



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 9 June 2022; 9:00am
Meeting Number: MOJDAP/180
Meeting Venue: Electronic Means

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

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Mr Ian Birch
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

Cr David Bolt (Local Government Member, Shire of Murray)
Cr Casey Rose (Local Government Member, Shire of Murray)

Item 9.1

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

Officers in attendance

Item 8.1

Ms Cherryll Oldham (Shire of Murray)
Mr Gregory Delahunty (Shire of Murray)
Mr Martin Harrop (Shire of Murray)
Mr Rod Peake (Shire of Murray)

Item 9.1

Mr Ashwin Nair (Shire of Serpentine-Jarrahdale)
Mr Andrew Trosic (Shire of Serpentine-Jarrahdale)
Mr Jerko Ostoic (Main Roads WA)

Minute Secretary

Ms Zoe Hendry (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Scott Lambie (Santec)
Mr Clayton Plug (Harley Dykstra Pty Ltd)

Item 9.1

Mr Elton Swarts (Claradon Property/Skukuza Ventures Pty Ltd)
Mr Brendon Foley (Thomson Geer Lawyers)
Mr Aaron Lohman (Element WA)

Members of the Public / Media

There were 7 members of the public in attendance.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:03am on 9 June 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

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

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

2. Apologies

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

The Presiding Member noted that the agenda was updated to include Item 8.1 that was received on 31 May 2022.

The 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 9.1, received on 2 June 2022.

All members declared that they had duly considered the documents.



6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Lauren Strange and Cr Michelle Rich, declared that they participated in a prior Council meeting in relation to the application at item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Strange and Cr Rich acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

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

7. Deputations and Presentations

7.1 Mr Clayton Plug (Harley Dysktra) addressed the DAP in support of the recommendation for the application at Item 8.1.

7.2 Mr Scott Lambie (Santec) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.3 The Shire of Murray officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1-7.3 were heard prior to the application at Item 8.1.

7.4 Mr Brendon Foley (Thomson Geer Lawyers) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.5 Mr Aaron Lohman (element) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.6 Mr Elton Swarts (Claradon Property/Skukuza Ventures Pty Ltd) addressed the DAP against the recommendation for the application at Item 9.1.

7.7 Mr Jerko Ostoic (Main Roads) responded to questions from the panel.

7.7 The Shire of Serpentine-Jarrahdale addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentations at Items 7.4 - 7.7 were heard prior to the application at Item 9.1.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 6 (No.126) South Yunderup Road, South Yunderup

Development Description: Proposed Child Day Care Centre
Applicant: Harley Dykstra Pty Ltd
Owner: Auspacific Pty Ltd
Responsible Authority: Shire of Murray
DAP File No: DAP/21/02094

REPORT RECOMMENDATION

Moved by: Cr David Bolt

Seconded by: Ms Sheryl Chaffer

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02094 and accompanying plans:

- Site Plan, A101, YU03082021, received 12/4/2022
- Ground Floor Plan, A102, YU03082021, received 12/4/2022
- Roof Plan, A103, YU0308201, received 12/4/2022
- Building Elevations, A104, YU03082021, received 12/4/2022

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions the Shire of Murray *Local Planning Scheme No. 4*, subject to the following conditions:

Conditions

1. This decision constitutes development 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.
2. Prior to the submission of an application for a building permit, updated development plans shall be submitted to the satisfaction of the Local Government showing:
 - (i) full design levels;
 - (ii) Pathway links between verge and internal pathways not to exceed 1:20 grade; and
 - (iii) Pedestrian connection between the child care centre and shop tenancy 3 where bin store is currently identified is to be adjusted provide a minimum pathway width of 1.2m.
3. Prior to the submission of an application for a building permit the plans shall be modified to include bicycle bays and end of trip bicycle facilities including showers and lockers within the development site with the facilities implemented in accordance with the Austroads' Guide to Traffic Engineering Practice Part 14: Bicycles and AS 2890.3 Parking facilities Bicycle parking to the satisfaction of the local government.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



4. Prior to the submission of an application for a building permit an updated detailed landscaping plan for the development site and the abutting street verges shall be submitted to and approved by the Local Government. The landscape plan must include:
- (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) retention of all trees shown on the site plan for retention;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (vi) internal paving and footpaths to integrate with the existing commercial site.

The approved landscaping, paving and reticulation must be installed prior to the occupation of the development and must be maintained at all times to the satisfaction of the Local Government for the duration of the development.

5. Prior to the submission of an application for a building permit an Arborist's report shall be submitted to and approved by the Local Government which outlines the management and maintenance required for protecting the health and longevity of the existing trees on site that are identified on the approved plans to be retained. The recommendations of the approved Arborist report are to be implemented. To the satisfaction of the Local Government, including any necessary adjustments to the approved plans needed to achieve the protection of the trees.
6. The trees identified on the approved plans for retention are to be properly maintained in a healthy condition by the owners/occupiers of the land for the duration of the development. A person must not, other than with the further development approval of the local government, commence or carry out any works to any of these trees or within the tree protection zone of any of these trees, including:
- (i) the ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring (whether by injecting anything or otherwise) or wilfully destroying any of the trees, or
 - (ii) any other works that would adversely impact the significance, health or longevity of one of these trees.
7. Prior to the submission of an application for a building permit a stormwater and drainage design plan shall be submitted to and approved by the Local Government. The approved plan must be implemented to the satisfaction of the Local Government prior to the occupation of the development and thereafter maintained in a functional condition for the duration of the development.



8. Prior to the submission of an application for a building permit a Fencing Design Plan shall be submitted to and approved by the Local Government. The plan must include:
- (i) visually permeable fencing where fencing is identified in street front locations; and
 - (ii) Noise attenuation properties where identified in the acoustic assessment.

Fencing is to be constructed and maintained in accordance with the approved plan for the duration of the development.

9. Prior to the submission of an application for a building permit, engineering drawings and specifications for the provision of pedestrian connections from the existing public carpark on lot 346 Wharf Cove, South Yunderup to the development site, are to be submitted to and approved by the Local Government.

The pedestrian connection must be provided in accordance with the approved plans prior to the development first being occupied.

10. Prior to the submission of an application for a building permit, the parking bay(s) and points of ingress and egress are to be designed in accordance with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.

The car parking bays and accessways are to be constructed, kerbed, drained and line marked prior to the development first being occupied and thereafter maintained in a sound state of repair to the satisfaction of the Local Government.

11. Prior to the submission of an application for a building permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the Local Government.

12. Prior to the submission of an application for a building permit, engineering drawings and specifications for the upgrade of South Yunderup Road by providing a right turn pocket adjacent to the driveway entrance to the site are to be submitted to and approved by the Local Government. The approved works to South Yunderup Road must be implemented prior to the development first being occupied to the satisfaction of the Local Government.

13. The ground floor glazing fronting South Yunderup Road is to have a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from South Yunderup Road.

14. Prior to the submission of an application for a building permit the recommendations of Part 6 of the Lloyd George Acoustics Environmental Noise Assessment Ref: 21076553-01A shall be incorporated within the building design. The recommendations of Part 6 of the report shall be implemented for the duration of the development.



15. The requirements of Part 6 Responsibilities for Implementation and Management of Bushfire Protection measures from the updated bushfire management plan prepared by Bushfire Prone Planning V1.2 dated 19 May 2022 are to be implemented and managed on an ongoing basis.
16. Prior to the development first being occupied the Bushfire Emergency Plan – Operational Document V1.1 dated 31st March 2022 shall be updated in accordance with Guidelines for Planning in Bushfire Prone Areas version 1.4 and shall be implemented the satisfaction of the local government.
17. Prior to the development being occupied a footpath with a consistent width and design to that which abuts the South Yunderup Road frontage to the lot is to be extended along the full frontage of the lot where it abuts Camarri Way and Dilley Court.
18. Prior to the development first being occupied, lighting shall be installed along all driveways and pedestrian pathways and in all common service areas. Lighting shall be installed in the car parking area in accordance with relevant Australian Standards and to the satisfaction of the Local Government.
19. Prior to the installation of any signage, a signage strategy shall be submitted and approved by the Local Government for the overall development site in accordance with the Shire of Murray Signs Local Planning Policy. Only signage consistent with the approved signage strategy is to be installed.
20. Hours of operation for the Child Day Care Centre is limited to between 6.30am to 6.30pm, Monday to Friday, excluding public holidays.
21. The Child Day Care Centre shall be limited to a maximum 86 children at any one time.
22. The Waste Management Plan, version A dated 1 September 2021, is to be implemented to the satisfaction of the Local Government for the duration of the development.
23. No parking bays shall be obstructed in any way or used for purposed of storage.
24. The proposed bin store is to be designed and constructed in accordance with the Shire of Murray Health Local laws, and be roofed and screened to a height of at least 1.8m by a masonry, brick or other durable material which is visually compatible with the proposed buildings as approved by the Local Government.
25. A hard stand area designed to the satisfaction of the Local Government shall be provided for the storage of bins for collection on the road verge between the lot boundary and proposed footpath, adjacent to the bin storage area to accommodate the waste bins on bin pick up days.
26. All doors on the retail buildings facing the South Yunderup Road frontage must be kept unlocked and accessible to customers during all hours when the subject premises are trading. The internal fit out of these tenancies shall be undertaken in a manner that facilitates primary customer access.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



27. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors, signage or similar), to ensure that a commercial, interactive frontage is available to the development from South Yunderup Road, for the duration of the development.
28. Public or customer access to the retail tenancies must be from South Yunderup Road, for the duration of the development.

Advice to the applicant

- a. In relation to the landscape plan conditions the updated landscape plan should include provision of a Hard Scape Plan along with civil plans and provide details of the installation of the hard surfaces such as paving, paths, footpath to kerb, drainage and other related infrastructure.
- b. In relation to signage strategy condition once the signage strategy has been approved, modifications to the signage strategy will require further approval from the local government.
- c. Features to be incorporated in the building design to minimise the impact of mosquitos.
- d. Should the preparation and provision of food be proposed as part of the Child Day Care Centre operation, the operator will be required to apply for and receive a food business registration from the Local Government.

AMENDING MOTION

Moved by: Mr Jason Hick

Seconded by: Ms Sheryl Chaffer

That Condition No. 12 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (4/1).

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick
Cr Casey Rose

Against: Cr David Bolt

REASON: By majority, on the traffic assessment provided, panel members considered that the need for the right turning pocket, while maybe desirable for the overall centre, was not triggered by this development and that with this lack of a clear nexus, could not be sustained as a condition of approval.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02094 and accompanying plans:

- Site Plan, A101, YU03082021, received 12/4/2022
- Ground Floor Plan, A102, YU03082021, received 12/4/2022
- Roof Plan, A103, YU0308201, received 12/4/2022
- Building Elevations, A104, YU03082021, received 12/4/2022

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions the Shire of Murray *Local Planning Scheme No. 4*, subject to the following conditions:

Conditions

1. This decision constitutes development 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.
2. Prior to the submission of an application for a building permit, updated development plans shall be submitted to the satisfaction of the Local Government showing:
 - (i) full design levels;
 - (ii) Pathway links between verge and internal pathways not to exceed 1:20 grade; and
 - (iii) Pedestrian connection between the child care centre and shop tenancy 3 where bin store is currently identified is to be adjusted provide a minimum pathway width of 1.2m.
3. Prior to the submission of an application for a building permit the plans shall be modified to include bicycle bays and end of trip bicycle facilities including showers and lockers within the development site with the facilities implemented in accordance with the Austroads' Guide to Traffic Engineering Practice Part 14: Bicycles and AS 2890.3 Parking facilities Bicycle parking to the satisfaction of the local government.



4. Prior to the submission of an application for a building permit an updated detailed landscaping plan for the development site and the abutting street verges shall be submitted to and approved by the Local Government. The landscape plan must include:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) retention of all trees shown on the site plan for retention;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (vi) internal paving and footpaths to integrate with the existing commercial site.

The approved landscaping, paving and reticulation must be installed prior to the occupation of the development and must be maintained at all times to the satisfaction of the Local Government for the duration of the development.
5. Prior to the submission of an application for a building permit an Arborist's report shall be submitted to and approved by the Local Government which outlines the management and maintenance required for protecting the health and longevity of the existing trees on site that are identified on the approved plans to be retained. The recommendations of the approved Arborist report are to be implemented. To the satisfaction of the Local Government, including any necessary adjustments to the approved plans needed to achieve the protection of the trees.
6. The trees identified on the approved plans for retention are to be properly maintained in a healthy condition by the owners/occupiers of the land for the duration of the development. A person must not, other than with the further development approval of the local government, commence or carry out any works to any of these trees or within the tree protection zone of any of these trees, including:
 - (i) the ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring (whether by injecting anything or otherwise) or wilfully destroying any of the trees, or
 - (ii) any other works that would adversely impact the significance, health or longevity of one of these trees.
7. Prior to the submission of an application for a building permit a stormwater and drainage design plan shall be submitted to and approved by the Local Government. The approved plan must be implemented to the satisfaction of the Local Government prior to the occupation of the development and thereafter maintained in a functional condition for the duration of the development.



8. Prior to the submission of an application for a building permit a Fencing Design Plan shall be submitted to and approved by the Local Government. The plan must include:
- (i) visually permeable fencing where fencing is identified in street front locations; and
 - (ii) Noise attenuation properties where identified in the acoustic assessment.

Fencing is to be constructed and maintained in accordance with the approved plan for the duration of the development.

9. Prior to the submission of an application for a building permit, engineering drawings and specifications for the provision of pedestrian connections from the existing public carpark on lot 346 Wharf Cove, South Yunderup to the development site, are to be submitted to and approved by the Local Government.

The pedestrian connection must be provided in accordance with the approved plans prior to the development first being occupied.

10. Prior to the submission of an application for a building permit, the parking bay(s) and points of ingress and egress are to be designed in accordance with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.

The car parking bays and accessways are to be constructed, kerbed, drained and line marked prior to the development first being occupied and thereafter maintained in a sound state of repair to the satisfaction of the Local Government.

11. Prior to the submission of an application for a building permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the Local Government.

12. The ground floor glazing fronting South Yunderup Road is to have a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from South Yunderup Road.

13. Prior to the submission of an application for a building permit the recommendations of Part 6 of the Lloyd George Acoustics Environmental Noise Assessment Ref: 21076553-01A shall be incorporated within the building design. The recommendations of Part 6 of the report shall be implemented for the duration of the development.

14. The requirements of Part 6 Responsibilities for Implementation and Management of Bushfire Protection measures from the updated bushfire management plan prepared by Bushfire Prone Planning V1.2 dated 19 May 2022 are to be implemented and managed on an ongoing basis.



15. Prior to the development first being occupied the Bushfire Emergency Plan – Operational Document V1.1 dated 31st March 2022 shall be updated in accordance with Guidelines for Planning in Bushfire Prone Areas version 1.4 and shall be implemented the satisfaction of the local government.
16. Prior to the development being occupied a footpath with a consistent width and design to that which abuts the South Yunderup Road frontage to the lot is to be extended along the full frontage of the lot where it abuts Camarri Way and Dilley Court.
17. Prior to the development first being occupied, lighting shall be installed along all driveways and pedestrian pathways and in all common service areas. Lighting shall be installed in the car parking area in accordance with relevant Australian Standards and to the satisfaction of the Local Government.
18. Prior to the installation of any signage, a signage strategy shall be submitted and approved by the Local Government for the overall development site in accordance with the Shire of Murray Signs Local Planning Policy. Only signage consistent with the approved signage strategy is to be installed.
19. Hours of operation for the Child Day Care Centre is limited to between 6.30am to 6.30pm, Monday to Friday, excluding public holidays.
20. The Child Day Care Centre shall be limited to a maximum 86 children at any one time.
21. The Waste Management Plan, version A dated 1 September 2021, is to be implemented to the satisfaction of the Local Government for the duration of the development.
22. No parking bays shall be obstructed in any way or used for purposed of storage.
23. The proposed bin store is to be designed and constructed in accordance with the Shire of Murray Health Local laws, and be roofed and screened to a height of at least 1.8m by a masonry, brick or other durable material which is visually compatible with the proposed buildings as approved by the Local Government.
24. A hard stand area designed to the satisfaction of the Local Government shall be provided for the storage of bins for collection on the road verge between the lot boundary and proposed footpath, adjacent to the bin storage area to accommodate the waste bins on bin pick up days.
25. All doors on the retail buildings facing the South Yunderup Road frontage must be kept unlocked and accessible to customers during all hours when the subject premises are trading. The internal fit out of these tenancies shall be undertaken in a manner that facilitates primary customer access.
26. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors, signage or similar), to ensure that a commercial, interactive frontage is available to the development from South Yunderup Road, for the duration of the development.



27. Public or customer access to the retail tenancies must be from South Yunderup Road, for the duration of the development.

Advice to the applicant

- a. In relation to the landscape plan conditions the updated landscape plan should include provision of a Hard Scape Plan along with civil plans and provide details of the installation of the hard surfaces such as paving, paths, footpath to kerb, drainage and other related infrastructure.
- b. In relation to signage strategy condition once the signage strategy has been approved, modifications to the signage strategy will require further approval from the local government.
- c. Features to be incorporated in the building design to minimise the impact of mosquitos.
- d. Should the preparation and provision of food be proposed as part of the Child Day Care Centre operation, the operator will be required to apply for and receive a food business registration from the Local Government.

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

REASON: The proposed uses are consistent with the commercial zoning of the land. As outlined in the Responsible Authority Report, the proposed Child Care Centre meets locational criteria and has been worked through the assessment process to meet prescribed planning requirements. Supporting technical reports have been reviewed and generally accepted by City officers. Measures to mitigate against amenity impacts on surrounding residents are adequately covered in the proposal, together with appropriate conditions.

Cr David Bolt and Cr Casey Rose (Local Government Members, Shire of Murray) left the panel at 10:13am.

Cr Michelle Rich and Cr Lauren Strange (Local Government Members, Shire of Serpentine-Jarrahdale) joined the panel at 10:13am.

PROCEDURAL MOTION

Moved by: Cr Lauren Strange

Seconded by: Mr Jason Hick

That the meeting be adjourned for a period of 5 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the members a comfort break.

The meeting was adjourned at 10:22am.

The meeting was reconvened at 10:27am.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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

9.1 Lot 504 & 506 Thomas Road, Oakford

Development Description: Proposed Extension of Commencement Timeframe for Approved Service Station
Proposed Amendments: Form 2.2 - Extension of Time
Applicant: element
Owner: J & S Piipponen & Skukuza Ventures Pty Ltd
Responsible Authority: Shire of Serpentine-Jarrahdale
DAP File No: DAP/18/01394

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 23 March 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** DAP Application reference DAP/18/01394 and accompanying plans (P1 - P22) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Service Station at Lot 504 and Lot 506 Thomas Road, Oakford, for the following reasons:

Reasons

- a. The land use of 'Service Station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is not consistent with orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.
- b. The land use of 'Service Station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No.3;
- c. The land use of 'Service Station' does not reflect the approved strategic intent of the Local Planning Strategy, which designates the subject land within the Rural Resident 2 precinct under the approved Local Planning Strategy.
- d. The land use would make implementation of the strategic intent of the approved Local Planning Strategy more difficult, through allowing a use which is inconsistent with the objectives of the Rural Residential zone.

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

Mr Ian Birch
Presiding Member, Metro Outer JDAP



ALTERNATE MOTION

Moved by: Cr Michelle Rich

Seconded by: Cr Lauren Strange

That the Metro Outer resolves to:

1. **Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 23 March 2022 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;
2. **Approve** DAP Application reference DAP/18/01394 and accompanying plans (P1 - P22) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Service Station at Lot 504 & 506 Thomas Road, Oakford, subject to the following conditions:

Conditions

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

Plans and Specifications:

P1 – P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018

2. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate the landscaping of a vegetation buffer along the Thomas Road and Nicholson Road frontages for a distance to be agreed, with this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Nicholson Road. Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.
3. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



4. Prior to issue of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The Construction Management Plan shall include (but not be limited to) the following information:
 - Dust management
 - Traffic management

The approved plans shall be implemented and maintained throughout the construction of the development.

5. Prior to issue of a Building Permit, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
6. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
7. The pylon sign shall be limited to a height of 7m and shall be limited to one single pylon sign only. Plans are to be submitted with the Building Permit application demonstrating this.
8. Prior to issue of a Building Permit, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Assessment and Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
9. Prior to issue of a Building Permit, the separate allotments are to be amalgamated into a single lot. Alternatively, a right of carriageway easement shall be registered on the Certificate of Title over the land subject of this approval to secure reciprocal access across the lots as illustrated on the approved plans at the expense of the applicant and to the satisfaction of the Shire of Serpentine Jarrahdale.

Nicholson Road Access

10. Prior to operation of the development, the proposed Nicholson Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA and Department of Planning, Lands and Heritage. The Nicholson Road access shall operate as left-in/left-out for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorist of these restricted movements. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Thomas Road Access

11. Prior to operation of the development, the proposed Thomas Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA. The Thomas Road access shall operate as left-in/left-out for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Thomas Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.
12. No earthworks shall encroach onto either the Nicholson and Thomas Road road reserves.
13. No stormwater drainage shall be discharged onto the Nicholson and Thomas Road road reserves.
14. The applicant shall make good any damage to the existing verge vegetation within the Nicholson and Thomas Road road reserve. The full verges of Nicholson Road and Thomas Road are to be landscaped and maintained to the satisfaction of the Shire, on advice of Main Roads WA.

Advertising Signage

15. Signage illumination shall not exceed 300cd/m², and shall not flash, pulsate or chase.
16. Signage shall not contain fluorescent, reflective or retro reflective colours or materials.
17. No unauthorised signage is to be displayed without prior approval from the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia.
18. Plans submitted for a building permit are to demonstrate external colours and materials being modified to reflect dark and neutral earth tones. External finishes of the building, including signage, is to adopt such dark and neutral earth tones, to reflect the character of the rural landscape locality which the subject land is within.

AMENDING MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Michelle Rich

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

Plans submitted for a building permit are to demonstrate external colours and materials being modified to reflect dark and neutral earth tones. External finishes of the building, ~~including signage~~, is to adopt such dark and neutral earth tones, to reflect the character of the rural landscape locality which the subject land is within.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



REASON: It was considered that inclusion of signage in the condition would be unnecessarily and unreasonably restrictive for the use proposed.

ALTERNATE MOTION (AS AMENDED)

That the Metro Outer resolves to:

1. **Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 23 March 2022 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;
2. **Approve** DAP Application reference DAP/18/01394 and accompanying plans (P1 - P22) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Service Station at Lot 504 & 506 Thomas Road, Oakford, subject to the following conditions:

Conditions

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

Plans and Specifications:

P1 – P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018

2. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate the landscaping of a vegetation buffer along the Thomas Road and Nicholson Road frontages for a distance to be agreed, with this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Nicholson Road. Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.
3. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.



4. Prior to issue of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The Construction Management Plan shall include (but not be limited to) the following information:
 - Dust management
 - Traffic management

The approved plans shall be implemented and maintained throughout the construction of the development.

5. Prior to issue of a Building Permit, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
6. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
7. The pylon sign shall be limited to a height of 7m and shall be limited to one single pylon sign only. Plans are to be submitted with the Building Permit application demonstrating this.
8. Prior to issue of a Building Permit, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Assessment and Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
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18. Plans submitted for a building permit are to demonstrate external colours and materials being modified to reflect dark and neutral earth tones. External finishes of the building is to adopt such dark and neutral earth tones, to reflect the character of the rural landscape locality which the subject land is within.

The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: Panel members noted and accepted that the planned roadworks for the intersection of Thomas and Nicholson Roads, including the more recent circumstances whereby the function of Thomas Road is going to be expanded as the major east/west link to the government's major infrastructure decision for the development of the Westport facility at Cockburn, and the resulting change in longer term planning for a grade separated intersection here, has genuinely caused a delay in proceeding with the original development approval. Further, it was accepted that, with updated conditions provided by the Shire's officers reflecting current administrative practices (as amended by the panel), and having regard for the changed circumstances of the road function and eventual intersection treatment, the extension of the current approval could be supported.

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/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:58am.