



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 17 April 2020; 9:30am
Meeting Number: MNWJDAP/286
Meeting Venue: via electronic means

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Karen Hyde



Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Frank Cvitan (Local Government Member, City of Wanneroo)
Cr Jacqui Huntley (Local Government Member, City of Wanneroo)

Officers in attendance

Mr Greg Bowering (City of Wanneroo)
Mr Nick Bertone (City of Wanneroo)
Mr Milon Md Ashrafuzzman (City of Wanneroo)
Mr Sean Foster (City of Wanneroo)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Oliver Basson (Planning Solutions)
Mr Josh Watson (Planning Solutions)
Mr Lance Meyer (Accord Property)
Mr Jarrad Haynes (Accord Property)
Mr Behnam Bordbar (Transcore)

Members of the Public / Media

There were 2 members of the public in attendance.

Ms Lucy Jarvis from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:38am on 17 April 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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.

The Presiding Member announced that the Metro North-West JDAP is currently undertaking a trial of revised templates to promote greater consistency and transparency of information published on the DAP website. During this time, changes to the content contained within the Agendas, Minutes and Responsible Authority Reports may be observed.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 171K (Lot 9195) Joseph Banks Boulevard, Banksia Grove

Development Description: Service Station and 2x Showrooms
Applicant: Planning Solutions
Owner: Housing Authority
Responsible Authority: City of Wanneroo
DAP File No: DAP/19/01700

REPORT RECOMMENDATION

Moved by: Ms Karen Hyde

Seconded by: Ms Sheryl Chaffer

That the Metro North-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01700 and accompanying plans (included in **Attachment 3**) 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's 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 two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The use of the development subject to this approval is to be "Service Station" and "Showroom" as defined in the City of Wanneroo's District Planning Scheme No. 2.

"Service Station: means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

"Showroom: means premises wherein goods are displayed and may be offered for sale or hire excluding the sale of foodstuffs, liquor or beverages, items of clothing or apparel (except as hereinafter stipulated in this definition) or personal adornment, magazines, books, newspapers or paper products, and medicinal or pharmaceutical products unless assembled or manufactured on the premises. The term includes the sale of secondhand clothing or apparel by welfare and charitable agencies with the approval of Council."

A change of use from those outlined above may require development approval.



4. Planting and installation shall be in accordance with the Site and Landscaping Plan for the site and adjoining verge areas and completed prior to occupation of the development, to the satisfaction of the City. Thereafter, all landscaping, including that of the adjoining verge areas is to be undertaken by the applicant, to the satisfaction of the City.
5. Operating hours of the Service Station shall be 24 hours per day, seven days per week.
6. The development is to comply at all times with the recommendations outlined in the Lloyd George Environmental Noise Assessment dated November 2019, including the following:
 - a) The applicant is to engage a suitably qualified and recognised acoustical consultant to verify building and mechanical noise mitigation measures during the design and construction of development;
 - b) All deliveries to the site, including refuelling by refuelling tankers, shall only be between 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm on Sundays and Public Holidays
7. Amended plans are to be submitted the City prior to commencement of construction works to re-align the Service Station shop to have a minimum 16 metre setback from the front lot boundary, and to incorporate vehicular connectivity between the Service Station and Showroom in accordance with the provisions of ASP 65.
8. The Service Station and Showrooms shall not commence operation until the proposed roadway as indicated on the plans has been constructed to the satisfaction of the City.
9. The proposed access along Porrecta Link shall be limited to left-in and left-out access only. No modifications shall be permitted to the existing median strip.
10. A finalised Mural design for the north-east Showroom wall is to be submitted to the City prior to the commencement of works on site. The Mural shall be completed prior to the commencement of the approved uses, to the satisfaction of the City.
11. Prior to the commencement of development, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.
12. Lighting shall be installed to pathways and car parking areas, be designed in accordance with the Australian Standards for the *Control of Obtrusive Effects of Outdoor Lighting* (AS4282) and shall be internally directed to not overspill into nearby lots. All floodlights shall be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.
13. All illuminated signage shall have any boxing or casing in which it is enclosed constructed of incombustible materials, shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.



14. Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on-site.
15. Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890), and shall be drained, sealed and marked.
16. Detailed civil engineering drawings and specifications for works within the public road reserve (earthworks, parking, roads and drainage) shall be lodged for approval to the City prior to commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications to the satisfaction of the City.
17. No parking bays shall be obstructed in any way or used for the purposes of storage.
18. Storage areas, plant and equipment shall be screened from view from streets, public places and adjacent properties.
19. The proposed bin areas are to be enclosed and screened from their immediate surrounds and any adjacent public street or road by a wall not less than 1.8m high constructed in brick, masonry or other approved material.
20. All refuse shall be stored within the designated bin stores and shall be collected from the site by a private contractor at the cost of the applicant/owner. Waste collection shall only occur between 7.00am and 7.00pm Monday – Saturday.
21. The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site to the satisfaction of the City.
22. A construction management plan being submitted detailing how the construction of the development will be managed in order to limit the impact on the users of the surrounding area. The plan will need to ensure that:
 - a) Adequate space is provided within the development site for the parking of construction vehicles and for the storage of building materials so as to minimise the need to utilise the surrounding road network;
 - b) Adequate provision is made for the parking of workers' vehicles;
 - c) Pedestrian and vehicular access around the site is maintained;
 - d) The delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
 - e) The hours of construction are limited to ensure that there is no adverse impact on the amenity of the surrounding properties.

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

23. Any graffiti applied to the external surfaces of the building shall be removed within seven days of it being applied, to the satisfaction of the City.



Advice Notes

1. This is a development approval only and is issued under the City of Wanneroo's District Planning Scheme No. 2 and the Western Australian Planning Commission's Metropolitan Region Scheme. It is the proponent's responsibility to comply with all other applicable legislation, including the Australian Standards and the *Environmental Protection (Noise) Regulations 1997*, and obtain all required approvals, licences and permits prior to commencement of this development.
2. In regards to the dust and sand drift condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and Environmental Regulation's 'A *guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*'.
3. With regards to any management plans to be submitted to the City as required in any of the conditions set out within this development approval, these are to be submitted to the assessing officer or in their absence addressed to Planning Approvals. An assessment of the acceptability of these plans by the City will not be undertaken if these plans are submitted within a building permit application.
4. With regards to stormwater retention, 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.
5. With regards to stormwater retention, a Geo-technical Report shall be lodged for approval to the City prior to commencement of construction works demonstrating the infiltration rate of 5m/day. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications to the satisfaction of the City.

AMENDING MOTION 1

Moved by: Ms Karen Hyde

Seconded by: Cr Frank Cvitan

That condition no. 2 be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of ~~two~~ **three** years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

The Amending Motion was WITHDRAWN by the mover

REASON: Upon clarification of the new measures introduced to the approval period the motion was withdrawn.



AMENDING MOTION 2

Moved by: Ms Karen Hyde

Seconded by: Ms Sheryl Chaffer

That condition no. 6 be amended to read as follows:

The development is to comply at all times with the recommendations outlined in the Lloyd George Environmental Noise Assessment dated November 2019, including the following:

- a) *The applicant is to engage a suitably qualified and recognised acoustical consultant to verify building and mechanical noise mitigation measures during the design and construction of development;*
- b) *All deliveries to the site, ~~including refuelling by refuelling tankers~~, shall only be between 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm on Sundays and Public Holidays, **with the exception of refuelling by refuelling tankers.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel agreed that the restricting the refuelling within the timeframes mentioned would increase congestion and would be affected by the peak patronage times.

AMENDING MOTION 3

Moved by: Ms Karen Hyde

Seconded by: Cr Jacqui Huntley

That condition no. 7 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and LOST (2/3).

For: Ms Karen Hyde
Cr Jacqui Huntley

Against: Ms Sheryl Chaffer
Mr Fred Zuideveld
Cr Frank Cvitan

REASON: The majority of the panel agreed with the recommendations from the Design Review Panel and the condition in the RAR.



AMENDING MOTION 4

Moved by: Ms Karen Hyde

Seconded by: Cr Jacqui Huntley

That condition no. 9 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (3/2).

For: Ms Karen Hyde
Cr Jacqui Huntley
Mr Fred Zuideveld

Against: Ms Sheryl Chaffer
Cr Frank Cvitan

REASON: The majority of the panel felt the development could accommodate right turns and would allow vehicle access to the site from Pinjar Road via Porcetta Link.

AMENDING MOTION 5

Moved by: Ms Karen Hyde

Seconded by: Mr Fred Zuideveld

That condition no. 10 (now condition 9) be amended to read as follows:

*A finalised Mural design for the north-east Showroom wall is to be submitted to the City prior to ~~the commencement of works on site~~ **occupation**. The Mural shall be completed ~~prior to~~ **within six months of the commencement of the approved uses**, to the satisfaction of the City.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the applicant the flexibility on timing to finalise the design and completion of the mural.

AMENDING MOTION 6

Moved by: Mr Fred Zuideveld

Seconded by: Ms Karen Hyde

That condition no. 4 be amended to read as follows:

An amended Landscaping Plan must be submitted and approved to the satisfaction of the City prior to commencement of works. Planting and installation shall be in accordance with the Site and Landscaping Plan for the site and adjoining verge areas and completed prior to occupation of the development, to the satisfaction of the City. Thereafter, all landscaping, including that of the adjoining verge areas is to be undertaken by the applicant, to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: As a result of condition 7 the panel agreed there is a need for an amended Landscaping Plan to be submitted.



REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

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- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

"Showroom: means premises wherein goods are displayed and may be offered for sale or hire excluding the sale of foodstuffs, liquor or beverages, items of clothing or apparel (except as hereinafter stipulated in this definition) or personal adornment, magazines, books, newspapers or paper products, and medicinal or pharmaceutical products unless assembled or manufactured on the premises. The term includes the sale of secondhand clothing or apparel by welfare and charitable agencies with the approval of Council."

A change of use from those outlined above may require development approval.

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5. Operating hours of the Service Station shall be 24 hours per day, seven days per week.



6. The development is to comply at all times with the recommendations outlined in the Lloyd George Environmental Noise Assessment dated November 2019, including the following:
 - a) The applicant is to engage a suitably qualified and recognised acoustical consultant to verify building and mechanical noise mitigation measures during the design and construction of development;
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8. The Service Station and Showrooms shall not commence operation until the proposed roadway as indicated on the plans has been constructed to the satisfaction of the City.
9. A finalised Mural design for the north-east Showroom wall is to be submitted to the City prior to occupation. The Mural shall be completed within six months of the commencement of the approved uses, to the satisfaction of the City.
10. Prior to the commencement of development, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.
11. Lighting shall be installed to pathways and car parking areas, be designed in accordance with the Australian Standards for the *Control of Obtrusive Effects of Outdoor Lighting* (AS4282) and shall be internally directed to not overspill into nearby lots. All floodlights shall be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.
12. All illuminated signage shall have any boxing or casing in which it is enclosed constructed of incombustible materials, shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
13. Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on-site.
14. Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890), and shall be drained, sealed and marked.
15. Detailed civil engineering drawings and specifications for works within the public road reserve (earthworks, parking, roads and drainage) shall be lodged for approval to the City prior to commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications to the satisfaction of the City.
16. No parking bays shall be obstructed in any way or used for the purposes of storage.



17. Storage areas, plant and equipment shall be screened from view from streets, public places and adjacent properties.
18. The proposed bin areas are to be enclosed and screened from their immediate surrounds and any adjacent public street or road by a wall not less than 1.8m high constructed in brick, masonry or other approved material.
19. All refuse shall be stored within the designated bin stores and shall be collected from the site by a private contractor at the cost of the applicant/owner. Waste collection shall only occur between 7.00am and 7.00pm Monday – Saturday.
20. The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site to the satisfaction of the City.
21. A construction management plan being submitted detailing how the construction of the development will be managed in order to limit the impact on the users of the surrounding area. The plan will need to ensure that:
 - a) Adequate space is provided within the development site for the parking of construction vehicles and for the storage of building materials so as to minimise the need to utilise the surrounding road network;
 - b) Adequate provision is made for the parking of workers' vehicles;
 - c) Pedestrian and vehicular access around the site is maintained;
 - d) The delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
 - e) The hours of construction are limited to ensure that there is no adverse impact on the amenity of the surrounding properties.

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

22. Any graffiti applied to the external surfaces of the building shall be removed within seven days of it being applied, to the satisfaction of the City.

Advice Notes

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3. With regards to any management plans to be submitted to the City as required in any of the conditions set out within this development approval, these are to be submitted to the assessing officer or in their absence addressed to Planning Approvals. An assessment of the acceptability of these plans by the City will not be undertaken if these plans are submitted within a building permit application.



4. With regards to stormwater retention, 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.
5. With regards to stormwater retention, a Geo-technical Report shall be lodged for approval to the City prior to commencement of construction works demonstrating the infiltration rate of 5m/day. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications to the satisfaction of the City.

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

REASON: The panel having considered the RAR and after seeking clarification on a number of points raised in the presentations, determined that the development could be approved subject to conditions and some amendments to conditions. The land uses are contemplated in the ASP and the development as configured and designed, with minor adjustments to the setback to Pinjar Road, will assist in activating the centre. The automatic extended period for commencement of development will provide flexibility to ensure the development can be implemented.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01557 DR159/2019	City of Joondalup	Lot 104 & 105 (8 & 10) Brechin Court, Duncraig	3 Levels, 16 Apartments, Multiple Dwellings	01/08/2019

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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 11:16am.