~~*2. Incorporates *Corymbia callophylla* trees as opposed to the Illawarra Flame Tree (*Brachychiton acerifolius*) and *Corymbia ficifolia* as depicted in the submitted Landscape Plan.*~~
- ~~*3. The approved Landscape Plan must be implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City of Swan. Where *Corymbia callophylla* trees fail to establish within the first (2) planting seasons following implementation they must be replaced, any other plantings must be replaced in consultation with the City of Swan.*~~

***Prior to a building permit being issued, a detailed landscaping plan for the subject site and/or the road verge(s) must be submitted to and approved by the City of Swan, and must include the following:***

- a) the location, number, size and species type of existing ground covers, shrubs and trees;***
- b) trees planted in the landscaped area to the front of the warehouse are to be marri (*corymbia callophylla*);***
- c) any existing landscape areas to be retained;***
- d) those areas to be updated, reticulated or irrigated; and***
- e) verge treatments.***



***The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.***

**REASON:** The landscaping plan is more in keeping with practical development of the land to achieve a workable outcome for the development while providing for the natural environment.

(ii) *That condition 18 be amended to read as follows:*

*Prior to the commencement of operation, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:*

- a. *Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$130,000). This must be paid to the City of Swan prior to the commencement of operation, ~~or prior to the issuance of a building permit for the approved development, whichever occurs first,~~ or*

**REASON:** For the sake of certainty should the developer elect to a cash-in-lieu payment they will be required to make payment prior to commencement of operations.

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02305 and Accompanying Plans in accordance with clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and pursuant to clause 26(1) of the Metropolitan Region Scheme and the provisions of clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

### **Conditions**

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.
2. This approval is for 'Warehouse' as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City.
3. The development shall be connected to reticulated sewer or otherwise provided with an onsite effluent disposal system approved by the Department of Health to accommodate a daily volume of wastewater not exceeding 540 litres per 2,000m<sup>2</sup> of site area.
4. No more than 80 staff members are permitted on site at any one time.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



5. Prior to occupation or use of the development, 88 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
6. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
7. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
8. No fluid other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.
9. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of development.
10. Refuse and storage areas shall be screened from view from any public street, and enclosed by a wall of masonry or other approved building material, and being not less than 1.8m in height.
11. A Lighting Plan demonstrating compliance with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting is to be prepared by a suitably qualified consultant and submitted to the City for approval prior to a building permit being issued.
12. Prior to a building permit being issued, a detailed landscaping plan for the subject site and/or the road verge(s) must be submitted to and approved by the City of Swan, and must include the following:
  - a) the location, number, size and species type of existing ground covers, shrubs and trees;
  - b) trees planted in the landscaped area to the front of the warehouse are to be marri (*corymbia callophyla*);
  - c) any existing landscape areas to be retained;
  - d) those areas to be updated, reticulated or irrigated; and
  - e) verge treatments.

The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.

13. All crossovers must be built and maintained in accordance with the City of Swan's specifications.



14. Prior to occupation of the development, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the certificate(s) of title of the subject property advising current and future land owners that:  
  
*“The vehicular access entering and exiting this lot is expected to be affected by the future upgrade of Bushmead Road to a RAV7 standard and the potential introduction of a RAV7 compliant four-way intersection to the west of the site and that could include restricting movements to left-in, left-out only.”*
15. Prior to the operation of the Warehouse the applicant/owner is to install acoustic fencing to the site comprising a solid continuous 3m high barrier with a minimum 8kg/m<sup>2</sup> surface mass in the location shown on Figure 4 of the Acoustic Report dated 10 October 2022, as prepared by Stantec.
16. An Operational Management Plan is to be prepared by a suitably qualified consultant and submitted to the City of Swan for approval prior to a building permit being lodged. The Operational Management Plan shall outline how all noise related recommendations and 'best practice' mitigation measures, including but not limited to an assessment of mechanical service noise emission levels and appropriate noise control measures, as required by the Acoustic Report dated 10 October 2022 prepared by Stantec, will be implemented to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*. This plan is to be to the satisfaction of the City of Swan and shall be maintained and complied with in perpetuity.
17. The proposed development must incorporate all requirements outlined in the submitted Bushfire Management Plan (BMP), prepared by Strategen JBS&G (dated 17 August 2022, Version R01 Rev 0), and maintain the property to this standard.
18. Prior to the commencement of operation, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
  - a. Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$130,000). This must be paid to the City of Swan prior to the commencement of operation; or
  - b. Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$130,000). The following is required for the provision of Public Art on-site:
    - i. the landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;



- ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
  - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
19. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City of Swan

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The Panel considered that the proposal was in keeping with the requirements of the local Planning framework and appropriate conditions of approval addressed any outstanding concerns regarding choice of vegetation within the landscaping plan and timing of the public art contribution as noted above.

**8.3 Lot 152 & 153 Talbot Road, Hazelmere**

Development Description: Proposed Industrial Warehouse and Ancillary Uses  
Applicant: SITE planning + design  
Owner: Perpetual Corporate Trust Limited  
Responsible Authority: City of Swan  
DAP File No: DAP/22/02332

**REPORT RECOMMENDATION**

**Moved by:** Cr Rod Henderson

**Seconded by:** Cr Charlie Zannino

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

*That condition 11 be amended to read as follows:*

~~*Prior to submission for a Building Permit the applicant/owner shall submit to the satisfaction of the City of Swan a modified Landscape Plan that:*~~

~~*1. Provides for an area of 3,755m<sup>2</sup> for landscaping purposes, this being 10% of the site area of 37,550m<sup>2</sup>; and*~~

~~*2. Incorporates Corymbia calophylla trees as opposed to the Magnolia 'Teddy Bear', Callistamon and Corymbia ficifolia as depicted in the submitted Landscape Plan.*~~

~~*The approved Landscape Plan must be implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City of Swan. Where Corymbia calophylla trees fail to establish within the first (2) planting seasons following implementation they must be replaced, any other*~~



***The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.***

**REASON:** The landscaping plan is more in keeping with the practical development of the land to achieve a workable outcome for the development while providing for the natural environment.

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02332 and Accompanying Plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 26 of the Metropolitan Region Scheme and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

#### **Conditions**

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped by the City of Swan. The plans approved as part of this application form part of the development approval issued.
2. This approval is for a 'Warehouse' as defined under the City of Swan's Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. A maximum of 120 staff members are permitted on site at any one time.
5. Prior to occupation or use of the development, 127 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
6. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
7. The Development shall be connected to reticulated sewer or otherwise provided with an onsite effluent disposal system approved by the Department of Health to accommodate a daily volume of wastewater not exceeding 540 litres per 2,000m<sup>2</sup> of site area.
8. Stormwater is to be contained onsite in accordance with the approved Stormwater Management Plan to the satisfaction of the City of Swan.



9. Prior to a building permit being issued, detailed stormwater disposal plans, details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
10. No fluid other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.
11. The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.
12. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of development.
13. Wash down bays where petrol, other hydrocarbons or similar matter is likely to be discharged must be constructed in accordance with Water Corporation guidelines. In particular bays should be bunded and graded to trap all waste which then passes through an approved petrol and oil separator before being discharged to sewer. External wash down bays greater than 20m<sup>2</sup> are to be roofed.
14. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping all wastes.
15. Where sewer is not available treated liquid wastes shall be disposed of onsite in a manner outlined in the Department of Water's Water Quality Protection Note WQPN 68 (Mechanical Equipment Washdown) dated March 2006.
16. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
17. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, by either:
  - a. Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$210,000). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or





- b. Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$210,000). The following is required for the provision of Public Art on-site:
- i. the landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;
  - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
  - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
18. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
19. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
20. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
21. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Swan.

#### **AMENDING MOTION 1**

**Moved by:** Ms Gabriela Poezyn

**Seconded by:** Cr Charlie Zannino

- (i) That a new Advice Note No. 1 be added to read as follows:

***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.***

- (ii) That a new Advice Note No. 2 be added to read as follows:

***The developer is to include as many Marri trees as possible in the Landscape Plan.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**



**REASON:** The panel considered that advice notes would be beneficial to the applicants to have certainty regarding the approval period for the development and encourage the planting of more marri trees in appropriate areas of landscaping.

### **REPORT RECOMMENDATION (AS AMENDED)**

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02332 and Accompanying Plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 26 of the Metropolitan Region Scheme and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

#### **Conditions**

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped by the City of Swan. The plans approved as part of this application form part of the development approval issued.
2. This approval is for a 'Warehouse' as defined under the City of Swan's Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. A maximum of 120 staff members are permitted on site at any one time.
5. Prior to occupation or use of the development, 127 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
6. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
7. The Development shall be connected to reticulated sewer or otherwise provided with an onsite effluent disposal system approved by the Department of Health to accommodate a daily volume of wastewater not exceeding 540 litres per 2,000m<sup>2</sup> of site area.
8. Stormwater is to be contained onsite in accordance with the approved Stormwater Management Plan to the satisfaction of the City of Swan.
9. Prior to a building permit being issued, detailed stormwater disposal plans, details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.



10. No fluid other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.
11. The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.
12. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of development.
13. Wash down bays where petrol, other hydrocarbons or similar matter is likely to be discharged must be constructed in accordance with Water Corporation guidelines. In particular bays should be bunded and graded to trap all waste which then passes through an approved petrol and oil separator before being discharged to sewer. External wash down bays greater than 20m<sup>2</sup> are to be roofed.
14. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping all wastes.
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  - a. Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$210,000). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
  - b. Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$210,000). The following is required for the provision of Public Art on-site:
    - i. the landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;
    - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
    - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.



18. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
19. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
20. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
21. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Swan.

#### **Advice Notes**

1. 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.
2. The developer is to include as many Marri trees as possible in the Landscape Plan.

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

**REASON:** The Panel was satisfied the proposal was consistent with the Industrial development provisions of the local Planning framework. The Panel also considered that conditions and advice notes will guide the development of an appropriate building for the site.

#### **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/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02148 DR146/2022	City of Rockingham	Lot 53 (No 67) Folly Road, Baldivis	Proposed place of worship (Hindu Temple)	26/08/2022
DAP/22/02220 DR162/2022	City of Kwinana	Lot 9507 Berthold Street, Orelia	Proposed Child Care Centre	28/09/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022

## 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 10:16am.