



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 6 October 2021; 10:00am
Meeting Number: MOJDAP/129
Meeting Venue: City of Swan
312 Great Eastern Highway, Midland

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Sheryl Chaffer



Attendance

DAP Members

Ms Sheryl Chaffer (A/Presiding Member)
Ms Lindsay Baxter (A/Deputy Presiding Member)
Mr John Taylor (A/Third Specialist Member)

Item 8.1

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

Item 8.2

Cr Rod Henderson (Local Government Member, City of Swan)
Cr Mel Congerton (Local Government Member, City of Swan)

Officers in attendance

Item 8.1

Mr Nick Bertone (City of Wanneroo)
Mr Greg Bowering (City of Wanneroo) – via telephone

Item 8.2

Mr Philip Russell (City of Swan)
Ms Asha Logan (City of Swan)

Minute Secretary

Ms Kathy Lamont (City of Swan)

Applicants and Submitters

Item 8.1

Mr Lewis Shugar (element)
Ms Harriett Sestack (Castlerock Property) – via telephone
Mr Zac Fried (Emerge Associates)

Item 8.2

Mr Reegan Cake (Dynamic Planning and Developments)
Mr Ian Haslehurst (Fueltech Consulting Pty Ltd)
Mr Richard Janes (North Swan Land Conservation District Committee)
Mrs Anne Janes (Bullsbrook Residents and Ratepayers Association Inc.)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 10:06 am on 6 October 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

Ms Sheryl Chaffer
A/Presiding Member, Metro Outer JDAP



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.

2. Apologies

Mr Ian Birch (Presiding Member)
Mr Jason Hick (Third Specialist Member)
Mr Tony Arias (A/Deputy Presiding Member)
Mayor Kevin Bailey (Local Government Member, City of Swan)

3. Members on Leave of Absence

DAP Member, Mr Ian Birch (Presiding Member) has been granted leave of absence by the Director General for the period of 24 September 2021 to 8 October 2021 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

The A/Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 6 October 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Tony Arias, declared an Impartiality Interest in item 8.1. Mr Arias is currently employed by the City of Wanneroo on a part time, contract basis, for a three-month term, expiring in December 2021. Mr Arias has no involvement in the consideration of any planning applications, including the application under consideration in Item 8.1. Mr Arias confirms that he will consider the application impartially and objectively.

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 Impartiality Interest, was not permitted to participate in the discussion and voting on the items.

Sheryl Chaffer



In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Rod Henderson and Cr Mel Congerton, declared that they participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Henderson and Cr Congerton 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.

DAP Member, Cr Mel Congerton, declared an Impartiality Interest in item 8.2. Cr Congerton advised that Dynamic Planning and Developments acted on behalf of one of Cr Congerton's companies. Cr Congerton confirmed that he would consider the application impartially and objectively.

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.

7. Deputations and Presentations

- 7.1** Mr Lewis Shugar (element) on behalf of Harriett Sestack (Castlerock Property) addressed the DAP in support of the recommendation for the application at Item 8.1
- 7.2** Mr Zac Fried (Emerge Associates) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3** Mr Lewis Shugar (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** The City of Wanneroo officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1-7.4 were heard prior to the application at Item 8.1.

Sheryl Chaffer



- 7.5 Mr Richard Janes (North Swan Land Conservation District Committee) addressed the DAP in support of the responsible authority recommendation for the application at Item 8.2.
- 7.6 Mrs Anne Janes (Bullsbrook Residents and Ratepayers Association Inc.) addressed the DAP in support of the responsible authority recommendation for the application at Item 8.2.
- 7.7 Mr Ian Haslehurst (Fueltech Consulting Pty Ltd) addressed the DAP in support of the officer recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.8 Mr Reegan Cake (Dynamic Planning and Developments) addressed the DAP in support of the officer recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.9 The City of Swan officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.2 - 7.9 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 4004 (225) Butler Boulevard, Butler

Development Description:	Single Storey Office
Applicant:	element
Owner:	HSCV Pty Ltd
Responsible Authority:	City of Wanneroo
DAP File No:	DAP/21/02025

REPORT RECOMMENDATION

Moved by: Cr Vinh Nguyen **Seconded by:** Cr Frank Cvitan

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01700 and accompanying plans (TP01 Rev P6, TP02 Rev P3, TP03 Rev P3, TP09 Rev P2, TP04 Rev P3, TP05 Rev P3, TP07 Rev P3, CRP-01-SK Rev H, CRP-02-SK Rev H and CRP-03-SK Rev H) 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.

Sheryl Chaffer



2. This decision constitutes planning approval only and is valid for a period of four 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 "Office" as defined in the City of Wanneroo's District Planning Scheme No. 2.

"Office: means any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on site, and does not include consulting rooms or medical centres."

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

4. The attached **Site Plans and Landscaping Plans** shall be modified to increase the total area of, and more appropriately position landscaping on site. A revised landscaping plan shall be submitted to the satisfaction of the City prior to the commencement of works.

Planting and installation shall be in accordance with the Site and Landscaping Plan for the site 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. A finalised mural/artwork/façade feature design for the wall on the eastern elevation in the area depicted on the approved plans is to be submitted to the City prior to occupation. The mural/artwork/façade feature shall be completed within six months of the development first being occupied, have anti-graffiti coating applied upon completion and shall be maintained thereafter to the satisfaction of the City. Any graffiti applied to this surface shall be removed within seven days of application by the landowner/applicant.
6. 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, marked and maintained to the satisfaction of the City.
7. 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.
8. 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.
9. The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site to the satisfaction of the City.

Sheryl Chaffer



10. 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.

11. All waste shall be stored within the designated bin enclosure and shall be collected from the site by a private contractor at the cost of the owner/occupier.
12. 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.
13. Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on-site.

Advice Notes

1. 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*'.
2. 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.
3. 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.

Sheryl Chaffer



AMENDING MOTION 1

Moved by: Ms Lindsay Baxter

Seconded by: Cr Frank Cvitan

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

*The attached **Site Plans and Landscaping Plans** shall be modified to increase the total area of, and more appropriately position landscaping on site. **shall be modified to comply with the landscaping requirement under District Planning Scheme number 2.** A revised landscaping plan shall be submitted to the satisfaction of the City prior to the commencement of works.*

Planting and installation shall be in accordance with the Site and Landscaping Plan for the site 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: To enable the City of Wanneroo to seek compliance with the full landscaping requirement as specified under its local planning scheme.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01700 and accompanying plans (TP01 Rev P6, TP02 Rev P3, TP03 Rev P3, TP09 Rev P2, TP04 Rev P3, TP05 Rev P3, TP07 Rev P3, CRP-01-SK Rev H, CRP-02-SK Rev H and CRP-03-SK Rev H) 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 four 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 "Office" as defined in the City of Wanneroo's District Planning Scheme No. 2.

***"Office:** means any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on site, and does not include consulting rooms or medical centres."*

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

Sheryl Chaffer



4. The attached **Site Plans and Landscaping Plans** shall be modified to comply with the landscaping requirement under District Planning Scheme number 2. A revised landscaping plan shall be submitted to the satisfaction of the City prior to the commencement of works.

Planting and installation shall be in accordance with the Site and Landscaping Plan for the site 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. A finalised mural/artwork/façade feature design for the wall on the eastern elevation in the area depicted on the approved plans is to be submitted to the City prior to occupation. The mural/artwork/façade feature shall be completed within six months of the development first being occupied, have anti-graffiti coating applied upon completion and shall be maintained thereafter to the satisfaction of the City. Any graffiti applied to this surface shall be removed within seven days of application by the landowner/applicant.
6. 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, marked and maintained to the satisfaction of the City.
7. 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.
8. 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.
9. The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site to the satisfaction of the City.
10. 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.

Sheryl Chaffer



11. All waste shall be stored within the designated bin enclosure and shall be collected from the site by a private contractor at the cost of the owner/occupier.
12. 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.
13. Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on-site.

Advice Notes

1. 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*'.
2. 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.
3. 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.

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

REASON: The proposal is consistent with the intended uses under the local structure plan and precinct plan and the final building design was considered acceptable, having been modified directly in response to the City of Wanneroo's prior design review process. The panel supported the proposal subject to an increase in landscaping provision in accordance with the local planning scheme so as to soften the appearance of the building and improve site amenity. The extra provision of on site car parking enables the plans to be modified to include more landscaping without compromising the site layout, required car parking and access.

Sheryl Chaffer



8.2 Lot 159 (1769) Neaves Road, Bullsbrook

Development Description: Proposed Roadhouse
Applicant: Dynamic Planning and Developments
Owner: Dalecourt Pty Ltd
Responsible Authority: City of Swan
DAP File No: DAP/21/01951

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

Report Recommendation

- 1) Not endorse the Officer Recommendation on the application to the Metro Outer Joint Development Assessment Panel.
- 2) Recommend to the Metro Outer Joint Development Assessment Panel that it refuses to grant approval for the proposed Roadhouse at Lot 159 (No.1769) Neaves Road, Bullsbrook for the following reason:
 1. The risk the development poses to ground water and water courses in the area.

The Report Recommendation LAPSED for want of a Mover and a Secunder.

Alternate Recommendation

Moved by: Ms Lindsay Baxter
Sheryl Chaffer

Seconded by: Ms

Administrative amendments were made to conditions 6, 7, 8, 9, 10 and 13 to change 'City' to 'City of Swan'.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/21/01951 and accompanying plans (Site Concept Plan - Drawing No. FTC20140-SI-A01 (Rev. H), Shop Floor Plan/Layout Plan - Drawing No. FTC20140-SH-A01.7 (Rev. B), Shop External Elevations Sheet 1 - Drawing No. FTC20140-SH-A02 (Rev. D), Shop External Elevations Sheet 2 - Drawing No. FTC20140-SH-A02.1 (Rev. D), Shop External Elevations Sheet 3 - Drawing No. FTC20140-SH-A02.2 (Rev. A); Site Signage 12M ID Sign - Drawing No. FTC20140-SI-V01 (Rev. A), Site Signage 5M ID Sign - Drawing No. FTC20140-SI-V02 (Rev. A), Site Concept Plan - Stormwater Overlay - Drawing No. FTC20140-SI-A01.2 (Rev. H), Site Concept Plan - Sewer and Stormwater Services Proposal - Drawing No. FTC20140-SI-A01.3 (Rev. F) and Site Concept Plan - Sewer and Stormwater Services Proposal - Drawing No. FTC20140-SI-A01.4 (Rev. A) in accordance with Clause 68 of Schedule 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. 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.

Sheryl Chaffer

Ms Sheryl Chaffer
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 relevant decision-making authority.
2. Prior to a building permit being issued, the landowner must contribute an amount equal to 1% of the total development construction cost toward the provision of Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, by either:
 - payment to the City of a cash-in-lieu amount equal to 1% of the construction cost (currently estimated to be \$22,000). This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to a building permit being issued for the approved development, whichever occurs first; or,
 - the provision of Public Art onsite to a minimum value equal to 1% of the construction cost (currently estimated to be \$22,000). The following is required for the provision of Public Art onsite:
 - i. the landowner or applicant must seek approval from the City for a specific Public Art work, including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City may apply conditions on 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; and,
 - iii. the Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.
3. Prior to a building permit being issued, the owner/applicant must prepare and have approved, an Integrated Water Management Plan, to the satisfaction of the City of Swan on the advice of the Department of Biodiversity, Conservation and Attractions.
4. Prior to a building permit being issued, the owner/applicant must prepare and have approved, a Schedule of Materials and Colours for the Roadhouse, including details of a shade structure for the outdoor seating area.
5. Prior to a building permit being issued or the commencement of works (whichever occurs earlier), the intersection of Davidson Street and Neaves Road is to be upgraded as generally detailed in drawing CW1134200-SK007 Revision B in the Transport Impact Assessment (TIA) prepared by Cardno (dated 16 July 2021), to the satisfaction of the City of Swan in consultation with Main Roads WA. The cost of the design and construction of this intersection upgrade must be borne by the owner/applicant.
6. Prior to a building permit being issued, engineering design drawings and specifications for the proposed crossover on Davidson Street shall be submitted to the City of Swan for approval. The crossover and relevant section(s) of Neaves Road shall be constructed and/or upgraded and drained in accordance with the approved drawings and specifications to the satisfaction of the City of Swan.

Sheryl Chaffer



7. Prior to the commencement of works, a detailed Landscape Plan must be prepared by a suitable qualified person and submitted to and approved by the City of Swan, and must include details of the following:
 - a) existing mature trees to be retained and/or relocated, including the relocation site and protection measures in accordance with AS 4970-2009 (as amended);
 - b) the location, number, size and species of new trees, shrubs and/or other vegetation, including the vegetative buffer and wind fence/bund;
 - c) details of a shade structure for the outdoor seating area;
 - d) calculations of water requirements to effectively establish and maintain the landscaping, and expected water volumes and sources available for ongoing irrigation and maintenance;
 - e) extent of clearing for the Asset Protection Zone (APZ); and,
 - f) owner/operator responsibility to maintain landscaping to a low-fuel state in accordance with the *Guidelines for Planning in Bushfire Prone Areas* and AS 3959, and to ensure unobstructed vehicle sightlines at all times.

8. The approved Landscape Plan must be implemented prior to the occupation or use of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first three growing seasons following implementation must be replaced in consultation with the City.

9. Prior to a building permit being issued, updated development plans must be submitted to and approved by the City of Swan to show:
 - deletion of the drive-through window from the Roadhouse building;
 - external colours, finishes and materials to be used in the construction of the development in accordance with the approved Schedule of Materials and Colours;
 - internal driveway and crossovers in accordance with the approved engineering design drawings; and,
 - landscaping and shade structure/s in accordance with the approved Landscape Plan.

to the satisfaction of the City. The approved development is to comply in all respects with the approved development plans, together with any requirements and annotations detailed thereon.

10. Prior to occupation or use of the 'Roadhouse', an Asset Protection Zone (APZ) 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 APZ 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 Guidelines). The APZ must thereafter be maintained on the land in accordance with the Guidelines to the satisfaction of the City of Swan for the life of the development.

Sheryl Chaffer



11. Prior to occupation or use of the 'Roadhouse', the development must incorporate the relevant requirements of the Bushfire Management Plan (BMP) prepared by BushfireWest (BPAD36525) (dated 8 April 2021, v.1.3) in accordance with the *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines):
 - private driveway designed and constructed to meet all relevant requirements in Table 6 of the Guidelines, have an all-weather surface, passing bay, and a turn-around area designed to accommodate a type 3.4 fire appliance located within 3 metres of the water tank; and,
 - provision of an adequate water supply for fire fighting in accordance with the specifications of the Water Corporation and/or Department of Fire and Emergency Services.
12. The Risk Management Plan (RMP) prepared by BushfireWest (dated 10 August 2020, v.1.0) must be implemented on the site at all times. The landowner must ensure the RMP is reviewed on an annual basis to ensure it remains valid and relevant.
13. Prior to occupation or use of the 'Roadhouse', an Emergency Evacuation Plan (EEP) 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 EEP must be implemented on the site at all times. The landowner must ensure the EEP is reviewed on an annual basis to ensure it remains valid and relevant.
14. 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.
15. A minimum of 50 parking bays, inclusive of 14 vehicle fuelling spaces, must be provided on the site in accordance with the approved plans. Vehicle parking bays, access and circulation areas shall be clearly line-marked and designed in accordance with the Australian Standard AS 2890.1 (as amended). Disabled bays are to comply with Australian Standard AS 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. Illumination of signs must be of a low-level not exceeding 300cd/m² between sunset and sunrise.
18. Signage shall not flash, pulsate or chase during all hours.
19. Apart from the price numerals, signage shall not be electronic/digital format.
20. The devices shall not contain fluorescent, reflective or retro reflective colours or materials.

Sheryl Chaffer



21. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City of Swan before the development is occupied.
22. 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.
23. External lighting shall comply with the requirements of Australian Standard AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
24. 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 in the event that sand is blown or drifts from the site.
25. 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.
26. Any fill brought onto the site must be clean sand.

AMENDING MOTION 1

Moved by: Cr Rod Henderson

Seconded by: Cr Mel Congerton

That condition No. 3 be amended to read as follows:

Prior to a building permit being issued:

- (i) *The owner/applicant must prepare and have approved, an Integrated Water Management Plan, to the satisfaction of the City of Swan on the advice of the Department of Biodiversity, Conservation and Attractions.*
- (ii) ***The plans shall incorporate a water quality testing regime of the stormwater and waste water generated by the Roadhouse, this is to be undertaken by the operators of the roadhouse and reported annually to the City of Swan.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that in the long term groundwater contamination if it occurs can be detected and dealt with.

Sheryl Chaffer



AMENDING MOTION 2

Moved by: Ms Lindsay Baxter

Seconded by: Ms Sheryl Chaffer

The following amendments were moved en bloc:

- (i) That Condition No.7a be amended to read as follows:

existing mature trees to be retained and/or relocated, **where possible**, including the relocation site and protection measures in accordance with AS 4970-2009 (as amended);

- (ii) That Condition No.16 be amended to read as follows:

Vehicle parking, access, and circulation areas must be sealed, kerbed and drained in accordance with the approved plans and ~~Stormwater Management Plan~~ **Integrated Water Management Plan**, and maintained to the satisfaction of the City of Swan.

- (iii) That Condition No.20 be amended to read as follows:

The **signage and/or lighting** devices shall not contain fluorescent, reflective or retro reflective colours or materials.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the intent of the conditions.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/21/01951 and accompanying plans (Site Concept Plan - Drawing No. FTC20140-SI-A01 (Rev. H), Shop Floor Plan/Layout Plan - Drawing No. FTC20140-SH-A01.7 (Rev. B), Shop External Elevations Sheet 1 - Drawing No. FTC20140-SH-A02 (Rev. D), Shop External Elevations Sheet 2 - Drawing No. FTC20140-SH-A02.1 (Rev. D), Shop External Elevations Sheet 3 - Drawing No. FTC20140-SH-A02.2 (Rev. A); Site Signage 12M ID Sign - Drawing No. FTC20140-SI-V01 (Rev. A), Site Signage 5M ID Sign - Drawing No. FTC20140-SI-V02 (Rev. A), Site Concept Plan - Stormwater Overlay - Drawing No. FTC20140-SI-A01.2 (Rev. H), Site Concept Plan - Sewer and Stormwater Services Proposal - Drawing No. FTC20140-SI-A01.3 (Rev. F) and Site Concept Plan - Sewer and Stormwater Services Proposal - Drawing No. FTC20140-SI-A01.4 (Rev. A) in accordance with Clause 68 of Schedule 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. 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.

Sheryl Chaffer



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 relevant decision-making authority.
2. Prior to a building permit being issued, the landowner must contribute an amount equal to 1% of the total development construction cost toward the provision of Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, by either:
 - payment to the City of a cash-in-lieu amount equal to 1% of the construction cost (currently estimated to be \$22,000). This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to a building permit being issued for the approved development, whichever occurs first; or,
 - the provision of Public Art onsite to a minimum value equal to 1% of the construction cost (currently estimated to be \$22,000). The following is required for the provision of Public Art onsite:
 - i. the landowner or applicant must seek approval from the City for a specific Public Art work, including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City may apply conditions on 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; and,
 - iii. the Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.
3. Prior to a building permit being issued:
 - (iii) The owner/applicant must prepare and have approved, an Integrated Water Management Plan, to the satisfaction of the City of Swan on the advice of the Department of Biodiversity, Conservation and Attractions.
 - (iv) The plans shall incorporate a water quality testing regime of the stormwater and waste water generated by the Roadhouse, this is to be undertaken by the operators of the roadhouse and reported annually to the City of Swan.
4. Prior to a building permit being issued, the owner/applicant must prepare and have approved, a Schedule of Materials and Colours for the Roadhouse, including details of a shade structure for the outdoor seating area.
5. Prior to a building permit being issued or the commencement of works (whichever occurs earlier), the intersection of Davidson Street and Neaves Road is to be upgraded as generally detailed in drawing CW1134200-SK007 Revision B in the Transport Impact Assessment (TIA) prepared by Cardno (dated 16 July 2021), to the satisfaction of the City of Swan in consultation with Main Roads WA. The cost of the design and construction of this intersection upgrade must be borne by the owner/applicant.

Sheryl Chaffer



6. Prior to a building permit being issued, engineering design drawings and specifications for the proposed crossover on Davidson Street shall be submitted to the City of Swan for approval. The crossover and relevant section(s) of Neaves Road shall be constructed and/or upgraded and drained in accordance with the approved drawings and specifications to the satisfaction of the City of Swan.
7. Prior to the commencement of works, a detailed Landscape Plan must be prepared by a suitable qualified person and submitted to and approved by the City of Swan, and must include details of the following:
 - a) existing mature trees to be retained and/or relocated, where possible, including the relocation site and protection measures in accordance with AS 4970-2009 (as amended);
 - b) the location, number, size and species of new trees, shrubs and/or other vegetation, including the vegetative buffer and wind fence/bund;
 - c) details of a shade structure for the outdoor seating area;
 - d) calculations of water requirements to effectively establish and maintain the landscaping, and expected water volumes and sources available for ongoing irrigation and maintenance;
 - e) extent of clearing for the Asset Protection Zone (APZ); and,
 - f) owner/operator responsibility to maintain landscaping to a low-fuel state in accordance with the *Guidelines for Planning in Bushfire Prone Areas* and AS 3959, and to ensure unobstructed vehicle sightlines at all times.
8. The approved Landscape Plan must be implemented prior to the occupation or use of the development, and maintained thereafter, to the satisfaction of the City. Any species that fails to establish within the first three growing seasons following implementation must be replaced in consultation with the City.
9. Prior to a building permit being issued, updated development plans must be submitted to and approved by the City of Swan to show:
 - (1) deletion of the drive-through window from the Roadhouse building;
 - (2) external colours, finishes and materials to be used in the construction of the development in accordance with the approved Schedule of Materials and Colours;
 - (3) internal driveway and crossovers in accordance with the approved engineering design drawings; and,
 - (4) landscaping and shade structure/s in accordance with the approved Landscape Plan.

to the satisfaction of the City of Swan. The approved development is to comply in all respects with the approved development plans, together with any requirements and annotations detailed thereon.

Sheryl Chaffer



10. Prior to occupation or use of the 'Roadhouse', an Asset Protection Zone (APZ) 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 APZ 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 Guidelines). The APZ must thereafter be maintained on the land in accordance with the Guidelines to the satisfaction of the City for the life of the development.

11. Prior to occupation or use of the 'Roadhouse', the development must incorporate the relevant requirements of the Bushfire Management Plan (BMP) prepared by BushfireWest (BPAD36525) (dated 8 April 2021, v.1.3) in accordance with the *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines):
 - (i) private driveway designed and constructed to meet all relevant requirements in Table 6 of the Guidelines, have an all-weather surface, passing bay, and a turn-around area designed to accommodate a type 3.4 fire appliance located within 3 metres of the water tank; and,
 - (ii) provision of an adequate water supply for fire fighting in accordance with the specifications of the Water Corporation and/or Department of Fire and Emergency Services.
12. The Risk Management Plan (RMP) prepared by BushfireWest (dated 10 August 2020, v.1.0) must be implemented on the site at all times. The landowner must ensure the RMP is reviewed on an annual basis to ensure it remains valid and relevant.
13. Prior to occupation or use of the 'Roadhouse', an Emergency Evacuation Plan (EEP) must be prepared for the site in accordance with the Guidelines for Planning in Bushfire Prone Areas, and approved by the City. The approved EEP must be implemented on the site at all times. The landowner must ensure the EEP is reviewed on an annual basis to ensure it remains valid and relevant.
14. 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.
15. A minimum of 50 parking bays, inclusive of 14 vehicle fuelling spaces, must be provided on the site in accordance with the approved plans. Vehicle parking bays, access and circulation areas shall be clearly line-marked and designed in accordance with the Australian Standard AS 2890.1 (as amended). Disabled bays are to comply with Australian Standard AS 2890.6 (as amended).

Sheryl Chaffer



16. Vehicle parking, access, and circulation areas must be sealed, kerbed and drained in accordance with the approved plans and Integrated Water Management Plan, and maintained to the satisfaction of the City of Swan.
17. Illumination of signs must be of a low-level not exceeding 300cd/m² between sunset and sunrise.
18. Signage shall not flash, pulsate or chase during all hours.
19. Apart from the price numerals, signage shall not be electronic/digital format.
20. The signage and/or lighting devices shall not contain fluorescent, reflective or retro reflective colours or materials.
21. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City of Swan before the development is occupied.
22. 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.
23. External lighting shall comply with the requirements of Australian Standard AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
24. 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 in the event that sand is blown or drifts from the site.
25. 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.
26. Any fill brought onto the site must be clean sand.

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

REASON: The proposed roadhouse was supported by the panel as it was considered a suitable use and development in the general rural zone that provided compatible support services to the local area and beyond and is well placed and designed for light and heavy vehicle access from the adjacent regional road network. Specific amenity issues such as noise, traffic and odour were demonstrated to be adequately addressed in the application assessment and conditions applied to the approval.

Potential environmental and safety risk issues raised by local community interest groups were given careful consideration by the panel and recommended conditions were applied accordingly, including submission of an Integrated Water Management Plan to effectively manage stormwater and wastewater without impact on the Ellen Brook catchment. The panel noted that the proposal is also subject to further licensing approval for fuel storage under the Dangerous Goods Safety Act and vegetation clearance approval under the Environmental Protection Act.

Sheryl Chaffer



In accepting the officers' report recommendation not to approve the drive through facility component of the proposal the panel gave consideration to the WAPC's DCP 1.10 which emphasises the purpose of a roadhouse as a rest stop for motorists and specifically guides against the provision of drive through takeaway.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

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
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021
DAP/210/01926 DR144/2021	City of Armadale	Lot 60 Centre Road, Camillo	Proposed 45 Grouped Dwellings	09/07/2021

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 12:12pm.

Sheryl Chaffer