



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 7 July 2022; 9.30am  
**Meeting Number:** MOJDAP/186  
**Meeting Venue:** Electronic Means

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

### 1 Table of Contents

<b>1. Opening of Meeting, Welcome and Acknowledgement.....</b>	<b>3</b>
<b>2. Apologies.....</b>	<b>3</b>
<b>3. Members on Leave of Absence.....</b>	<b>3</b>
<b>4. Noting of Minutes.....</b>	<b>3</b>
<b>5. Declaration of Due Consideration.....</b>	<b>3</b>
<b>6. Disclosure of Interests.....</b>	<b>3</b>
<b>7. Deputations and Presentations.....</b>	<b>4</b>
<b>8. Form 1 – Responsible Authority Reports – DAP Applications.....</b>	<b>5</b>
8.1 Lot 9001 (No. 548) Lyon Road, Wandi.....	5
8.2 Lot 9002 (formally Lot 801), 1780 Thomas Road, Oakford.....	9
<b>9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....</b>	<b>10</b>
Nil.....	10
<b>10. State Administrative Tribunal Applications and Supreme Court Appeals ...</b>	<b>11</b>
<b>11. General Business.....</b>	<b>11</b>
<b>12. Meeting Closure .....</b>	<b>11</b>



## Attendance

### DAP Members

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

#### *Item 8.1*

Cr Carol Adams (Local Government Member, City of Kwinana)  
Cr Sherilyn Wood (Local Government Member, City of Kwinana)

#### *Item 8.2*

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

### Officers in attendance

#### *Item 8.1*

Mr Marius Le Grange (City of Kwinana)  
Ms Asha Logan (City of Kwinana)

#### *Item 8.2*

Ms Heather O'Brien (Shire of Serpentine-Jarrahdale)  
Mr Andrew Trosic (Shire of Serpentine-Jarrahdale)  
Mr Ashwin Nair (Shire of Serpentine-Jarrahdale)  
Mr Jason Carr (WAPC)

### Minute Secretary

Mr Stephen Haimes (DAP Secretariat)  
Ms Sarah-Rose Butler (DAP Secretariat)

### Applicants and Submitters

#### *Item 8.1*

Mr Joe Germano (Germano Design Pty Ltd)  
Mr Carlo Famiano (CF Town Planning & Development)

#### *Item 8.2*

Mr Behnam Bordbar (Transcore)  
Mr Paul Kotsoglo (Planning Solutions)  
Mr Robert Walker (Planning Solutions)  
Matt Wilson (representing the property owner)

### Members of the Public / Media

Nil.



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 7 July 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

Cr Matthew Rowse (Local Government Member, City of Kwinana)

## 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 an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 5 July 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 Members, Cr Carol Adams and Cr Sherilyn Wood, declared that they participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Adams and Cr Wood 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 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Lauren Strange and Cr Michelle Rich, declared that they participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Strange and Cr Wood 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, are permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

7.1 Mr Carlo Famiano (CF Town Planning & Development) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Kwinana officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.***

7.3 Mr Behnam Bordbar (Transcore) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 Mr Paul Kotsoglo (Planning Solutions) addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

7.5 The Western Australian Planning Commission officer addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

7.6 The Shire of Serpentine-Jarrahdale officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Items 7.3 - 7.6 were heard prior to the application at Item 8.2.***

## PROCEDURAL MOTION

**Moved by:** Cr Michelle Rich

**Seconded by:** Cr Lauren Strange

That the meeting be adjourned for a period of 5 minutes to allow members to refer to Standing Orders for procedural motions.

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

**REASON:** Clarification was needed regarding the validity of a proposed alternate motion flagged by a panel member.



*The meeting was adjourned at 11:04am.  
The meeting was reconvened at 11:08am.*

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

### 8.1 Lot 9001 (No. 548) Lyon Road, Wandi

Development Description: Proposed Child Care Centre  
 Applicant: Germano Designs Pty Ltd  
 Owner: Mr Annunziata Galati-Rando and Mr Santo Galati-Rando  
 Responsible Authority: City of Kwinana  
 DAP File No: DAP/22/02192

### REPORT RECOMMENDATION

**Moved by:** Cr Carol Adams

**Seconded by:** Cr Sherilyn Wood

*With the agreement of the mover and seconder, the following amendment was made to the report recommendation:*

(i) *That Condition No. 6 be amended to read as follows:*

*Prior to the lodgement of a building permit application, detailed civil drawings for the crossovers, footpaths/shared paths, on site car park reversing bay and car parking embayment's, as ~~generally depicted on the approved plans~~, **marked in red on the approved ground floor plan PD05 (Rev 005)**, are to be submitted to the City of Kwinana for review and approval. Construction works in accordance with the approved civil drawings are to be completed prior to occupation of the development, at the landowner's cost to the satisfaction of the City of Kwinana.*

**REASON:** To ensure that suitable treatment is put in place for the reversing bay so that it cannot be used for car parking.

(ii) *That the preamble be amended to read as follows:*

**Approve:** DAP Application reference DAP/22/02192 and accompanying plans:

Drawing No: PD02 (Rev 005) - Existing Site Survey  
 Drawing No: PD03 (Rev 005) - Overall Site Plan  
 Drawing No: PD04 (Rev 005) - Site Plan  
 Drawing No: PD05 (Rev 005) - Ground Floor Plan **(as amended by notations in red by the City)**  
 Drawing No: PD06 (Rev 005) - First Floor Plan  
 Drawing No: PD07 (Rev 005) - Elevations

**REASON:** to ensure the correct plan is referenced in approval



That the Metro Outer JDAP resolves to:

**Approve:** DAP Application reference DAP/22/02192 and accompanying plans:

Drawing No: PD02 (Rev 005) - Existing Site Survey

Drawing No: PD03 (Rev 005) - Overall Site Plan

Drawing No: PD04 (Rev 005) - Site Plan

Drawing No: PD05 (Rev 005) - Ground Floor Plan (as amended by notations in red by the City)

Drawing No: PD06 (Rev 005) - First Floor Plan

Drawing No: PD07 (Rev 005) - Elevations

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 Kwinana Local Planning Scheme No. 2, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The requirements of the City of Kwinana Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - a. Prior to the lodgement of a building permit application, the owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5. Prior to the use or occupation of the development, the approved Public Art must be installed on site to the satisfaction of the City of Kwinana; or
  - b. Prior to the commencement of works, the owner/applicant shall provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana in lieu of installing Public Art on site to the satisfaction of the City of Kwinana.
4. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out on the land to determine if remediation is required. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works to the satisfaction of the City of Kwinana, on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.
5. Prior to the lodgement of a building permit application, a detailed Drainage and Stormwater Management Plan is required to be submitted to the City of Kwinana for approval. The detailed Drainage and Stormwater Management Plan shall demonstrate the on-site retention of stormwater drainage and be implemented to the satisfaction of the City of Kwinana.



6. Prior to the lodgement of a building permit application, detailed civil drawings for the crossovers, footpaths/shared paths, on site car park reversing bay and car parking embayments, as marked in red on the approved ground floor plan PD05 (Rev 005), are to be submitted to the City of Kwinana for review and approval. Construction works in accordance with the approved civil drawings are to be completed prior to occupation of the development, at the landowner's cost to the satisfaction of the City of Kwinana.
7. Prior to occupation of the development, vehicle parking bays are to be constructed in accordance with AS2890, clearly marked on the ground and drained to the satisfaction of the City of Kwinana.
8. Prior to the lodgement of a building permit, a detailed internal landscaping plan shall be provided and implemented to the satisfaction of the City of Kwinana.
9. The operation of the Childcare Centre is limited to a maximum of 99 children and 19 staff on site at any one time.
10. The development hereby approved shall be constructed in accordance with all relevant construction standards of *AS3959:2009 – Construction of buildings in bushfire-prone areas* (as amended) applicable to the assessed Bushfire Attack Level rating. Any building or design requirements are to be shown as part of the building permit application.
11. The Bushfire Emergency Evacuation Plan (BEEP) prepared by Smith Bushfire Consulting (dated 8 February 2022) must be implemented on site at all times, including annual review of the BEEP.
12. Operating hours for the Child Care Centre are limited to between 6:30am to 6:30pm, Monday to Friday.
13. The recommendations in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics (Version 1, dated 8 October 2021) shall be implemented in the design, construction and ongoing operation of the development at all times, including but not limited to:
  - a. no outdoor children's play prior to 7am;
  - b. maximum 80 children outdoor play at any one time;
  - c. car parking restrictions prior to 7am;
  - d. fencing constructed and maintained to the minimum specifications; and,
  - e. the siting, screening and/or operation of mechanical plant to minimise off-site noise impacts;

to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.
14. The submitted Waste Management Plan (WMP) prepared by CF Town Planning and Development (dated 8 November 2021) shall be implemented in the design, construction and ongoing operation of the development at all times, to the satisfaction of the City of Kwinana.
15. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.



16. Prior to occupation of the development, the subject site is to be connected to a suitable water supply and sewerage service, to the satisfaction of the City of Kwinana in consultation with the Water Corporation.
17. All fencing within the street setback areas shall be visually permeable above 1.2 metres above natural ground level, measured from the street side of the fence as per Clause 5.2.4 of the Residential Design Codes, and maintained thereafter, to the satisfaction of the City of Kwinana.
18. Prior to occupation of the development, the landowner shall ensure that the market garden activities within the Urban zoned portion of the subject lot cease.

### Advice Notes

1. In relation to the condition about soil investigation, and in accordance with regulation 31(1)(c) of the *Contaminated Sites Regulations 2006*, a mandatory auditor's report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition 3. A current list of accredited auditors is available from [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au).
2. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-cidsulfatesoils-guidelines>
3. In relation to the requirement for a detailed Landscaping Plan, the applicant is advised that the Landscaping Plan should include:
  - i. the proposed species of plants to be used;
  - ii. the proposed densities of plants to be used;
  - iii. the anticipated height of each plant at maturity;
  - iv. the spacing of each species;
  - v. the location of existing vegetation; and,
  - vi. the proposed reticulation layout.
4. The applicant is advised that any future signage shall potentially require a development application where not otherwise exempt under the provisions of Local Planning Policy No. 9 – Advertising Signage and the City of Kwinana Local Planning Scheme No. 2
5. The applicant is advised to submit an application to the City of Kwinana for approval to construct or alter a food business, an application for registration of food business and an application for child care approval with associated fees and documents at the lodgement of building application.
6. The applicant is advised that the proposal is to comply with the *Food Act 2008*, *Food Regulations 2009*, *Education and Care Services National Law (WA) Act 2012*, *Education and Care Services National Regulations 2012*, *Health (Miscellaneous Provisions) Act 1911* and *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.



7. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
8. The applicant is advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site, a building permit must be issued and penalties apply for failing to adhere to this requirement.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** As outlined in the Responsible Authority Report, the proposed Child Care Centre meets locational criteria and is assessed as satisfying local structure planning and related development requirements. Supporting technical reports addressing traffic and noise impacts and bushfire management requirements have been reviewed and accepted by City officers. Measures to mitigate against amenity impacts on existing and future nearby residents are adequately covered in the proposal as submitted, together with appropriate conditions. The proposal benefits from being integrated with approved residential subdivision immediately to the North.

*Cr Carol Adams and Cr Sherilyn Wood (Local Government Members) left the panel at 9:57am.*

*Cr Lauren Strange and Cr Michelle Rich (Local Government Members) joined the panel at 9:57am.*

**8.2 Lot 9002 (formally Lot 801), 1780 Thomas Road, Oakford**

Development Description:	Proposed Service Station, Rural Supplies Store and Veterinary Clinic
Applicant:	Planning Solutions
Owner:	Ms Teresa Diana Borrello and Mr Vincenzo Borrello
Responsible Authority:	Shire of Serpentine-Jarrahdale
DAP File No:	DAP/22/02211

**REPORT RECOMMENDATION**

**Moved by:** Cr Michelle Rich

**Seconded by:** Cr Lauren Strange

It is recommended that the Metro Outer JDAP resolves to:

**Refuse** DAP Application reference DAP/22/02211 and accompanying plans (attachment 2) 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 a proposed service station, rural supplies store and veterinary clinic at Lot 9002, 1780 Thomas Road, Oakford

**Reasons for Officer Recommendation**

1. The land use of 'service station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is contrary to the principles of 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.

Mr Ian Birch   
Presiding Member, Metro Outer JDAP



2. The land use of 'service station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No. 3 and the Local Planning Strategy as it is an inappropriate non-rural use.
3. The 'service station' by way of its design and external appearance would adversely impact on the rural character and amenity of the locality.
4. The development, by way of its siting, would impact future road network projects, contrary to the principles of orderly and proper planning.
5. The proposal, by way of the northernmost crossover, would adversely impact on traffic safety due to its location in the functional area of the proposed roundabout.

**The Report Recommendation was put and LOST (2/3).**

For: Cr Michelle Rich  
Cr Lauren Strange

Against: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr Jason Hick

**PROCEDURAL MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Ms Sheryl Chaffer

That the consideration of DAP Application DAP/22/02211 be deferred to a meeting on or before 16 December 2022, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reason:

For the applicant to review their plans in accordance with recent MRWA proposal for grade separation of the intersection of Kargotich Road and Thomas Road, as part of the overall upgrade of the Anketell/Thomas key east-west freight route serving the planned new Westport outer harbour at Cockburn Sound, and further to seek WAPC assessment of their proposal, which is required as portion of their site falls within Planning Control Area (PCA) 161 established as part of the overall planning for the freight corridor. As consultation is required with government agencies, in addition to further assessment by the Shire of Serpentine Jarrahdale, an extended period has been allowed for this to occur.

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

**REASON:** In view of the major changes intended for the adjacent intersection and the impact that those changes will have on the subject site in terms of land take and access, the proposal as submitted cannot be properly assessed.

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

Nil.



## 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
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

## 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 11:23am.