



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 17 September 2021; 10:00am  
**Meeting Number:** MOJDAP/125  
**Meeting Venue:** City of Wanneroo  
23 Dundebur Road, Wanneroo

### 1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	2
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.....	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	3
8.1	Lot 9001 (35) Kilrush Turn, Ridgewood.....	3
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....	9
	Nil.....	9
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	10
11.	General Business.....	10
12.	Meeting Closure .....	10

Mr Ian Birch  
Presiding Member, Metro Outer JDAP



## Attendance

### DAP Members

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr Justin Page (A/Third Specialist Member)  
Cr Frank Cvitan (Local Government Member, City of Wanneroo)  
Cr Vinh Nguyen (Local Government Member, City of Wanneroo)

### Officers in attendance

Mr Greg Bowering (City of Wanneroo)  
Mr Adam Wood (City of Wanneroo)

### Minute Secretary

Ms Sue Wesley (City of Wanneroo)

### Applicants and Submitters

Mr Jordan Ennis (Ennis Advisory)

### Members of the Public / Media

Nil.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.00am on 17 September 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

### 1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

## 2. Apologies

Mr Jason Hick (Third Specialist Member)

Mr Ian Birch  
Presiding Member, Metro Outer JDAP



### 3. **Members on Leave of Absence**

Nil.

### 4. **Noting of Minutes**

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

### 5. **Declaration of Due Consideration**

All members declared that they had duly considered the documents.

### 6. **Disclosure of Interests**

DAP Member, Mr Justin Page, declared an Impartiality Interest in item 8.1. Mr Page was part of the project consultant team who acted on behalf of MGP Baldivis Pty Ltd of which 7-Eleven was a prospective tenant for a proposed service station at Lot 1 Fifty Road, Baldivis. The proposed service station (as part of the wider local centre development located at the corner of Fifty Rd/Baldivis Rd) was approved by the City of Rockingham under delegated officer authority on 13 August 2021. Mr Page's previous involvement with the proposed service station at Lot 1 Fifty Road, Baldivis will not affect his ability to be impartial in the determination of the application.

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

### 7. **Deputations and Presentations**

7.1 Mr Jordan Ennis (Ennis Advisory) responded to questions from the panel in relation to Item 8.1.

7.2 The City of Wanneroo officers responded to questions from the panel in relation to Item 8.1.

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

#### 8.1 **Lot 9001 (35) Kilrush Turn, Ridgewood**

Development Description:	Service Station
Applicant:	Ennis Advisory
Owner:	SilverSpark Pty Ltd Atf The SilverSpark Unit Trust
Responsible Authority:	City of Wanneroo
DAP File No:	DAP/21/01940

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## REPORT RECOMMENDATION

**Moved by:** Cr Frank Cvitan

**Seconded by:** Cr Vinh Nguyen

1. **Approve** DAP Application reference DAP/21/01940 and accompanying plans provided in **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Wanneroo District Planning Scheme No. 2 and the Metropolitan Region Scheme, 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 (4) years (Covid-19 Extension) from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The use of the premises is to be **Service Station** as defined in the City of Wanneroo's District Planning Scheme No. 2. A change of use from that listed above may require the approval of the City.
4. Detailed landscaping and reticulation plans for the subject site, including landscaping on adjoining verges, shall be lodged for approval by the City prior to commencement of any development. Planting and landscaping shall be in accordance with the approved landscaping and reticulation plan and completed prior to occupation, to the satisfaction of the City.
5. The development is to be implemented in accordance with the recommendations of the Environmental Noise Assessment, dated 3 February 2021 completed by Lloyd George Acoustics and shall be maintained thereafter to the satisfaction of the City.
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), including the provision of wheel stops and speed cushions, 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. All 19m semi-trailer movements associated with the site to occur directly via Lukin Drive.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



9. Detailed civil engineering drawings and specifications for works within the public road reserve shall be lodged with the City and approved in writing prior to commencement of construction works, to address the following:
- Construction of a Deceleration Lane on Lukin Drive;
  - Earthworks, footpath, roads and drainage;
  - The Lukin Drive traffic island to be extended to provide a minimum 2 metre wide pedestrian refuge; and
  - A 'One Way Left' regulatory sign to be installed within the median opposite the Lukin Drive crossover and the existing line-marking to be modified accordingly.

Construction works are to be undertaken in accordance with the approved development application and engineering drawings and specifications at the cost of the proponent, and to the satisfaction of the City. All works shall be completed prior to occupation.

10. The existing vehicle access restriction pursuant to Section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009*, as depicted on Deposited Plan 406980, is to be modified to allow legal vehicle access onto Lukin Drive as illustrated on the approved development plans. The access restriction shall not be modified until the engineering drawings required in accordance with Condition 9 have been approved by the City.
11. 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.
12. The 10 metre price board pylon sign, as illustrated on Site Plan Revision 14, shall be reduced to a maximum height of six metres.
13. The wall sign on the eastern elevation facing Ashbourne Avenue shall be offset by 500mm on the southern edge, and be directed at traffic on Lukin Drive.
14. 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.
15. 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.
16. Storage areas, plant and equipment shall be screened from view from streets, public places and adjacent properties.



17. 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. Bin servicing shall occur between 7.00am and 7.00pm Monday – Saturday and refrigerated deliveries to occur between 7.00am to 10.00pm Monday to Saturday, or 9.00am to 10.00pm Sundays and public holidays.
18. Any graffiti applied to the external surfaces of the building shall be removed within seven days of application, to the satisfaction of the City.
19. 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. Undertake adequate measures during construction to minimise any adverse impacts caused by sand drift and dust from the site;
  - e. The delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
  - f. 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 to and approved by the City prior to the commencement of any development

### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**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 four (4) years (~~Covid-19 Extension~~) from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect

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

**REASON:** The default period for DAP decisions is now four years.

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

1. **Approve** DAP Application reference DAP/21/01940 and accompanying plans provided in **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Wanneroo District Planning Scheme No. 2 and the Metropolitan Region Scheme, subject to the following conditions:

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## 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 (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The use of the premises is to be **Service Station** as defined in the City of Wanneroo's District Planning Scheme No. 2. A change of use from that listed above may require the approval of the City.
4. Detailed landscaping and reticulation plans for the subject site, including landscaping on adjoining verges, shall be lodged for approval by the City prior to commencement of any development. Planting and landscaping shall be in accordance with the approved landscaping and reticulation plan and completed prior to occupation, to the satisfaction of the City.
5. The development is to be implemented in accordance with the recommendations of the Environmental Noise Assessment, dated 3 February 2021 completed by Lloyd George Acoustics and shall be maintained thereafter to the satisfaction of the City.
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), including the provision of wheel stops and speed cushions, 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. All 19m semi-trailer movements associated with the site to occur directly via Lukin Drive.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



9. Detailed civil engineering drawings and specifications for works within the public road reserve shall be lodged with the City and approved in writing prior to commencement of construction works, to address the following:
- a. Construction of a Deceleration Lane on Lukin Drive;
  - b. Earthworks, footpath, roads and drainage;
  - c. The Lukin Drive traffic island to be extended to provide a minimum 2 metre wide pedestrian refuge; and
  - d. A 'One Way Left' regulatory sign to be installed within the median opposite the Lukin Drive crossover and the existing line-marking to be modified accordingly.

Construction works are to be undertaken in accordance with the approved development application and engineering drawings and specifications at the cost of the proponent, and to the satisfaction of the City. All works shall be completed prior to occupation.

10. The existing vehicle access restriction pursuant to Section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009*, as depicted on Deposited Plan 406980, is to be modified to allow legal vehicle access onto Lukin Drive as illustrated on the approved development plans. The access restriction shall not be modified until the engineering drawings required in accordance with Condition 9 have been approved by the City.
11. 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.
12. The 10 metre price board pylon sign, as illustrated on Site Plan Revision 14, shall be reduced to a maximum height of six metres.
13. The wall sign on the eastern elevation facing Ashbourne Avenue shall be offset by 500mm on the southern edge, and be directed at traffic on Lukin Drive.
14. 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.
15. 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.
16. Storage areas, plant and equipment shall be screened from view from streets, public places and adjacent properties.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP





17. 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. Bin servicing shall occur between 7.00am and 7.00pm Monday – Saturday and refrigerated deliveries to occur between 7.00am to 10.00pm Monday to Saturday, or 9.00am to 10.00pm Sundays and public holidays.
18. Any graffiti applied to the external surfaces of the building shall be removed within seven days of application, to the satisfaction of the City.
19. 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. Undertake adequate measures during construction to minimise any adverse impacts caused by sand drift and dust from the site;
  - e. The delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
  - f. 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 to and approved by the City prior to the commencement of any development

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

**REASON:** As outlined in the responsible Authority Report, the application has been assessed as meeting the objectives of the zoning of the land and satisfies relevant standards and design principles for development. The RAR recommendation for approval, together with suitable building and operational conditions, is adopted.

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

Nil.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## 10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/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 Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

## 12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10.47am.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP