



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 16 January 2024; 9:30am
Meeting Number: MOJDAP/293
Meeting Venue: Electronic Means

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

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	5
	Nil.....	5
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	5
	Nil	5
10.	State Administrative Tribunal Applications and Supreme Court Appeals	5
	10.1 Lot 31 (No.1487) Neaves Road, Bullsbrook.....	5
11.	General Business.....	19
12.	Meeting Closure	19

Karen Hyde
A/Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Karen Hyde (A/Presiding Member)
Lindsay Baxter (A/Deputy Presiding Member)
John Syme (A/Third Specialist Member)
Cr Charlie Zannino (Local Government Member, City of Swan)
Cr Rod Henderson (Local Government Member, City of Swan)

Officers in attendance

Phil Russell (City of Swan)
Lyn Bridges (City of Swan)

Minute Secretary

Claire Ortlepp (DAP Secretariat)

Applicants and Submitters

Ross Underwood (Planning Solutions)
Giles Harden Jones (Harden Jones Architects)
Scott Lambie (Stantec)
Matthew Moyle (Lloyd George Acoustics)
Nathan Stewart (Rowe Group)
Sean Comiskey
Richard Janes (North Swan Land Conservation District Committee)
Anne Janes (Bullsbrook Residents and Ratepayers Association Inc)
Margaret Carlton
Justin Blinman
Rosanna Hindmarsh (Ellen Brockman Integrated Catchment Group) – *written submission*
Anthony Lindsay – *written submission*
Kessha Macknight – *written submission*

Members of the Public / Media

There was 1 member of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:31am on 16 January 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The A/Presiding Member acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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The A/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 A/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

Eugene Koltasz (Presiding Member)
Jason Hick (Third Specialist Member)

3. Members on Leave of Absence

DAP Member, Jason Hick, has been granted leave of absence by the A/Director General for the period of 10 January 2024 to 26 January 2024 inclusive.

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Jason Hick, declared an indirect pecuniary interest in item 10.1 Mr Hick's employer, Emerge, has been involved in the application.

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

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A/Presiding Member, Metro Outer JDAP



In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Rod Henderson and Cr Charlie Zannino, declared that they had participated in a prior Council meeting in relation to the application at item 10.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Henderson and Cr Zannino acknowledged that they are 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 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 A/Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Karen Hyde, declared that they had participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Karen Hyde acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.

7. Deputations and Presentations

- 7.1** Margaret Carlton addressed the DAP against the recommendation for the application at Item 10.1.
- 7.2** Anne Janes (Bullsbrook Residents and Ratepayers Association Inc.) addressed the DAP against the recommendation for the application at Item 10.1.
- 7.3** Justin Blinman addressed the DAP against the recommendation for the application at Item 10.1.
- 7.4** Richard Janes (North Swan Land Conservation District Committee) addressed the DAP against the recommendation for the application at Item 10.1.
- 7.5** Nathan Stewart (Rowe Group) & Sean Comiskey addressed the DAP against the recommendation for the application at Item 10.1.
- 7.6** Rosanna Hindmarsh (Ellen Brockman Integrated Catchment Group) submitted a written deputation against the application at 10.1.
- 7.7** Anthony Lindsay submitted a written deputation against the application at item 10.1.
- 7.8** Kessah Macknight submitted a written deputation against the application at item 10.1.

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A/Presiding Member, Metro Outer JDAP



7.9 Ross Underwood (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.

7.10 Giles Harden Jones (Harden Jones Architects) addressed the DAP in support of the recommendation for the application at Item 10.1.

7.11 The City of Swan addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Lot 31 (No.1487) Neaves Road, Bullsbrook

Development Description:
Summary of Modifications:

Proposed roadhouse

- Development site area has increased to 2.268ha;
- Retail building has been rotated to face south west;
- Internal building modifications;
- Revised design of the materials and colours of the development;
- Provision for solar panels;
- Car refuelling canopy and bowzers has been re-orientated;
- Caravan parking has been reconfigured;
- Car and caravan circulation area has been revised to suit the revised position of buildings on the site;
- Number of truck parking bays has been reduced from 12 to 8;
- Number of truck refuelling bowzers has been reduced from 8 to 6;
- Finished floor level of the retail building has been lowered by 1.1m from 70.3 AHD to 69.2 AHD, with reductions in height of retaining walls;
- Demolition of the existing house and shed; and

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Applicant: 1.2ha of existing cleared area to the west is
proposed to be revegetated.
Owner: Ross Underwood (Planning Solutions)
Responsible Authority: Justin Quinn-Schofield
City of Swan
DAP File No: DAP/23/02379

REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

- 1) Not endorse the Officer's Recommendation on the application to the Metro Outer Joint Development Assessment Panel to approve the application subject to conditions.
- 2) Recommend that the application to the Metro Outer Joint Development Assessment Panel be refused for the following reasons:
 1. The proposed Roadhouse, which stores and dispenses petroleum, is a high risk land use considered to be inappropriate within a Bushfire Prone Area.
 2. A high risk land use within a Bush Fire Prone Area is not considered to satisfactorily address the design principle of "Safety" as set out in State Planning Policy 7 – Design of the Built Environment and so is not considered to comply with this policy.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Lindsay Baxter

Seconded by: Karen Hyde

That the Metro Outer Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of State Administrative Tribunal Application DR 98 of 2023, resolves to:

Reconsider its decision dated 25 May 2023 and **SET ASIDE the decision and substitute a new** decision for DAP Application reference DAP/22/02379 and amended plans in accordance with Clause 68 of Schedule No.2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

Conditions

1. This approval is for a 'Roadhouse' 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 of Swan.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



2. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
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. Prior to the occupation of the development, 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 of a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$30,000). 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 an occupancy 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 (\$30,000). 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.
5. Prior to a building permit being issued, the Owner/Applicant must prepare and have approved, a Water Management Plan, which details groundwater usage, measures to monitor and analyse the groundwater quality during the construction and ongoing use of the land and contingency strategies to address any risks and impacts to groundwater to the satisfaction of the City of Swan and by the Department of Biodiversity, Conservation and Attractions. The approved measures contained therein shall be implemented in perpetuity with the use of the land to the satisfaction of the City of Swan.
6. Prior to a building permit being issued, the Applicant must submit, have approved and thereafter implement, a management plan detailing how risks of wind and/or water borne erosion and sedimentation will be minimised during the works, to the satisfaction of the City of Swan.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



7. Prior to the lodgement of a building permit application, a Stormwater Management Plan shall be submitted to the City of Swan for approval and shall include the following details:
 - (a) finished pavement and lid levels for all hardstand areas, including bunding and grading of re-fuelling areas to trap wastewater runoff, and the overland flow path in the event of internal system failure;
 - (b) oil and water separation system to treat runoff from re-fuelling areas and dispose treated runoff to the wastewater (effluent) disposal system on the site;
 - (c) location of effluent (subsoil) disposal area to demonstrate clearance from maximum groundwater levels on-site;
 - (d) levels and cross-sections of stormwater retention basin to demonstrate clearance from maximum groundwater levels on the site;
 - (e) stormwater calculations to demonstrate the drainage system is designed to accommodate a 1 in 100 year storm event (minimum).

to the specifications of the City of Swan.
8. All stormwater produced on the site subject to this approval shall be contained on site and appropriately treated and disposed in accordance with the approved Stormwater Management Plan. Stormwater shall not be discharged into the Neaves Road Reserve.
9. All earthworks, finished pavement levels and associated stormwater drainage shall be designed and installed in accordance with the approved Stormwater Management Plan and the City of Swan's requirements.
10. Fuel dispenser areas and any other areas where petrol, other hydrocarbons or similar matter is likely to be stored and/or discharged shall be constructed in accordance with Water Corporation guidelines, including to be covered, paved and bunded/graded to contain and trap all waste for on-site treatment and disposal in a manner outlined in the Department of Water's Water Quality Protection Note WQPN 49 (Service Stations).
11. No contaminated stormwater is permitted to enter any stormwater drain.
12. If the development causes any obstruction, alteration or interference with a natural water flow of surface water to the detriment of surrounding land, then the Landowner shall rectify the cause of such obstruction, alteration or interference to the satisfaction of the City of Swan.
13. Any fill brought onto the site shall be clean sand.
14. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner directed by the City of Swan in the event that sand is blown or drifts from the site.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



15. A minimum of 69 vehicle parking bays, inclusive of 22 vehicle refuelling spaces, shall be provided in accordance with the approved plans. Vehicle parking bays, access and circulation areas shall be clearly line-marked on the pavement and designed in accordance with the Australian Standard 2890.1 (as amended). Disabled bays are to comply with Australian Standard 2890.6 (as amended).
16. Vehicle parking, access, and circulation areas must be sealed, kerbed and drained in accordance with the approved plans and Stormwater Management Plan, and maintained to the satisfaction of the City of Swan.
17. Provision must be made for access and facilities for use by people with disabilities in accordance with the provisions of the Building Code of Australia and Australian Standard 1428.1.
18. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.
19. No area(s) outside of the approved development buildings shall be used for the storage, display or sale of any goods, products, materials, equipment or the like unless it is a designated area for such purpose on the approved plans.
20. Prior to the submission of an application for a building permit, a detailed Landscaping and Rehabilitation Plan must be prepared by a suitably qualified person and submitted to and approved by the City of Swan, and must include details of the following:
 - a) The location, number and type of proposed trees and shrubs for revegetation and landscaping, including the verge landscaping, detailing planter and /or tree pit sizes and planting density;
 - b) Any lawns to be established;
 - c) Any existing vegetation and/or landscaped areas to be retained;
 - d) Any verge treatments;
 - e) Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties;
 - f) Evidence that the rehabilitation area will not exceed a D-Scrub classification based on proposed revegetation species in accordance with AS3959, to ensure the revegetation at maturity will not increase bushfire risk;
 - g) Extent of clearing for the Asset Protection Zone;
 - h) Calculations of water requirements to effectively establish and maintain the landscaping and rehabilitation area, and expected water volumes and sources available for ongoing irrigation and maintenance.
21. The approved landscaping and rehabilitation 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.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



22. Prior to the submission of an application for a building permit, the Applicant shall provide a statement outlining suitable sustainability measures to be incorporated into the development. Measures such as good waste management, harnessing renewable energy and water sensitive landscape design are to be considered.
23. Prior to a building permit being issued, the Owner/Applicant must prepare and have approved, a Schedule of External Materials and Colours for the Roadhouse.
24. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans/ approved schedule of materials and colours which form part of this approval.
25. Prior to occupation or use of the 'Roadhouse', the development must be connected to the Water Corporation's sewer unless otherwise provided with an onsite sewage treatment and disposal system approved by the Department of Health. The landowner is to provide a site and soil evaluation in accordance with Australian Standard AS 1547 (as amended), to determine the type of onsite sewage treatment system required, and the appropriate location for onsite sewage disposal to the satisfaction of the Department of Health and the City of Swan.
26. Prior to the Building Permit being issued, approval to install an onsite effluent disposal system must be obtained from the City of Swan.
27. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before this development is commenced. Where an acid sulfate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved acid sulfate soils management plan.
28. The recommended noise management measures identified in the conclusion of the Environmental Noise Assessment prepared by Lloyd George Acoustics (dated 13 Nov 2023) which forms part of this approval, shall be implemented for the life of the development to the satisfaction of the City of Swan.
29. Prior to submission of a building permit, the Applicant must undertake a 15% design concept for the proposed widening and upgrades to Neaves Road to Main Roads WA requirements and to the satisfaction of the City of Swan.
30. All construction works within the road reserve including crossovers, drainage infrastructure, service adjustment and landscaping, shall be built and maintained in accordance with the approved detailed design drawings and the City of Swan's specifications.

At occupancy, the Owner is responsible for the maintenance of the crossover, landscaping and reticulation in the verge.
31. All crossovers must be built and maintained in accordance with the City of Swan's specifications.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



32. 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.
33. No waste collection is permitted from the Neaves Road reserve.
34. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
35. The sign(s), earthworks and footings must be located entirely within the subject lot and must not encroach upon the road reserve or any other land.
36. Prior to a building permit being issued, a revised Bushfire Management Plan must be submitted to and approved by the City of Swan and must address the following:
 - a. Demonstrated compliance with Element No.4: Water of the Guidelines for Planning in Bushfire Prone Areas;
 - b. Updated Maps and Figures to address the revised development;
 - c. Responsibilities for implementation and management of bushfire measures to be updated to address Owner/ Operator responsibility for managing landscaping within the development site to a low fuel state and vegetation occurring in the rehabilitation area to not exceed D-Scrub classification in accordance with the Guidelines for Bushfire Prone Planning and AS 3959.To the satisfaction of the City of Swan.
37. Prior to occupation or use of the 'Roadhouse', an Asset Protection Zone of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances must be established on the land surrounding the Roadhouse building, water tanks, and any area where refuelling or high risk activity occurs (i.e. under canopies where vehicles are parked at bowsers or filling the underground petroleum storage system).

The Asset Protection Zone may include unroofed parking areas, circulation roadways, and landscaped areas maintained to a low-fuel state in accordance with the Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must thereafter be maintained on the land in accordance with the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the City of Swan for the life of the development.
38. Prior to occupation or use of the 'Roadhouse', the development must incorporate the relevant requirements of the Bushfire Management Plan (BMP) as amended and the Risk Management Plan in accordance with the *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines).
39. Prior to occupation or use of the 'Roadhouse', an Emergency Evacuation Plan must be prepared for the site in accordance with the Guidelines for Planning in Bushfire Prone Areas and approved by the City of Swan. The approved Emergency Evacuation Plan must be implemented on the site at all times. The Landowner must ensure the Emergency Evacuation Plan is reviewed on an annual basis to ensure it remains valid and relevant.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



40. Prior to the commencement of works for the Roadhouse the subject of this application, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the certificate(s) of title advising current and future Landowners that the property is subject to a Bushfire Management Plan.
41. Prior to the commencement of works for the Roadhouse the subject of this application, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the certificate(s) of title advising current and future Landowners that the property is located in a Bushfire Prone Area.
42. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City of Swan.
43. 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.

AMENDING MOTION

Moved by: Cr Rod Henderson

Seconded by: Karen Hyde

That Condition No. 18 be amended to read as follows:

*External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting. **Prior to commencement of operation the applicant/owner is to submit, to the satisfaction of the City of Swan, an Operational Lighting Plan for the staged reduction in the extent of night-time lighting of the roadhouse.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Amendment to this condition was supported in response to concerns expressed in some of the depositions and having regard to the potential for night-time lighting of the facility to be intrusive to the nearby rural-residential property.

ALTERNATE MOTION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of State Administrative Tribunal Application DR 98 of 2023, resolves to:

Reconsider its decision dated 25 May 2023 and **SET ASIDE the decision and substitute a new** decision for DAP Application reference DAP/22/02379 and amended plans in accordance with Clause 68 of Schedule No.2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

Karen Hyde
A/Presiding Member, Metro Outer JDAP



Conditions

1. This approval is for a 'Roadhouse' 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 of Swan.
2. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
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. Prior to the occupation of the development, 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 of a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$30,000). 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 an occupancy 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 (\$30,000). 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.
5. Prior to a building permit being issued, the Owner/Applicant must prepare and have approved, a Water Management Plan, which details groundwater usage, measures to monitor and analyse the groundwater quality during the construction and ongoing use of the land and contingency strategies to address any risks and impacts to groundwater to the satisfaction of the City of Swan and by the Department of Biodiversity, Conservation and Attractions. The approved measures contained therein shall be implemented in perpetuity with the use of the land to the satisfaction of the City of Swan.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



6. Prior to a building permit being issued, the Applicant must submit, have approved and thereafter implement, a management plan detailing how risks of wind and/or water borne erosion and sedimentation will be minimised during the works, to the satisfaction of the City of Swan.
7. Prior to the lodgement of a building permit application, a Stormwater Management Plan shall be submitted to the City of Swan for approval and shall include the following details:
 - (a) finished pavement and lid levels for all hardstand areas, including bunding and grading of re-fuelling areas to trap wastewater runoff, and the overland flow path in the event of internal system failure;
 - (b) oil and water separation system to treat runoff from re-fuelling areas and dispose treated runoff to the wastewater (effluent) disposal system on the site;
 - (c) location of effluent (subsoil) disposal area to demonstrate clearance from maximum groundwater levels on-site;
 - (d) levels and cross-sections of stormwater retention basin to demonstrate clearance from maximum groundwater levels on the site;
 - (e) stormwater calculations to demonstrate the drainage system is designed to accommodate a 1 in 100 year storm event (minimum).

to the specifications of the City of Swan.
8. All stormwater produced on the site subject to this approval shall be contained on site and appropriately treated and disposed in accordance with the approved Stormwater Management Plan. Stormwater shall not be discharged into the Neaves Road Reserve.
9. All earthworks, finished pavement levels and associated stormwater drainage shall be designed and installed in accordance with the approved Stormwater Management Plan and the City of Swan's requirements.
10. Fuel dispenser areas and any other areas where petrol, other hydrocarbons or similar matter is likely to be stored and/or discharged shall be constructed in accordance with Water Corporation guidelines, including to be covered, paved and bunded/graded to contain and trap all waste for on-site treatment and disposal in a manner outlined in the Department of Water's Water Quality Protection Note WQPN 49 (Service Stations).
11. No contaminated stormwater is permitted to enter any stormwater drain.
12. If the development causes any obstruction, alteration or interference with a natural water flow of surface water to the detriment of surrounding land, then the Landowner shall rectify the cause of such obstruction, alteration or interference to the satisfaction of the City of Swan.
13. Any fill brought onto the site shall be clean sand.

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14. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner directed by the City of Swan in the event that sand is blown or drifts from the site.
15. A minimum of 69 vehicle parking bays, inclusive of 22 vehicle refuelling spaces, shall be provided in accordance with the approved plans. Vehicle parking bays, access and circulation areas shall be clearly line-marked on the pavement and designed in accordance with the Australian Standard 2890.1 (as amended). Disabled bays are to comply with Australian Standard 2890.6 (as amended).
16. Vehicle parking, access, and circulation areas must be sealed, kerbed and drained in accordance with the approved plans and Stormwater Management Plan, and maintained to the satisfaction of the City of Swan.
17. Provision must be made for access and facilities for use by people with disabilities in accordance with the provisions of the Building Code of Australia and Australian Standard 1428.1.
18. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting. Prior to commencement of operation the applicant/owner is to submit, to the satisfaction of the City of Swan, an Operational Lighting Plan for the staged reduction in the extent of night-time lighting of the roadhouse.
19. No area(s) outside of the approved development buildings shall be used for the storage, display or sale of any goods, products, materials, equipment or the like unless it is a designated area for such purpose on the approved plans.
20. Prior to the submission of an application for a building permit, a detailed Landscaping and Rehabilitation Plan must be prepared by a suitably qualified person and submitted to and approved by the City of Swan, and must include details of the following:
 - a) The location, number and type of proposed trees and shrubs for revegetation and landscaping, including the verge landscaping, detailing planter and /or tree pit sizes and planting density;
 - b) Any lawns to be established;
 - c) Any existing vegetation and/or landscaped areas to be retained;
 - d) Any verge treatments;
 - e) Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties;
 - f) Evidence that the rehabilitation area will not exceed a D-Scrub classification based on proposed revegetation species in accordance with AS3959, to ensure the revegetation at maturity will not increase bushfire risk;
 - g) Extent of clearing for the Asset Protection Zone;

Karen Hyde
A/Presiding Member, Metro Outer JDAP



- h) Calculations of water requirements to effectively establish and maintain the landscaping and rehabilitation area, and expected water volumes and sources available for ongoing irrigation and maintenance.
21. The approved landscaping and rehabilitation 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.
22. Prior to the submission of an application for a building permit, the Applicant shall provide a statement outlining suitable sustainability measures to be incorporated into the development. Measures such as good waste management, harnessing renewable energy and water sensitive landscape design are to be considered.
23. Prior to a building permit being issued, the Owner/Applicant must prepare and have approved, a Schedule of External Materials and Colours for the Roadhouse.
24. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans/ approved schedule of materials and colours which form part of this approval.
25. Prior to occupation or use of the 'Roadhouse', the development must be connected to the Water Corporation's sewer unless otherwise provided with an onsite sewage treatment and disposal system approved by the Department of Health. The landowner is to provide a site and soil evaluation in accordance with Australian Standard AS 1547 (as amended), to determine the type of onsite sewage treatment system required, and the appropriate location for onsite sewage disposal to the satisfaction of the Department of Health and the City of Swan.
26. Prior to the Building Permit being issued, approval to install an onsite effluent disposal system must be obtained from the City of Swan.
27. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before this development is commenced. Where an acid sulfate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved acid sulfate soils management plan.
28. The recommended noise management measures identified in the conclusion of the Environmental Noise Assessment prepared by Lloyd George Acoustics (dated 13 Nov 2023) which forms part of this approval, shall be implemented for the life of the development to the satisfaction of the City of Swan.
29. Prior to submission of a building permit, the Applicant must undertake a 15% design concept for the proposed widening and upgrades to Neaves Road to Main Roads WA requirements and to the satisfaction of the City of Swan.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



30. All construction works within the road reserve including crossovers, drainage infrastructure, service adjustment and landscaping, shall be built and maintained in accordance with the approved detailed design drawings and the City of Swan's specifications.
- At occupancy, the Owner is responsible for the maintenance of the crossover, landscaping and reticulation in the verge.
31. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
32. 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.
33. No waste collection is permitted from the Neaves Road reserve.
34. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
35. The sign(s), earthworks and footings must be located entirely within the subject lot and must not encroach upon the road reserve or any other land.
36. Prior to a building permit being issued, a revised Bushfire Management Plan must be submitted to and approved by the City of Swan and must address the following:
- a. Demonstrated compliance with Element No.4: Water of the Guidelines for Planning in Bushfire Prone Areas;
 - b. Updated Maps and Figures to address the revised development;
 - c. Responsibilities for implementation and management of bushfire measures to be updated to address Owner/ Operator responsibility for managing landscaping within the development site to a low fuel state and vegetation occurring in the rehabilitation area to not exceed D-Scrub classification in accordance with the Guidelines for Bushfire Prone Planning and AS 3959.
- To the satisfaction of the City of Swan.
37. Prior to occupation or use of the 'Roadhouse', an Asset Protection Zone of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances must be established on the land surrounding the Roadhouse building, water tanks, and any area where refuelling or high risk activity occurs (i.e. under canopies where vehicles are parked at bowsers or filling the underground petroleum storage system).
- The Asset Protection Zone may include unroofed parking areas, circulation roadways, and landscaped areas maintained to a low-fuel state in accordance with the Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must thereafter be maintained on the land in accordance with the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the City of Swan for the life of the development.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



38. Prior to occupation or use of the 'Roadhouse', the development must incorporate the relevant requirements of the Bushfire Management Plan (BMP) as amended and the Risk Management Plan in accordance with the *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines).
39. Prior to occupation or use of the 'Roadhouse', an Emergency Evacuation Plan must be prepared for the site in accordance with the Guidelines for Planning in Bushfire Prone Areas and approved by the City of Swan. The approved Emergency Evacuation Plan must be implemented on the site at all times. The Landowner must ensure the Emergency Evacuation Plan is reviewed on an annual basis to ensure it remains valid and relevant.
40. Prior to the commencement of works for the Roadhouse the subject of this application, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the certificate(s) of title advising current and future Landowners that the property is subject to a Bushfire Management Plan.
41. Prior to the commencement of works for the Roadhouse the subject of this application, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the certificate(s) of title advising current and future Landowners that the property is located in a Bushfire Prone Area.
42. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City of Swan.
43. 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 Alternate Motion (as amended) was put and CARRIED (4/1).

For: Karen Hyde
Lindsay Baxter
Cr Charlie Zannino
Cr Rod Henderson

Against: John Syme

REASON: The proposed development application was supported by the majority of the Panel, having regard to the discretion to approve the use in the General Rural zone and its general compliance with the strategic objectives under the zone. The majority of the Panel considered that significant improvements had been made to the design of the buildings. There was clear distinction of the different uses on the site and for the different types of vehicles which would access it. The majority of the Panel was satisfied that critical matters relating to vegetation, groundwater, stormwater disposal and bushfire management had been addressed and would be further refined in order to comply with the conditions.

Karen Hyde
A/Presiding Member, Metro Outer JDAP



The A/Presiding Member noted the following SAT Applications -

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

The A/Presiding Member noted the following Supreme Court Appeal –

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

11. General Business

The A/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 A/Presiding Member declared the meeting closed at 10:44am.

Karen Hyde
A/Presiding Member, Metro Outer JDAP