



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 1 September 2022; 9:30am  
**Meeting Number:** MOJDAP/195  
**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 Eugene Koltasz  
Presiding Member, JDAP



## Attendance

### DAP Members

Mr Eugene Koltasz (Presiding Member)  
Ms Karen Hyde (Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)

#### *Item 8.1*

Cr David Bolt (Local Government Member, Shire of Murray)  
Cr Ange Rogers (Local Government Member, Shire of Murray)

#### *Item 8.2*

Cr Nige Jones (Local Government Member, City of Joondalup)  
Cr Tom McLean (Local Government Member, City of Joondalup)

### Officers in attendance

#### *Item 8.1*

Ms Susan Cowling (Shire of Murray)  
Mr Greg Delahunty (Shire of Murray)  
Mr Martin Harrop (Shire of Murray)  
Mr Rod Peake (Shire of Murray)  
Mr Cale Luxton (Western Australia Planning Commission)

#### *Item 8.2*

Ms Cathrine Temple (City of Joondalup)

### Minute Secretary

Mr Stephen Haines (DAP Secretariat)  
Ms Zoe Hendry (DAP Secretariat)

### Applicants and Submitters

#### *Item 8.1*

Mr Matthew Filov (Urbis)  
Mr Kris Nolan (Urbis)  
Mr Brad Harris (Porters Consulting Engineers)  
Mr Owen McLean (Main Roads WA)  
Mr Rob Barnsley (Main Roads WA)

#### *Item 8.2*

Ms Bianca Sandri (Urbanista Town Planning)  
Mr Steven Depiazzi (Urbanista Town Planning)  
Mr Gerrit Duijckers (Resident)

### Members of the Public / Media

There were 6 members of the public in attendance.

Mr Eugene Koltasz  
Presiding Member, JDAP



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 1 September 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

Mr Jason Hick (Third Specialist Member)

## 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 an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.1a, received on 29 August 2022.

The Presiding Member noted an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.2, received on 25 August 2022.

All members declared that they had duly considered the documents.

Mr Eugene Koltasz  
Presiding Member, JDAP



## 6. Disclosure of Interests

DAP Member, Mr Jason Hick, declared an Indirect Pecuniary Interest in item 8.1. Mr Hick is a shareholder, director and employee of Emerge Environmental Services Pty Ltd. (Emerge). Emerge prepared documentation that supported the application at Item 8.1.

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 an Indirect Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

- 7.1 Mr Owen McLean (Main Roads WA) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Kris Nolan (Urbis) addressed the DAP in support of the application at Item 8.1. and responded to questions from the panel.
- 7.3 Mr Brad Harris (Porters Consulting Engineers) addressed the DAP in support of the application at Item 8.1. and responded to questions from the panel.
- 7.4 The Shire of Murray addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.5 The Western Australian Planning Commission 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 – 7.5 was heard prior to the application at Item 8.1.***

- 7.6 Mr Gerrit Duijckers (Resident) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.7 Ms Bianca Sandri (Urbanista) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.8 The City of Joondalup addressed the DAP in relation to the application at Item Number and responded to questions from the panel.

***The presentations at Items 7.6 - 7.8 were heard prior to the application at Item 8.2.***



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

### 8.1a No. 630 (Lot 137) Pinjarra Road, Furnissdale

Development Description: Proposed Petrol Filling Station  
Applicant: Matthew Filov (Yolk Property Group co/Urbis)  
Owner: Mandurah Spotlight Property 2 Pty Ltd  
Responsible Authority: Shire of Murray  
DAP File No: DAP/22/02159

### REPORT RECOMMENDATION

**Moved by:** Cr David Bolt

**Seconded by:** Cr Ange Rogers

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02159 and accompanying plans and accompanying plans:

- SK13: Proposed Site Plan Rev A (03/12/2021)
- SK14: Overall Lot Plan Rev A (03/12/2021)
- SK10: Proposed Floor Plan Rev A (03/12/2021)
- SK11: Proposed Elevations P1 Rev A (03/12/2021)
- SK12: Proposed Elevations P2 Rev A (03/12/2021)

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 planning approval only and is valid for a period of 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.

  
Mr Eugene Koltasz  
Presiding Member, JDAP



Amended Plans -

2. Prior to applying for a Building Permit, updated development plans shall be prepared and submitted to the Local Government for approval showing:
- (i) An amended site plan reflecting the decision under the Peel Region Scheme.
  - (ii) A minimum two-metre-wide landscape strip abutting the Pinjarra Road widening and a two-metre wide pedestrian pathway on the northern side of the convenience store building linking the proposed building to the future development area on the western portion of the development site and the adjoining Lot 24 Pinjarra Road, Furnissdale. The convenience store building setback to Pinjarra Road to be increased sufficient to achieve this.
  - (iii) An extended footpath between the truck canopy and the car canopy (abutting bays 10-22) so that it connects up to the paths within the two internal access roads.
  - (iv) A dual use path within the Pinjarra Road reserve/road widening and the Furnissdale Road reserve where they abut Lot 137.
  - (v) Pathway links between dual use paths referred to in part (iv) and internal pathways.
  - (vi) The vehicular accessway to the north of the convenience store building is to be extended westward to the boundary of the abutting Lot 24 Pinjarra Road, Furnissdale
  - (vii) Bicycle bays and end of trip bicycle facilities including showers and lockers within the development site designed in accordance with the Austroads' Guide to Traffic Engineering Practice Part 14: Bicycles and AS 2890.3 Parking facilities Bicycle parking.
  - (viii) A geometric design of the exit only crossover adjacent to the Pinjarra Road access that precludes entry movements;
  - (ix) Swept path diagrams for all intended vehicular movements into, around and out of the site and the immediate surrounding road network together with any resultant design modifications necessary to achieve adequate vehicle manoeuvring;
  - (x) Amended elevation plans that:
    - Utilise building and canopy colours that are generally be sympathetic and complementary with the surrounding rural/natural environment;
    - Add a canopy or similar architectural treatment to the northern convenience store building elevation to provide weather protection to pedestrians, and shading to north facing windows;
    - Use restrained and coordinated signage, including the removal of the painted signage panels and the signage to the dado concrete panels to the northern and western building elevations;
    - Remove the red film signage covering the upper part of the windows fronting Pinjarra Road and the new internal road;
    - Use different colours and materials to break up the large blank walls; and
    - The pylon sign being reduced to 6m in height and 2m in width.

All development as shown on the approved updated development plans is to be constructed in accordance with the updated plans to the satisfaction of the Local Government.



### Landscaping

3. Prior to applying for a Building Permit, a revised Landscaping Plan for the development site and the abutting street verges shall be prepared and submitted to the Local Government for approval and must include the following detail:
  - (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) all existing trees outside of the nominated development site and within the Pinjarra Road road widening area;
  - (iv) Car parking areas shall be provided with native trees at the rate of 1 per 4 car bays;
  - (v) those areas to be reticulated or irrigated; and
  - (vi) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

The landscaping, including paving and reticulation must be completed 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.

4. Existing trees within Lot 137 which are located outside the development site, including those within the road widening area are to be maintained where ever practical. Written approval from the Local Government must be obtained to remove any existing trees within Lot 137 located outside the development site.

### Roads and Access

5. Prior to applying for a Building Permit, detailed engineering drawings and specifications shall be prepared and submitted to the Local Government for approval for the upgrade of Furnissdale Road from the intersection of Pinjarra Road to the proposed vehicular access point. The design is to show the upgrade of Furnissdale Road to an overall 26 metre wide reserve with five metre wide verges, five metre wide lanes (including traffic and cycle lanes), and a six metre wide central median. The design is to include turning lanes/pockets, drainage, kerbing, paths, street trees, street lighting and undergrounding of the above ground powerlines and allow for suitable all movement vehicular access to Lot 157 on the western side of Furnissdale Road. All works shown on the approved engineering drawings and specifications are to be undertaken prior to the occupation of the development.
6. Prior to the occupation of the development, the western three metres of Lot 137 where it abuts Furnissdale Road, together with any localised widening necessary for the turning lanes at the intersection of Furnissdale Road and Pinjarra Road and the proposed new intersection to Furnissdale Road as shown on the approved engineering drawings referred to in condition 5 above is to be ceded free of cost and without payment of compensation to the Crown for road widening purposes prior to the occupation of the development.
7. Prior to applying for a Building Permit, detailed engineering drawings and specifications shall be prepared and submitted to the Local Government for approval for the access roads abutting the south and east boundaries of the development site. The design is to include paths, street trees, street lighting and drainage. All works are to be undertaken in accordance with the approved engineering drawings and specifications prior to the occupation of the development.

  
**Mr Eugene Koltasz**  
Presiding Member, JDAP



8. Prior to the occupation of the development, the land required for the access roads abutting the south and east boundaries of the development site is to be ceded free of cost and without payment of compensation to the Crown for road purposes prior to the occupation of the development.
9. Prior to the occupation of the development an easement in gross pursuant to Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 137 Pinjarra Road, Furnissdale, specifying access rights for the public at large between the access road to the east of the development site and the abutting Lot 24 Pinjarra Road, Furnissdale.
10. Prior to applying for a Building Permit, the parking bays, driveways and points of ingress and egress is to be designed in accordance with the Australian Standard for Off Street Parking (AS 2890) unless otherwise specified by this approval. Such areas shall be constructed, kerbed, drained and line-marked prior to the development first being occupied and thereafter maintained in a sound state of repair.
11. The landowner shall enter into a legal agreement with and to the satisfaction of the Local Government, sufficient to secure a proportional contribution is provided to the Local Government toward the future upgrade of the intersection of Pinjarra Road, Furnissdale Road and Watson Drive.

#### Drainage / Stormwater

12. Prior to applying for a Building Permit, an amended Drainage and Water Management Plan, consistent with the Local Government's Water Sensitive Urban Design Local Planning Policy and the Department of Water's Water Quality Protection Notes 49 - Service stations and 62 - Tanks for underground chemical storage, shall submitted to the Local Government for approval with the approved plan to be implemented.

The plan is to address drainage and water management related issues for the site including:

- (i) Implement a piped drainage strategy that manages the catchment runoff including external road reserve stormwater and outfall into a protected drainage reserve or reserves as necessary;
- (ii) cross-sections for all relevant stormwater basins including, invert levels, top water levels (TWL) for all rainfall events, distance to maximum groundwater level from basin invert and use of amended soils;
- (iii) required storage for each rainfall event (Stormwater runoff should be fully contained onsite for small and minor storm events);
- (iv) permitted outflow of stormwater runoff from the site;
- (v) confirmation that stormwater runoff storage areas are designed to drain within the Department's recommended 96 hours; and
- (vi) the first 15 mm of stormwater runoff designed to undergo water quality treatment via bio-retention.

The drainage and water management systems once constructed shall be maintained to a sound state of repair. A petrol and oil trap shall be installed to the satisfaction of the Local Government on advice from the Department of Water and Environment Regulation.

**Mr Eugene Koltasz**  
Presiding Member, JDAP





13. Prior to applying for a Building Permit, detailed engineering drawings and specifications shall be submitted to the Local Government for approval, and works undertaken in accordance with the approved engineering drawings and specifications, for the draining of the land.
14. Prior to the occupation of the development land required for drainage of public roads to be ceded free of cost to Crown without payment of compensation

#### Amenity Impacts

15. Prior to applying for a Building Permit, a Dust Management Plan shall be prepared in accordance with the Department of Water and Environmental Regulation "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia" and submitted to the Local Government for approval. The approved Dust Management Plan is to be implemented during the construction works.
16. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to the Local Government for approval.
17. Prior to applying for a Building Permit, a Light Management Plan is required indicating light spill and method of control shall submitted to the Local Government for approval.
18. Prior to applying for a Building Permit, all services such as air conditioning plant and compressors shall be designed to be located away from public areas. All services and service yards shall be screened from view of streets and other public areas, including car parking areas in a design or manner keeping with the style and materials of the adjacent building. Roof mounted equipment such as air conditioning plant and antennae shall be screened from view of the street and other public areas, including car parking areas, by the roof form or parapets.
19. Prior to applying for a Building Permit, a fuel spill management and contingency plan shall be submitted to the Local Government for approval. The approved plan is to be implemented to the satisfaction of the Local Government.



## Environmental

20. Prior to the occupation of the development, the development shall be connected to a reticulated sewerage service, unless it is demonstrated to the satisfaction of the Local Government, that connection of the development to reticulated sewer is impractical or cost prohibitive at the time of development. In such a circumstance, the Local Government may approve the deferral of this connection, provided a practical and achievable pathway to sewer connection acceptable to the Local Government is achieved. An acceptable outcome must include a conceptual design of the future sewer system for the site and the landowner entering into a legal agreement supported by an absolute caveat to the satisfaction of the Local Government, setting out triggers and commitments to proportional funding and connection of the development to the sewer. Should, on an interim basis, the development be connected to an alternative nutrient retentive effluent disposal system, the siting of the interim system shall be to the satisfaction of the Local Government on advice from the Water Corporation and the Health Department of Western Australia.
21. Prior to the commencement of site works, an acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan is to be prepared and submitted to the Local Government for approval. Where an acid sulphate soils management plan is required to be prepared, all site works are to be carried out in accordance with the approved plan.

## Ongoing

22. The requirements of the Lot 137 (630) Pinjarra Road, Furnissdale Bushfire Management and Bushfire Risk Management Plans prepared by Strategen-JBS&G dated 10 December 2021 are to be implemented to the satisfaction of the Local Government.
23. No bins, waste or other storage materials are permitted outside approved bin stores or service yards.
24. Window glazing is to remain transparent and is not to be obscured by signage or other materials.

## **Advice Notes**

1. The proponent is to note that prior to the commencement of development works a clearing permit may be required to be obtained from the Department of Water and Environmental Regulation, unless an exemption applies. Please contact the Department for further information in this regard. The proposal should be discussed with the Federal Department of Agriculture, Water and the Environment to determine if there is a requirement to refer the proposal under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).
2. With regard to the condition relating to the upgrade of Furnissdale Road, in order to provide suitable all movement access to the adjacent Lot 157 Furnissdale Road, the design should consider turning lanes/pockets or alternatively a roundabout.

  
**Mr Eugene Koltasz**  
Presiding Member, JDAP



3. With regard to the condition relating to the upgrade of the intersection of Furnissdale Road, Pinjarra Road and Watson Drive the proportional contribution relates to the costs associated with the provision of the traffic signals which include costs associated with the upgrade of the intersection such as channelisation works, drainage facilities, service relocations, street lighting, pathway connections and associated structures as well as any land acquisition costs that may be necessary to accommodate the traffic signals and associated infrastructure.
4. The design, installation and operation of underground petroleum storage systems require licensing from the Department of Mines, Industry Regulation and Safety.
5. All food related areas to comply with the provisions of the Food Act 2008.
6. Any existing septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) on the property are to be decommissioned in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.
7. This proposal will require approval by the Water Corporation's Building Services section prior to commencement of works.
8. This development approval is for "as of right vehicle" access to the site up to maximum length of 19.5 metres. Restricted Access Vehicles (RAV) will not be able to access the site.

#### **PROCEDURAL MOTION**

**Moved by:** Mr Karen Hyde

**Seconded by:** Ms Diana Goldswain

That the consideration of DAP Application DAP/22/02159 be deferred, in accordance with section 5.10.1a of the DAP Standing Orders 2020

**The Procedural Motion was withdrawn with agreement of the mover and seconder.**

#### **AMENDING MOTION 1**

**Moved by:** Cr David Bolt

**Seconded by:** Cr Ange Rogers

That Condition No. 2 (vii) be deleted, and the remaining conditions be renumbered accordingly.

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

**REASON:** The Panel was of the opinion that end of trip facilities such as bike racks and showers were not warranted in a Petrol Filling Station in suburban areas, rather, they are more appropriate in Truck Stops and Country road houses.

  
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Presiding Member, JDAP



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## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02159 and accompanying plans and accompanying plans:

- SK13: Proposed Site Plan Rev A (03/12/2021)
- SK14: Overall Lot Plan Rev A (03/12/2021)
- SK10: Proposed Floor Plan Rev A (03/12/2021)
- SK11: Proposed Elevations P1 Rev A (03/12/2021)
- SK12: Proposed Elevations P2 Rev A (03/12/2021)

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 planning approval only and is valid for a period of 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.

  
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## Amended Plans -

2. Prior to applying for a Building Permit, updated development plans shall be prepared and submitted to the Local Government for approval showing:
  - (i) An amended site plan reflecting the decision under the Peel Region Scheme.
  - (ii) A minimum two-metre-wide landscape strip abutting the Pinjarra Road widening and a two-metre wide pedestrian pathway on the northern side of the convenience store building linking the proposed building to the future development area on the western portion of the development site and the adjoining Lot 24 Pinjarra Road, Furnissdale. The convenience store building setback to Pinjarra Road to be increased sufficient to achieve this.
  - (iii) An extended footpath between the truck canopy and the car canopy (abutting bays 10-22) so that it connects up to the paths within the two internal access roads.
  - (iv) A dual use path within the Pinjarra Road reserve/road widening and the Furnissdale Road reserve where they abut Lot 137.
  - (v) Pathway links between dual use paths referred to in part (iv) and internal pathways.
  - (vi) The vehicular accessway to the north of the convenience store building is to be extended westward to the boundary of the abutting Lot 24 Pinjarra Road, Furnissdale
  - (vii) A geometric design of the exit only crossover adjacent to the Pinjarra Road access that precludes entry movements;
  - (viii) Swept path diagrams for all intended vehicular movements into, around and out of the site and the immediate surrounding road network together with any resultant design modifications necessary to achieve adequate vehicle manoeuvring;
  - (ix) Amended elevation plans that:
    - Utilise building and canopy colours that are generally be sympathetic and complementary with the surrounding rural/natural environment;
    - Add a canopy or similar architectural treatment to the northern convenience store building elevation to provide weather protection to pedestrians, and shading to north facing windows;
    - Use restrained and coordinated signage, including the removal of the painted signage panels and the signage to the dado concrete panels to the northern and western building elevations;
    - Remove the red film signage covering the upper part of the windows fronting Pinjarra Road and the new internal road;
    - Use different colours and materials to break up the large blank walls; and
    - The pylon sign being reduced to 6m in height and 2m in width.

All development as shown on the approved updated development plans is to be constructed in accordance with the updated plans to the satisfaction of the Local Government.



### Landscaping

3. Prior to applying for a Building Permit, a revised Landscaping Plan for the development site and the abutting street verges shall be prepared and submitted to the Local Government for approval and must include the following detail:
  - (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) all existing trees outside of the nominated development site and within the Pinjarra Road road widening area;
  - (iv) Car parking areas shall be provided with native trees at the rate of 1 per 4 car bays;
  - (v) those areas to be reticulated or irrigated; and
  - (vi) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

The landscaping, including paving and reticulation must be completed 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.

4. Existing trees within Lot 137 which are located outside the development site, including those within the road widening area are to be maintained where ever practical. Written approval from the Local Government must be obtained to remove any existing trees within Lot 137 located outside the development site.

### Roads and Access

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6. Prior to the occupation of the development, the western three metres of Lot 137 where it abuts Furnissdale Road, together with any localised widening necessary for the turning lanes at the intersection of Furnissdale Road and Pinjarra Road and the proposed new intersection to Furnissdale Road as shown on the approved engineering drawings referred to in condition 5 above is to be ceded free of cost and without payment of compensation to the Crown for road widening purposes prior to the occupation of the development.
7. Prior to applying for a Building Permit, detailed engineering drawings and specifications shall be prepared and submitted to the Local Government for approval for the access roads abutting the south and east boundaries of the development site. The design is to include paths, street trees, street lighting and drainage. All works are to be undertaken in accordance with the approved engineering drawings and specifications prior to the occupation of the development.

  
**Mr Eugene Koltasz**  
Presiding Member, JDAP



8. Prior to the occupation of the development, the land required for the access roads abutting the south and east boundaries of the development site is to be ceded free of cost and without payment of compensation to the Crown for road purposes prior to the occupation of the development.
9. Prior to the occupation of the development an easement in gross pursuant to Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 137 Pinjarra Road, Furnissdale, specifying access rights for the public at large between the access road to the east of the development site and the abutting Lot 24 Pinjarra Road, Furnissdale.
10. Prior to applying for a Building Permit, the parking bays, driveways and points of ingress and egress is to be designed in accordance with the Australian Standard for Off Street Parking (AS 2890) unless otherwise specified by this approval. Such areas shall be constructed, kerbed, drained and line-marked prior to the development first being occupied and thereafter maintained in a sound state of repair.
11. The landowner shall enter into a legal agreement with and to the satisfaction of the Local Government, sufficient to secure a proportional contribution is provided to the Local Government toward the future upgrade of the intersection of Pinjarra Road, Furnissdale Road and Watson Drive.

#### Drainage / Stormwater

12. Prior to applying for a Building Permit, an amended Drainage and Water Management Plan, consistent with the Local Government's Water Sensitive Urban Design Local Planning Policy and the Department of Water's Water Quality Protection Notes 49 - Service stations and 62 - Tanks for underground chemical storage, shall submitted to the Local Government for approval with the approved plan to be implemented.

The plan is to address drainage and water management related issues for the site including:

- (i) Implement a piped drainage strategy that manages the catchment runoff including external road reserve stormwater and outfall into a protected drainage reserve or reserves as necessary;
- (ii) cross-sections for all relevant stormwater basins including, invert levels, top water levels (TWL) for all rainfall events, distance to maximum groundwater level from basin invert and use of amended soils;
- (iii) required storage for each rainfall event (Stormwater runoff should be fully contained onsite for small and minor storm events);
- (iv) permitted outflow of stormwater runoff from the site;
- (v) confirmation that stormwater runoff storage areas are designed to drain within the Department's recommended 96 hours; and
- (vi) the first 15 mm of stormwater runoff designed to undergo water quality treatment via bio-retention.

The drainage and water management systems once constructed shall be maintained to a sound state of repair. A petrol and oil trap shall be installed to the satisfaction of the Local Government on advice from the Department of Water and Environment Regulation.

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13. Prior to applying for a Building Permit, detailed engineering drawings and specifications shall be submitted to the Local Government for approval, and works undertaken in accordance with the approved engineering drawings and specifications, for the draining of the land.
14. Prior to the occupation of the development land required for drainage of public roads to be ceded free of cost to Crown without payment of compensation

#### Amenity Impacts

15. Prior to applying for a Building Permit, a Dust Management Plan shall be prepared in accordance with the Department of Water and Environmental Regulation "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia" and submitted to the Local Government for approval. The approved Dust Management Plan is to be implemented during the construction works.
16. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to the Local Government for approval.
17. Prior to applying for a Building Permit, a Light Management Plan is required indicating light spill and method of control shall submitted to the Local Government for approval.
18. Prior to applying for a Building Permit, all services such as air conditioning plant and compressors shall be designed to be located away from public areas. All services and service yards shall be screened from view of streets and other public areas, including car parking areas in a design or manner keeping with the style and materials of the adjacent building. Roof mounted equipment such as air conditioning plant and antennae shall be screened from view of the street and other public areas, including car parking areas, by the roof form or parapets.
19. Prior to applying for a Building Permit, a fuel spill management and contingency plan shall be submitted to the Local Government for approval. The approved plan is to be implemented to the satisfaction of the Local Government.





## Environmental

20. Prior to the occupation of the development, the development shall be connected to a reticulated sewerage service, unless it is demonstrated to the satisfaction of the Local Government, that connection of the development to reticulated sewer is impractical or cost prohibitive at the time of development. In such a circumstance, the Local Government may approve the deferral of this connection, provided a practical and achievable pathway to sewer connection acceptable to the Local Government is achieved. An acceptable outcome must include a conceptual design of the future sewer system for the site and the landowner entering into a legal agreement supported by an absolute caveat to the satisfaction of the Local Government, setting out triggers and commitments to proportional funding and connection of the development to the sewer. Should, on an interim basis, the development be connected to an alternative nutrient retentive effluent disposal system, the siting of the interim system shall be to the satisfaction of the Local Government on advice from the Water Corporation and the Health Department of Western Australia.
21. Prior to the commencement of site works, an acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan is to be prepared and submitted to the Local Government for approval. Where an acid sulphate soils management plan is required to be prepared, all site works are to be carried out in accordance with the approved plan.

## Ongoing

22. The requirements of the Lot 137 (630) Pinjarra Road, Furnissdale Bushfire Management and Bushfire Risk Management Plans prepared by Strategen-JBS&G dated 10 December 2021 are to be implemented to the satisfaction of the Local Government.
23. No bins, waste or other storage materials are permitted outside approved bin stores or service yards.
24. Window glazing is to remain transparent and is not to be obscured by signage or other materials.

## **Advice Notes**

1. The proponent is to note that prior to the commencement of development works a clearing permit may be required to be obtained from the Department of Water and Environmental Regulation, unless an exemption applies. Please contact the Department for further information in this regard. The proposal should be discussed with the Federal Department of Agriculture, Water and the Environment to determine if there is a requirement to refer the proposal under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).
2. With regard to the condition relating to the upgrade of Furnissdale Road, in order to provide suitable all movement access to the adjacent Lot 157 Furnissdale Road, the design should consider turning lanes/pockets or alternatively a roundabout.

  
**Mr Eugene Koltasz**  
Presiding Member, JDAP



3. With regard to the condition relating to the upgrade of the intersection of Furnissdale Road, Pinjarra Road and Watson Drive the proportional contribution relates to the costs associated with the provision of the traffic signals which include costs associated with the upgrade of the intersection such as channelisation works, drainage facilities, service relocations, street lighting, pathway connections and associated structures as well as any land acquisition costs that may be necessary to accommodate the traffic signals and associated infrastructure.
4. The design, installation and operation of underground petroleum storage systems require licensing from the Department of Mines, Industry Regulation and Safety.
5. All food related areas to comply with the provisions of the Food Act 2008.
6. Any existing septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) on the property are to be decommissioned in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.
7. This proposal will require approval by the Water Corporation's Building Services section prior to commencement of works.
8. This development approval is for "as of right vehicle" access to the site up to maximum length of 19.5 metres. Restricted Access Vehicles (RAV) will not be able to access the site.

**The Report Recommendation (as amended) was put and CARRIED (3/2).**

For: Mr Eugene Koltasz  
Cr David Bolt  
Cr Ange Rogers

Against: Ms Karen Hyde  
Ms Diana Goldswain

**REASON:** The majority of the Panel was of the opinion that the proposed Petrol Filling Station was an appropriate use for the site and the use was consistent with the Planning Framework for the locality. Further the majority of Panel Members were satisfied that the issue of access from Pinjarra Road that is proposed as a left in only together with full access from Furnissdale Road will provide safe and convenient vehicular access to the development. The majority of Panel Members were also satisfied with the proposed deceleration lane fronting the site in Pinjarra Road was acceptable in design terms following explanation by the Council staff and the applicant's traffic engineers.

  
Mr Eugene Koltasz  
Presiding Member, JDAP



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### 8.1b No. 630 (Lot 137) Pinjarra Road, Furnissdale

Development Description: Proposed Petrol Filling Station  
Applicant: Matthew Filov (Yolk Property Group co/Urbis)  
Owner: Mandurah Spotlight Property 2 Pty Ltd  
Responsible Authority: Western Australian Planning Commission  
DAP File No: DAP/22/02159

#### REPORT RECOMMENDATION

**Moved by:** Ms Karen Hyde

**Seconded by:** NIL

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/22/02159 and accompanying plans pursuant to clause 35 of the Peel Region Scheme, for the following reasons:

  
Mr Eugene Koltasz  
Presiding Member, JDAP



## Refusal Reasons

1. The proposed vehicular access at Pinjarra Road with left-in and left-out manoeuvrability is inconsistent with:
  - (a) The *Barragup Furnissdale Activity Centre Local Planning Policy*, which only permits vehicular access from Pinjarra Road via a left turn in with an associated 120 metre-long left-turn deceleration lane and does not propose this point of access be the primary entry/exit for the subject land;
  - (b) Main Roads Western Australia does not support the proposed left-in left-out access and the applicant has not demonstrated, through the provision of a detailed concept plan, that a left-in access from Pinjarra Road can be provided in accordance with Main Roads Western Australia specifications, including:
    - i. the provision of a suitable separation distance between the proposed left-in access and a future required left-turn auxiliary lane at the intersection of Pinjarra and Furnissdale Roads;
    - ii. confirmation that the adjoining landowner to the east supports the left-turn lane into the proposed development, as this fronts their property and will require the closure of an existing vehicle access point and the potential relocation of another vehicle access point;
    - iii. if additional road widening is required to relocate the existing footpath and utility services within the road reserve for Pinjarra Road, and the provision of drainage infrastructure associated with the left-turn lane; and
    - iv. whether the affected landowner agrees to the acquisition of such land areas.
  - (c) Pinjarra Road has declared Control of Access under the *Main Roads Act 1930* and new access or modifications to existing access can only be approved if supported by the Commissioner of Main Roads. Roads with Control of Access have a general restriction on new access. Main Roads Western Australia do not support the proposed left-in left-out access via Pinjarra Road.
  - (d) The proposed access is inconsistent with Western Australian Planning Commission *Development Control Policy 5.1: Regional Roads (Vehicular Access)* which states in part 3.3.2 that there is a presumption against the creation of new driveways on regional roads where access is available from side or rear streets.
  - (e) The proposed access is inconsistent with Western Australian Planning Commission *Development Control Policy 5.1: Regional Roads (Vehicular Access)* which states that where access is permitted, conditions may be imposed prescribing the location and width of the driveway to ensure adequate visibility and provide for the safe and convenient movement of vehicles, both entering and leaving the traffic stream. In determining such design requirements, the Western Australian Planning Commission has regard to Main Roads Western Australia design standards.



2. The application is inconsistent with proper and orderly planning in that it has not adequately demonstrated that the proposed access arrangements, in respect to Furnissdale Road and a future access road running parallel to Pinjarra Road, are consistent with and/or will not adversely affect or prejudice the planned movement network.

**The Report Recommendation LAPSED for want of a seconder.**

#### **PROCEDURAL MOTION**

**Moved by:** Mr Karen Hyde

**Seconded by:** Mr Eugene Koltasz

That the consideration of DAP Application DAP/22/02159 be deferred, in accordance with section 5.10.1a of the DAP Standing Orders 2020

**The Procedural Motion was withdrawn with agreement of the mover and seconder.**

#### **ALTERNATE MOTION**

**Moved by:** Cr David Bolt

**Seconded by:** Cr Ange Rogers

*An administrative change was made to the preamble to correctly list the plans as set out in the Responsible Authority Report.*

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/002159 and accompanying plans (SK15 Rev A, SK13 Rev A, SK14 Rev A, SK10 Rev A, SK9 Rev B, SK11 Rev A, SK12 Rev A) in accordance the provisions of Clause 21 of the Peel Region Scheme subject to the following conditions:

1. This decision constitutes planning approval only and is valid for a period of 2 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. The development plans being modified by deleting the proposed left-out access on to Pinjarra Road to the specifications of Main Roads Western Australia.
3. The left-in access from Pinjarra Road being located and designed, including drainage, turning/decoration lane, relocation of services as required and footpath to the specifications of Main Roads Western Australia and satisfaction of the Western Australian Planning Commission.
4. The land reserved as Primary Regional Road being transferred free of cost to the Commissioner for Main Roads Western Australia for road purposes and without any payment of compensation.

**Mr Eugene Koltasz**  
Presiding Member, JDAP



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

For: Mr Eugene Koltasz  
Cr David Bolt  
Cr Ange Rogers

Against: Ms Karen Hyde  
Ms Diana Goldswain

**REASON:** The majority of Panel Members were satisfied that the proposed use was appropriate for the site and was consistent with the Planning Framework for the locality. The majority of Panel Members were also satisfied with the proposed deceleration lane fronting the site in Pinjarra Road and that it was acceptable in design terms following explanation by the Council staff and the applicant's traffic engineers.

*Cr David Bolt and Cr Ange Rogers (Local Government Members, Shire of Murray) left the panel at 11:11am.*

*Cr Nige Jones and Cr Tom McLean (Local Government Members, City of Joondalup) joined the panel at 11:11am.*

**PROCEDURAL MOTION**

**Moved by:** Mr Eugene Koltasz

**Seconded by:** Ms Karen Hyde

That the meeting be adjourned for a period of 5 minutes to allow members have a comfort stop.

*The meeting was adjourned at 11:12am.  
The meeting was reconvened at 11:17am.*

**Mr Eugene Koltasz**  
Presiding Member, JDAP



## 8.2 102, 104 and 106 Cockman Road, Greenwood

Development Description: Child Care Premises  
Applicant: Bianca Sandri (Urbanista Town Planning)  
Owner: SPG Capital Fund 3 Pty Ltd  
Responsible Authority: City of Joondalup  
DAP File No: DAP/22/02239

### REPORT RECOMMENDATION

**Moved by:** Cr Tom McLean

**Seconded by:** NIL

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/22/02239 and accompanying plans (dated June 2022) 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 Joondalup *Local Planning Scheme No. 3*, for the following reasons:

#### Reasons

1. The proposed Child Care Premises does not meet the objectives of the Residential zone of the City of Joondalup Local Planning Scheme No. 3 or Clause 67(m) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the scale of the development is incompatible with and not complementary to residential development.
2. In accordance with clause 67(g) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development does not meet the objectives of the City's Child Care Premises Local Planning Policy and will have an adverse impact on the amenity of the surrounding areas as a result of the location and scale (number of children proposed) of the development.

**The Report Recommendation LAPSED for want of a seconder.**

### ALTERNATE MOTION

**Moved by:** Ms Diana Goldswain

**Seconded by:** Cr Nige Jones

That the Metro Outer JDAP resolves to:

**Approve** DAP Application reference DAP/22/02159 and accompanying plans (Attachment 1) 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 Joondalup *Local Planning Scheme No. 3*:

#### 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.

Mr Eugene Koltasz  
Presiding Member, JDAP



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. This approval relates to the Child Care Premises and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
4. The lots included shall be amalgamated prior to occupancy certification.
5. A maximum of 92 children and 15 staff on the premises at any one time.
6. The hours of operation for the centre shall be between 7:00am to 6.00pm Monday to Friday, and 8:00am to 1:00pm Saturdays only. Child Care Centre staff shall not arrive at the centre before 6:30am and be off site by 6:30pm Monday to Friday, and shall not arrive before 7:30am and be off site by 1:30pm on Saturdays.
7. An arborist report shall be submitted to and approved by the City prior to commencement of development. The arborist report shall include an assessment of the existing tree within the verge adjacent to the site's corner truncation and include appropriate measures to ensure its retention and protection during construction and thereafter, to the satisfaction of the City. Regarding the retention of the verge tree, the measures indicated in the approved Arborist report are to be implemented during construction to the satisfaction of the City.
8. An Operations Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Operations Management Plan is to include:
  - A Noise Management Plan, addressing the impact of noise on surrounding properties. The Noise Management Plan is to incorporate all recommendations of the Environmental Noise Assessment dated May 2022 (Attachment 8).
  - An updated Waste Management Plan indicating the method and timing of rubbish collection.
  - The general operation of the centre, including:
  - Hours of operation, including the number of staff opening and closing the centre;
  - The operation of the parking bays, including details regarding management of the tandem bays and bays that may need to be kept free during waste pickup;
  - Details of outside play time, including the maximum number of children within the play area at any one time;
  - Procedures and policies to monitor noise levels; and
  - Contact details and complaints procedure.

Operation of the Child Care Premises shall then be carried out in accordance with the approved Operations Management Plan.





9. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works, including potential closure of the adjacent public footpath along Cockman Road, and shall be prepared to the specification and satisfaction of the City. The construction works shall be undertaken in accordance with the approved Construction Management Plan.
10. An updated detailed Landscaping Plan shall be submitted to, and approved by, the City prior to the commencement of development. The plan is to indicate the proposed landscaping treatment(s) in the subject site and the adjoining road verge(s), and shall:
  - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - Provide landscaping that discourages the parking of vehicles within the verge;
  - Provide details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
  - Provide all details relating to paving, treatment of verges, visual screening of the car park and tree planting in the car park;
  - Show spot levels and/or contours of the site;
  - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - Be based on water sensitive urban design principles to the satisfaction of the City;
  - Be based on Designing out Crime principles to the satisfaction of the City; and
  - Show all irrigation design details.
11. Landscaping and reticulation shall be established in accordance with the approved updated landscaping plan and relevant Australian Standards prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
12. All external fixtures, utilities (eg. meter boxes, drying areas, air conditioning units, piping, ducting and water tanks) and the proposed bin store, shall be located so as to minimise any visual, noise and odour impact on surrounding landowners, and screened from view from the street or integrated with the building design to the satisfaction of the City. Updated details of the bin store area are to be provided including an enclosure suitable for mitigating the impact of odour on neighbouring properties, to the satisfaction of the City. Details shall be submitted to and approved by the City prior to the commencement of development.
13. A full schedule of colours and materials for all exterior parts of the development (including retaining walls) is to be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
14. The applicant shall remove the existing crossovers to Cockman Road, including any concrete aprons, and reinstate any kerbing, landscaping, footpath and/or other infrastructure to the satisfaction of the City. These works shall be completed within 28 days of the completion of construction of the new crossover.



15. The car parking bays, driveways and/or access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), including:
- Entry and exit/no entry signage and directional pavement arrows/line marking;
  - Marking of the two staff parking closest to the intersecting point of the Cockman Road street boundary and corner truncation as 'reverse-in only';
  - Visitor bays with minimum dimensions of 2.6 metres by 5.5 metres as outlined in the Transport Impact Statement (Attachment 7);
  - The five southern-most staff bays within the tandem arrangement being marked for 'small cars' or otherwise be modified so that tandem parking achieves a minimum length of 11 metres.

Details shall be provided to and approved by the City prior to commencement of development with the car parking bays, driveways and/or access points constructed in accordance with the approved details prior to the occupation of the development and thereafter maintained to the satisfaction of the City.

16. Two (2) bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City.
17. The open style fencing indicated along the Cockman Road and Ollis Street frontages shall be visually permeable (as defined in the Residential Design Codes).
18. No solid walls, fences or other structures higher than 0.75 metres shall be constructed within 1.5 metres of where the driveway meets the street boundary.
19. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.
20. The signage shall:
- use low illumination that does not flash, pulsate or chase;
  - not include fluorescent, reflective or retro reflective colours;
  - be established and thereafter maintained to a high standard
- to the satisfaction of the City.
21. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
22. All development shall be contained within the property boundaries.



**Advice Notes:**

1. Further to condition 3, the City of Joondalup *Local Planning Scheme No. 3* defines 'Child Care Premises' as:

*"premises where:*

- a. *an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
  - b. *a child care service as defined in the Child Services Act 2007 section 4 is provided."*
2. The City encourages the applicant/owner to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
  3. Any existing infrastructure/assets within the road reserve are to be retained and protected during construction of the development and are not to be removed or altered. Should any infrastructure or assets be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.
  4. In regard to condition 8, any amendments to the Operations Management Plan are to be approved by the City.
  5. In regard to condition 9, the construction management plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
  6. In regard to condition 13, it is recommended that the applicant submit the schedule of colours and materials prior to the lodgement of a building application to ensure the building application reflects the approved schedule of colours and materials.
  7. In regard to condition 17, the Residential Design Codes define visually permeable as:  
  
*In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:*
    - a. *continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
    - b. *continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
    - c. *a surface offering equal or lesser obstruction to view.*  
*as viewed directly from the street.*
  8. All lighting to the centre is to be designed to minimise light spillage onto the surrounding residential properties and be in accordance with the requirements of Australian Standard AS1158.
  9. Bin store and wash down area to be provided with a hose cock and have a concrete floor graded to an industrial floor waste connected to sewer.

**Mr Eugene Koltasz**  
Presiding Member, JDAP



10. Laundry to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
11. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
12. Development to be set up and run in compliance with the *Food Act 2008* and the *Australia New Zealand Food Standards Code*. Consideration should be given to having adequate number of sinks in the main kitchen including a dedicated food preparation sink. The applicant is encouraged to send detailed kitchen fit out plans to the City's Health Services for comment prior to lodging a certified building permit. For further information please contact Health & Environmental Services on 9400 4933.
13. There is an obligation to design and construct the development to meet compliance with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.
14. This approval does not include the dividing fence(s). You are advised that in accordance with the Dividing Fences Act 1961 you are required to reach agreement with the adjoining owners as to the height, appearance and location of the dividing fence. Further information is available at [www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au).

#### **AMENDING MOTION 1**

**Moved by:** Ms Karen Hyde

**Seconded by:** Mr Eugene Koltasz

That Condition No. 7 be amended to read as follows:

An arborist report shall be submitted to and approved by the City prior to commencement of development. The arborist report shall include an assessment of the existing tree within the verge adjacent to the site's corner truncation and include appropriate measures to ensure its retention and protection during construction and thereafter, to the satisfaction of the City. Regarding the retention of the verge tree, the measures indicated in the approved Arborist report are to be implemented during construction to the satisfaction of the City.

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

**REASON:** Panel Members considered that the imposition of a condition requiring the applicants to protect a verge tree after construction of the childcare centre to be an unreasonable requirement.

#### **ALTERNATE MOTION (AS AMENDED)**

That the Metro Outer JDAP resolves to:

**Approve** DAP Application reference DAP/22/02159 and accompanying plans (Attachment 1) 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 Joondalup *Local Planning Scheme No. 3*:

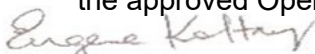
  
**Mr Eugene Koltasz**  
Presiding Member, JDAP



### 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 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. This approval relates to the Child Care Premises and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
4. The lots included shall be amalgamated prior to occupancy certification.
5. A maximum of 92 children and 15 staff on the premises at any one time.
6. The hours of operation for the centre shall be between 7:00am to 6.00pm Monday to Friday, and 8:00am to 1:00pm Saturdays only. Child Care Centre staff shall not arrive at the centre before 6:30am and be off site by 6:30pm Monday to Friday, and shall not arrive before 7:30am and be off site by 1:30pm on Saturdays.
7. An arborist report shall be submitted to and approved by the City prior to commencement of development. The arborist report shall include an assessment of the existing tree within the verge adjacent to the site's corner truncation and include appropriate measures to ensure its retention and protection during construction, to the satisfaction of the City. Regarding the retention of the verge tree, the measures indicated in the approved Arborist report are to be implemented during construction to the satisfaction of the City.
8. An Operations Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Operations Management Plan is to include:
  - A Noise Management Plan, addressing the impact of noise on surrounding properties. The Noise Management Plan is to incorporate all recommendations of the Environmental Noise Assessment dated May 2022 (Attachment 8).
  - An updated Waste Management Plan indicating the method and timing of rubbish collection.
  - The general operation of the centre, including:
  - Hours of operation, including the number of staff opening and closing the centre;
  - The operation of the parking bays, including details regarding management of the tandem bays and bays that may need to be kept free during waste pickup;
  - Details of outside play time, including the maximum number of children within the play area at any one time;
  - Procedures and policies to monitor noise levels; and
  - Contact details and complaints procedure.

Operation of the Child Care Premises shall then be carried out in accordance with the approved Operations Management Plan.

  
**Mr Eugene Koltasz**  
Presiding Member, JDAP



9. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works, including potential closure of the adjacent public footpath along Cockman Road, and shall be prepared to the specification and satisfaction of the City. The construction works shall be undertaken in accordance with the approved Construction Management Plan.
10. An updated detailed Landscaping Plan shall be submitted to, and approved by, the City prior to the commencement of development. The plan is to indicate the proposed landscaping treatment(s) in the subject site and the adjoining road verge(s), and shall:
  - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - Provide landscaping that discourages the parking of vehicles within the verge;
  - Provide details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
  - Provide all details relating to paving, treatment of verges, visual screening of the car park and tree planting in the car park;
  - Show spot levels and/or contours of the site;
  - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - Be based on water sensitive urban design principles to the satisfaction of the City;
  - Be based on Designing out Crime principles to the satisfaction of the City; and
  - Show all irrigation design details.
11. Landscaping and reticulation shall be established in accordance with the approved updated landscaping plan and relevant Australian Standards prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
12. All external fixtures, utilities (eg. meter boxes, drying areas, air conditioning units, piping, ducting and water tanks) and the proposed bin store, shall be located so as to minimise any visual, noise and odour impact on surrounding landowners, and screened from view from the street or integrated with the building design to the satisfaction of the City. Updated details of the bin store area are to be provided including an enclosure suitable for mitigating the impact of odour on neighbouring properties, to the satisfaction of the City. Details shall be submitted to and approved by the City prior to the commencement of development.
13. A full schedule of colours and materials for all exterior parts of the development (including retaining walls) is to be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
14. The applicant shall remove the existing crossovers to Cockman Road, including any concrete aprons, and reinstate any kerbing, landscaping, footpath and/or other infrastructure to the satisfaction of the City. These works shall be completed within 28 days of the completion of construction of the new crossover.



15. The car parking bays, driveways and/or access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), including:
- Entry and exit/no entry signage and directional pavement arrows/line marking;
  - Marking of the two staff parking closest to the intersecting point of the Cockman Road street boundary and corner truncation as 'reverse-in only';
  - Visitor bays with minimum dimensions of 2.6 metres by 5.5 metres as outlined in the Transport Impact Statement (Attachment 7);
  - The five southern-most staff bays within the tandem arrangement being marked for 'small cars' or otherwise be modified so that tandem parking achieves a minimum length of 11 metres.

Details shall be provided to and approved by the City prior to commencement of development with the car parking bays, driveways and/or access points constructed in accordance with the approved details prior to the occupation of the development and thereafter maintained to the satisfaction of the City.

16. Two (2) bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City.
17. The open style fencing indicated along the Cockman Road and Ollis Street frontages shall be visually permeable (as defined in the Residential Design Codes).
18. No solid walls, fences or other structures higher than 0.75 metres shall be constructed within 1.5 metres of where the driveway meets the street boundary.
19. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.
20. The signage shall:
- use low illumination that does not flash, pulsate or chase;
  - not include fluorescent, reflective or retro reflective colours;
  - be established and thereafter maintained to a high standard
- to the satisfaction of the City.
21. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
22. All development shall be contained within the property boundaries.



**Advice Notes:**

1. Further to condition 3, the City of Joondalup *Local Planning Scheme No. 3* defines 'Child Care Premises' as:

*"premises where:*

- a. *an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
  - b. *a child care service as defined in the Child Services Act 2007 section 4 is provided."*
2. The City encourages the applicant/owner to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
  3. Any existing infrastructure/assets within the road reserve are to be retained and protected during construction of the development and are not to be removed or altered. Should any infrastructure or assets be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.
  4. In regard to condition 8, any amendments to the Operations Management Plan are to be approved by the City.
  5. In regard to condition 9, the construction management plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
  6. In regard to condition 13, it is recommended that the applicant submit the schedule of colours and materials prior to the lodgement of a building application to ensure the building application reflects the approved schedule of colours and materials.
  7. In regard to condition 17, the Residential Design Codes define visually permeable as:  
  
*In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:*
    - a. *continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
    - b. *continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
    - c. *a surface offering equal or lesser obstruction to view.*  
*as viewed directly from the street.*
  8. All lighting to the centre is to be designed to minimise light spillage onto the surrounding residential properties and be in accordance with the requirements of Australian Standard AS1158.
  9. Bin store and wash down area to be provided with a hose cock and have a concrete floor graded to an industrial floor waste connected to sewer.

  
Mr Eugene Koltasz  
Presiding Member, JDAP





10. Laundry to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
11. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
12. Development to be set up and run in compliance with the *Food Act 2008* and the *Australia New Zealand Food Standards Code*. Consideration should be given to having adequate number of sinks in the main kitchen including a dedicated food preparation sink. The applicant is encouraged to send detailed kitchen fit out plans to the City's Health Services for comment prior to lodging a certified building permit. For further information please contact Health & Environmental Services on 9400 4933.
13. There is an obligation to design and construct the development to meet compliance with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.
14. This approval does not include the dividing fence(s). You are advised that in accordance with the Dividing Fences Act 1961 you are required to reach agreement with the adjoining owners as to the height, appearance and location of the dividing fence. Further information is available at [www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au).

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

For: Mr Eugene Koltasz  
Ms Karen Hyde  
Ms Diana Goldswain  
Cr Nige Jones

Against: Cr Tom McLean

**REASON:** The majority of the Panel considered that the design of the proposed childcare centre was of a scale that is compatible and complementary with the residential character of the locality. They also considered that the proposed childcare centre meets the objectives of the City's Child Care Premises LPP, and that it would not have a detrimental impact on the amenity of the locality, given the proposed development was subject to careful design consideration in the siting of the building, the children's outdoor activity areas, the car park and the proposed one way entry and egress provisions.

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

Nil.

  
Mr Eugene Koltasz  
Presiding Member, 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/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 12:14pm.

Mr Eugene Koltasz  
Presiding Member, JDAP