



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 12 December 2022; 9:30am
Meeting Number: MOJDAP/218
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

Mr Eugene Koltasz (Presiding Member)
Ms Karen Hyde (Deputy Presiding 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

Cr Vinh Nguyen (Local Government Member, City of Wanneroo)
Cr Frank Cvitan (Local Government Member, City of Wanneroo)

Item 8.3

Cr Michelle Rich (Local Government Member, Shire of Serpentine Jarrahdale)

Officers in attendance

Item 8.1

Mr David Banovic (City of Rockingham)
Mr Mike Ross (City of Rockingham)

Item 8.2

Mr Greg Bowering (City of Wanneroo)
Ms Alexandria Wood (City of Wanneroo)
Ms Sue Wesley (City of Wanneroo)

Item 8.3

Mr Andrew Trosic (Shire of Serpentine Jarrahdale)
Ms Heather O'Brien (Shire of Serpentine Jarrahdale)
Mr Ashwin Nair (Shire of Serpentine Jarrahdale)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr David Read (element)
Ms Tiffany Molloy (DMG Architects)
Mr Tim Houweling (Cornerstone Legal)
Mr Dion Dredge
Ms Melissa Dredge
Ms Leeann Murphy

Item 8.2

Mr Reagan Cake (Dynamic Planning & Developments)
Mr Chris Harman
Ms Sandrine Goodwin

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Item 8.3

Mr Robert Walker (Planning Solutions)
Mr Paul Kotsoglo (Planning Solutions)
Mr Benham Bordbar (Transcore)

Members of the Public / Media

There were 10 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 12 December 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

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

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

2. Apologies

Mr Jason Hick (Third Specialist Member)
Mr Justin Page (A/Third Specialist Member)
Cr Lauren Strange (Local Government Member, Shire of Serpentine Jarrahdale)

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

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, Crs Buchan and 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 Member, Cr Michelle Rich, declared that she participated in a prior Council meeting in relation to the application at item 8.3. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Rich acknowledged that she is not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before her, 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 a Impartiality Interest, were permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1 Mr Tim Houweling (Cornerstone Legal) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Dion Dredge addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Ms Melissa Dredge addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Ms Leeann Murphy addressed the DAP against the recommendation for the application at Item 8.1.
- 7.5 Mr David Read (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 Mr Tiffany Molloy (DMG Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.7 The City of Rockingham 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 – 7.7 were heard prior to the application at Item 8.1.



- 7.8 Ms Sandrine Goodwin addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.9 Mr Reegan Cake (Dynamic Planning) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.10 The City of Wanneroo addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.8 - 7.10 were heard prior to the application at Item 8.2.

- 7.11 Mr Paul Kotsoglo - (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.3 and responded to questions from the panel.
- 7.12 Mr Benham Bordbar (Transcore) addressed the DAP in support of the recommendation for the application at Item 8.3 and responded to questions from the panel.
- 7.13 The Shire of Serpentine Jarrahdale addressed the DAP in relation to the application at Item 8.3 and responded to questions from the panel.

The presentations at Items 7.11 - 7.13 were heard prior to the application at Item Number 8.3.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 62 (No. 89) Harrison Street, Rockingham & Lots 95 and 94 (142-144) Parkin Street, Rockingham

Development Description: Proposed 47 Multiple Dwellings
Applicant: element
Owner: Mr P S R Jackson
Responsible Authority: City of Rockingham
DAP File No: DAP/22/02311

REPORT RECOMMENDATION

Moved by: Ms Karen Hyde

Seconded by: Cr Lorna Buchan

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

That Condition No. 8(i) be deleted, and the remaining sub-conditions be renumbered accordingly.

REASON: The plans provide for appropriate screening to the adjoining property and the Cone of Vision plans reflected this.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/22/02311 and accompanying plans as contained within Attachment 1:

- Cover Sheet - Drawing No 0.00; Issue P6, dated 21 October 2022;
- 3D Harrison Street - Drawing No 10.01; Issue P6, dated 21 October 2022;
- 3D Parkin Street - Drawing No 10.02; Issue P6, 21 October 2022;
- Shadow Diagram - Drawing No 9.01; Issue P2, 21 October 2022;
- Allowable Development Envelope - Drawing No 3.05; Issue P1, 21 October 2022;
- Site Plan - Drawing No 1.02; Issue P6, 21 October 2022;
- Elevations - Drawing No 2.01; Issue P5, 21 October 2022;
- Elevations - Drawing No 2.02; Issue P7, 21 October 2022;
- Building Sections - Drawing No 3.01; Issue P2, 21 October 2022;
- Balcony Sections - Drawing No 3.02; Issue P1, 21 October 2022;
- Balcony Sections South - Drawing No 3.03; Issue P1, 21 October 2022;
- Basement - Drawing No 1.10, Issue P7, 21 October 2022;
- Podium Floor Plan - Drawing No 1.11, Issue P9, 21 October 2022;
- Level 1+2 South Building - Drawing No 1.12, Issue P6, 21 October 2022;
- Level 3 South Building - Drawing No 1.13, Issue P6, 21 October 2022;
- Level 4 South Building - Drawing No 1.14, Issue P6, 21 October 2022;
- Level 5 Roof Plan- Drawing No 1.15, Issue P5, 21 October 2022;
- Ground Floor Plan - North Building - Drawing No 1.16, Issue P10, 21 October 2022;
and
- Level 1+2 North Building - Drawing No 1.17, Issue P6, October 2022;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to the following conditions as follows:

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval.
2. Pursuant to Clause 26 of the Metropolitan Region Scheme, this Development Approval is deemed to be an approval under Clause 24(1) of the Metropolitan Region Scheme.
3. Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to Clause 5.5.14 of the City of Rockingham Town Planning Scheme No.2.
4. A cash contribution being provided for 8 visitor car parking spaces in accordance with Clause 4.15.2.1 of City of Rockingham Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with Clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit.
5. Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of Lot 62 Harrison Street and Lots 94 and 95 Parkin Street, Rockingham into one Certificate of Title.

The amalgamation must be completed prior to occupation of the development.

6. Prior to applying for a Building Permit, a Construction Management Plan that details how the construction of the development will be managed to minimise impact on the surrounding area shall be lodged with and approved by the City, prior to issuing a Building Permit. The plan is required to address the following matters that relate to any works to take place on the site:
 - (i) Public safety, amenity and site security;
 - (ii) Contact details of essential site personnel;
 - (iii) Construction operating hours;
 - (iv) Noise control and vibration management;
 - (v) Air, sand and dust management;
 - (vi) Waste management and materials re-use;
 - (vii) Traffic and access management;
 - (viii) Parking arrangements for contractors and subcontractors
 - (ix) Compliance with AS4970-2009 relating to the protection of trees on the development site.

The Construction Management Plan shall be complied with at all times, for the duration of the construction of the development.



7. 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.
8. Prior to applying for a Building Permit, amended plans must be submitted for the development to the satisfaction of the City of Rockingham, in order to address the following requirements:-
 - (i) Solid front fencing along Harrison Street being restricted to a maximum height of 750mm above the finished floor level of N.G.01.
9. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.
10. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's 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.

11. Prior to occupation of development, the applicant/landowner shall implement the recommendations in the Environmental Noise Assessment report prepared by Lloyd George Acoustics, reference 21086626-02.
12. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant/landowner.
13. Prior to occupation of development, the applicant/landowner shall implement the recommendations of the Visual Tree Assessment report prepared by Treewest Australia, dated 25 October 2022.



14. All landscaped areas are to be planted, reticulated and mulched in accordance with the Landscape Plans prepared by Plan E, Job No.2118201, Rev C, prior to occupation of the development and maintained to the satisfaction of the City of Rockingham for the duration of the development.

The Landscape Plans must include all road reserves works and be updated to reflect the retention of the Norfolk Pine Tree, as recommended within Condition 13 above.

15. In accordance with Planning Policy 3.3.25 Percent for Public Art – Private Developer Contribution, prior to occupation of the development, the developer shall either:
- (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$201,600), to be located within the subject site in an area which must be publicly visible for the duration of the development;
 - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham;
 - (iii) The artwork shall then be installed prior to occupation of the development and maintained thereafter to the satisfaction of the City of Rockingham; or
 - (iv) make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$201,600 in value.
16. Prior to occupation of the development, 56 car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS2890.1.
17. All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved, and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City of Rockingham.
18. Prior to occupation of the development 20 bicycle parking spaces and 6 motorcycle/scooter spaces must be provided and maintained thereafter for the duration of the development to the satisfaction of the City of Rockingham.
- A minimum 5 bicycle parking spaces must be dedicated to the Harrison Street end building.
19. The development must operate in accordance with the Waste Management Plan prepared by Talis Consultants, dated 13 October 2022, to the satisfaction of the City of Rockingham for the duration of the development.
20. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.



21. The development must be finished in accordance with the schedule provided, prior to occupation of the development.
22. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditions, and the like, shall not be visible from the street(s), and are designed integrally with the building, and be located so as to not be visually obtrusive, to the satisfaction of the City of Rockingham.
23. Each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with the Residential Design Codes Volume 2, to the satisfaction of the City of Rockingham.
24. Any meter boxes shall be painted the same colour as the wall they are attached to, to the satisfaction of the City of Rockingham.

The Report Recommendation was put and CARRIED (3/1).

For: Mr Eugene Koltasz
Ms Karen Hyde
Cr Lorna Buchan

Against: Cr Mark Jones

REASON: The majority of the Panel considered that the proposed building height, density and character of the development reflected the provisions of the current Planning Framework for the locality, for both the Metropolitan Region Scheme zoning of "Central City Area" and the "Primary Centre Waterfront Village" Zone under the City of Rockingham Planning Scheme No.2.

Appropriate conditions have been applied to the approval to ensure that the amenity of adjacent residential properties and the landscaping, solar access and ventilation to the units is addressed.

The Panel also considered that the proposed amendment to the Rockingham Strategic Centre Precinct Structure Plan and accompanying TPS Amendment No.191 could not be considered as seriously entertained and therefore their provisions could not be given due regard.

Cr Lorna Buchan and Cr Mark Jones (Local Government Members, City of Rockingham) left the panel at 11:06am.

Cr Vinh Nguyen and Cr Frank Cvitan (Local Government Members, City of Wanneroo) joined the panel at 11:07am.


Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



8.2 67 (Lot 500) Kingsway, Madeley & 39 (Lot 501) King David Boulevard, Madeley

Development Description: Child Care Centre
Applicant: Dynamic Planning & Developments
Owner: Justin Sonia Pty Ltd
Responsible Authority: City of Wanneroo
DAP File No: DAP/22/02308

REPORT RECOMMENDATION

Moved by: Ms Karen Hyde

Seconded by: Cr Frank Cvitan

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

That Condition No. 13 be amended to read as follows:

*A Parking Management Plan shall be submitted for approval to the City ~~prior to an application for a building permit being made~~ **prior to occupancy**. The plan is to address how the Centre will adequately cater for the expected number of staff and customers on-site. The Parking Management Plan is include the following:*

REASON: To give the applicants a more appropriate timeframe to prepare the Parking Management Plan as it is not necessary to provide it before a building licence can be issued.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02308 and the accompanying plans provided in **Attachment 1** 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 Wanneroo District Planning Scheme No. 2, 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 (Covid-19 extension) 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. The use of the premises is to be **Child Care Centre** as defined in the City of Wanneroo's District Planning Scheme No.2 as follows:

"Child Care Centre: means premises used for the daily or occasional care of children in accordance with the *Community Services (Child Care) Regulations 1988*."

A change of use from that outlined above may require the approval of the City.



4. A maximum of **92 children** and **13 staff** are permitted on the premises at any one time.
5. The hours of operation of the Child Care Centre shall be between the hours of **6:30am and 6:30pm Monday to Friday (excluding public holidays)**.
6. The two (2) lots subject to this application (Lot 500 (67) Kingsway, Madeley and Lot 501 (39) King David Boulevard, Madeley) are to be amalgamated prior to commencement of the premises being used as a Child Care Centre. A copy of the Certificate of Title for the amalgamated land is to be submitted to the City prior to occupation.
7. The owner shall make an additional developer contribution payment towards the East Wanneroo Cell 6, which forms part of Adopted Structure Plan No.8 (ASP8), in accordance with the requirements of Part 10 of District Planning Scheme No 2.
8. A revised detailed landscaping plan is to be provided for the subject site and adjacent verges which includes additional landscaping within the verge considering sightlines, and an additional 5 trees to be planted on-site around the outdoor play area. The revised landscaping plan shall detail the plant species, densities, confirmation on mulch details, planting locations, and shade trees, shall be lodged for approval by the City prior to lodging a building permit. Planting and installation shall be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
9. A revised site plan and elevations are to be provided demonstrating the relocation of the bin store to the western side of the site away from the adjoining residential property as generally annotated on the approved plans. The bin store shall be screened from the street and car parking areas with a minimum 1.8 metre high solid fence. The screening/fence shall be designed to match the materials and colours of the proposed fence along Sorvano Avenue, to the satisfaction of the City. The revised plans shall be provided to the City for approval prior to an application for a building permit being made.
10. All waste shall be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
11. The Child Care Centre is to comply with the recommendations in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics dated 29 July 2022 at all times to the satisfaction of the City.
12. Written certification shall be provided from an acoustic consultant confirming all noise attenuation measures contained within the Environmental Noise Assessment are incorporated into the building design prior to the occupancy of the development.



13. A Parking Management Plan shall be submitted for approval to the City prior to occupancy. The plan is to address how the Centre will adequately cater for the expected number of staff and customers on-site. The Parking Management Plan is include the following:
 - a. To help reduce noise emissions from car doors, there is to be no parking within Car Bay No.1 prior to 7:00am;
 - b. To avoid confusion of car parking allocation, each car bay shall be marked and clearly signposted as dedicated as either a staff bay or drop off/pick up bay; and
 - c. A sign is to be placed on-site to state that parking within the allocated drop off/pick up bays is limited to a maximum of 15 minutes.
14. Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and shall be drained, sealed and marked to the satisfaction of the City prior to the occupation of the development, and maintained thereafter to the satisfaction of the City.
15. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
16. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed shall be submitted for approval when application is made for a building licence and the system shall be installed during the construction of the development.
17. Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on site.
18. All storage areas, external fixtures and building plant, including air conditioning units shall be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
19. All signage is to be contained entirely within the allotment and kept in accordance with the City's Signs Local Planning Policy and/or Signs Local Law (1999) as amended from time to time.
20. The development shall be finished in accordance with the approved Schedule of Materials Selections (including materials, colour schemes and details) prior to the use or occupation of the development.



21. A construction management plan shall be submitted for approval to the City prior to an application for a building permit being made. The plan is to detail how construction of the development will be managed to minimise disruption to adjoining landowners. The plan will need to address the following:
- a. The delivery times for materials and equipment to the site;
 - b. Storage of materials and the location and type of equipment on site;
 - c. Adequate measures to be implemented during construction to minimise any adverse impacts caused by sand drift and dust from the site;
 - d. Parking arrangements for contractors and sub-contractors;
 - e. Construction times;
 - f. Measures to minimise noise impacts on surrounding residents; and
 - g. Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development.

The Report Recommendation was put and CARRIED (3/1).

For: Mr Eugene Koltasz
Ms Karen Hyde
C Frank Cvitan

Against: Cr Vinh Nguyen

REASON: The majority of the Panel considered that the proposed childcare centre development is consistent with the Planning Framework for the locality. The proposed single storey building is at a scale that respects adjoining and nearby residential buildings.

The Panel considered that the existing street network could adequately accommodate traffic generated by the development. The Panel also considered that the hours and method of operation of the centre warranted the use of discretion to approve the parking provision for the proposed centre.

Cr Vinh Nguyen and Cr Frank Cvitan (Local Government Members, City of Wanneroo) left the panel at 12:09pm.

Cr Michelle Rich (Local Government Members, Shire of Serpentine Jarrahdale) joined the panel at 12:10pm.



8.3 Lot 9002 (formally Lot 801), 1780 Thomas Road, Oakford

Development Description: Proposed Service Station, Rural Supplies Store and Veterinary Clinic
 Applicant: Planning Solutions
 Owner: Ms T D & Mr V Borello
 Responsible Authority: Shire of Serpentine Jarrahdale
 DAP File No: DAP/22/02211

REPORT RECOMMENDATION

Moved by: Cr Michelle Rich

Seconded by: Ms Karen Hyde

That the Metro Outer Joint Development Assessment panel resolves to:

- Approves** DAP Application reference DAP/22/02211 and accompanying plans (attachment 6) 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 Serpentine Jarrahdale Town Planning Scheme No. 2, for a proposed service station, rural supplies store and veterinary clinic at Lot 9002, 1780 Thomas Road, Oakford subject to the following conditions

Conditions

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P26 – received at the Shire Offices on 12 October 2022 P27 – Transport Impact Assessment dated October 2022 Environmental Acoustic Assessment dated September 2022
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- Prior to issue of a Building Permit an updated Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the BMP shall be fully implemented and maintained thereafter.
- The vehicle parking areas, access ways and crossovers must:
 - be designed in accordance with the relevant Australian/New Zealand Standard;
 - include a minimum of 144 car parking bays;
 - include one loading bay with minimum dimensions of 3.5 metres by 11 metres;
 - be constructed, asphalt or concrete sealed, kerbed, drained and marked.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a building permit. The works are to be completed prior to operation of the development, and maintained thereafter.



4. All delivery vehicles servicing the land must load and unload within the boundaries of the land.
5. A Lighting Plan is to be submitted to and approved by the Shire prior to the issue of a building permit. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
6. Prior to issue of a building permit, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the specifications and satisfaction of the Shire. The Signage Strategy must depict no more than one single pylon sign for the entire development.
7. No signs are permitted to be displayed in the current or future road reserves of either Thomas Road or Kargotich Road at any time.
8. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate:
 - i. the landscaping of a 20m vegetation buffer along the Thomas Road and Kargotich Road frontages of the land;
 - ii. this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Kargotich Road;
 - iii. both verges of Kargotich Road, from its intersection with Thomas Rd to the vehicle entry and exit point, being suitably landscaped.

Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.

9. Plans submitted for a building permit are to demonstrate the use of external colours and materials which are predominantly dark neutral earth tones, found in the local landscape of the district.
10. No earthworks shall encroach onto either the current or future Kargotich Road or Thomas Road road reserves, except where required by specific conditions of this approval.
11. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
12. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6.



Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.

13. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
14. Prior to the occupation of the development, the land required for 'Road Widening' on development plan titled 'Proposed MRWA Flyover Development Locality Plan' Dated 13 October 2022, Revision 8/RFH/Rev/13.10.2022 (attached), or as amended by the Department of Planning, Lands and Heritage, shall be set aside as a separate lot for acquisition pending future road widening requirements.
15. Prior to occupation of the development, the road geometry and associated infrastructure and services for the Stage One "T" Intersection with Deceleration & Bypass Lanes, shall be located and constructed in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached) , or as amended by Main Roads WA.
16. The developer is responsible for all costs involved in the design, construction and upgrade for the Stage One "T" Intersection with Deceleration & Bypass Lanes as shown on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached). This includes signing, road markings, street lighting, street furniture, full verge landscaping on both sides and relocation of infrastructure services (including electricity).
17. Prior to submission of a Building Permit, the applicant shall submit a preliminary intersection design (15% concept) for the Stage One "T" Intersection with Deceleration & Bypass Lanes in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached), to the satisfaction of the Shire of Serpentine Jarrahdale in liaison with Main Roads WA. The preliminary intersection design shall be in accordance with the requirements of Main Roads and the relevant Austroads Guidelines demonstrating the following:
 - i. an intersection treatment warrant analysis that identifies the appropriate intersection layout;
 - ii. there is sufficient area within the road reservation to facilitate the typical carriageway cross section inclusive of a right turn pocket with painted treatment (i.e. not isolated widening) servicing the proposed access to Lot 801; and
 - iii. facilitates future connectivity with the ultimate design for access as illustrated on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022.
18. All signs and sign structures are to be placed on private property and must not overhang or encroach upon the existing or future Primary Regional Road reserve.



19. At all times signage illumination must be low-level and not exceed 300cd/m² between sunrise and sunset. Signage must not flash, pulsate or chase during all hours.
20. Signage shall not contain fluorescent, reflective, or retro-reflective colours or materials.

Advice Notes

1. In reference to Condition o, the right turn pocket will need to be designed to comply with the requirements of *Austrroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
2. In reference to Condition q:
 - i. Information on warrants spreadsheets can be found on the Main Roads website > Technical & Commercial > mrwa-supplement-to-austrroads-guide-to-road-design-part-4.
 - ii. The right turn pocket will need to be designed to comply with the requirements of *Austrroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
 - iii. A copy of the Main Roads concept forwarded via email to the applicant on 31 October 2022 is attached. This information is provided for information purposes only and Main Roads assumes no liability for the information provided.
3. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
4. Where a Planning Control Area (PCA) is in place, approval for development is required from the Western Australian Planning Commission (WAPC), as well as under any relevant planning scheme, unless the PCA imposes requirements to the contrary.



AMENDING MOTION 1

Moved by: Mr Eugene Koltasz

Seconded by: Ms Karen Hyde

That Condition No. 5 be amended to read as follows:

A Lighting Plan is to be submitted to and approved by the Shire prior to the issue of a building permit. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan ~~must demonstrate lighting not causing an adverse amenity impact on the surrounding area to comply with Australian Standard AS 4282-1997-Control of the Obtrusive Effects of Outer Lighting.~~ Once approved, lighting is to be installed and maintained in accordance with the Plan.

The Amending Motion was put and CARRIED (2/1).

For: Mr Eugene Koltasz
Ms Karen Hyde

Against: Cr Michelle Rich

REASON: The provision of a Lighting Plan to comply with published Australian Standards affords the applicants with greater certainty for compliance requirements.

AMENDING MOTION 2

Moved by: Mr Eugene Koltasz

Seconded by: Ms Karen Hyde

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

*Prior to issue of a building permit, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the specifications and satisfaction of the Shire. The Signage Strategy must depict ~~no more than one single~~ **not more than two pylon signs** for the entire development.*

The Amending Motion was put and CARRIED (2/1).

For: Mr Eugene Koltasz
Ms Karen Hyde

Against: Cr Michelle Rich

REASON: The majority of the Panel considered that the size of the site, the nature of the uses and buildings proposed justified the provision of the 2 pylon signs.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment panel resolves to:

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



1. **Approves** DAP Application reference DAP/22/02211 and accompanying plans (attachment 6) 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 Serpentine Jarrahdale Town Planning Scheme No. 2, for a proposed service station, rural supplies store and veterinary clinic at Lot 9002, 1780 Thomas Road, Oakford subject to the following conditions

Conditions

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P26 – received at the Shire Offices on 12 October 2022 P27 – Transport Impact Assessment dated October 2022 Environmental Acoustic Assessment dated September 2022
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2. Prior to issue of a Building Permit an updated Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the BMP shall be fully implemented and maintained thereafter.
3. The vehicle parking areas, access ways and crossovers must:
 - i. be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. include a minimum of 144 car parking bays;
 - iii. include one loading bay with minimum dimensions of 3.5 metres by 11 metres;
 - iv. be constructed, asphalt or concrete sealed, kerbed, drained and marked.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a building permit. The works are to be completed prior to operation of the development, and maintained thereafter.

4. All delivery vehicles servicing the land must load and unload within the boundaries of the land.
5. A Lighting Plan is to be submitted to and approved by the Shire prior to the issue of a building permit. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan to comply with Australian Standard AS 4282-1997-Control of the Obtrusive Effects of Outer Lighting to comply with Australian Standard AS 4282-1997-Control of the Obtrusive Effects of Outer Lighting. Once approved, lighting is to be installed and maintained in accordance with the Plan.



6. Prior to issue of a building permit, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the specifications and satisfaction of the Shire. The Signage Strategy must depict not more than two pylon signs for the entire development.
7. No signs are permitted to be displayed in the current or future road reserves of either Thomas Road or Kargotich Road at any time.
8. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate:
 - i. the landscaping of a 20m vegetation buffer along the Thomas Road and Kargotich Road frontages of the land;
 - ii. this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Kargotich Road;
 - iii. both verges of Kargotich Road, from its intersection with Thomas Rd to the vehicle entry and exit point, being suitably landscaped.

Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.

9. Plans submitted for a building permit are to demonstrate the use of external colours and materials which are predominantly dark neutral earth tones, found in the local landscape of the district.
10. No earthworks shall encroach onto either the current or future Kargotich Road or Thomas Road road reserves, except where required by specific conditions of this approval.
11. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
12. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
13. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.



14. Prior to the occupation of the development, the land required for 'Road Widening' on development plan titled 'Proposed MRWA Flyover Development Locality Plan' Dated 13 October 2022, Revision 8/RFH/Rev/13.10.2022 (attached), or as amended by the Department of Planning, Lands and Heritage, shall be set aside as a separate lot for acquisition pending future road widening requirements.
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Advice Notes

1. In reference to Condition o, the right turn pocket will need to be designed to comply with the requirements of *Austrroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
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4. Where a Planning Control Area (PCA) is in place, approval for development is required from the Western Australian Planning Commission (WAPC), as well as under any relevant planning scheme, unless the PCA imposes requirements to the contrary.

The Report Recommendation (as amended) was put and CARRIED (2/1).

For: Mr Eugene Koltasz
Ms Karen Hyde

Against: Cr Michelle Rich

REASON: The majority of the Panel considered that the proposed development has been thoroughly assessed for both the current and future Planning Framework for the locality and was therefore capable of approval subject to appropriate conditions.

The current plans address previous concerns regarding land uses and current and future access to the road network.

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 12:41pm.