



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Tuesday, 7 December 2021; 9:30am
Meeting Number: MOJDAP/140
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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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Mr Gene Koltasz (A/Deputy Presiding Member)
Ms Diana Goldswain (A/Third Specialist Member)

Item 8.1

Cr Mark Jones (Local Government Member, City of Rockingham)
Cr Lorna Buchan (Local Government Member, City of Rockingham)

Item 8.2

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

Officers in attendance

Item 8.1

Ms Casey Gillespie (City of Rockingham)
Mr David Banovic (City of Rockingham)

Item 8.2

Mr Philip Russell (City of Swan)
Ms Rebecca Lodge (City of Swan)

Minute Secretary

Ms Megan Ventris (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Joshua Carmody (Planning Solutions)
Mr Stephen Moore (Ecological Australia)
Ms Marina Kleyweg (KCTT)
Ms Julie Drago (Day Road)
Mr Nicholas Dalzeil (Day Road)

Item 8.2

Mr Ian Rodgers (Parry and Rosenthal Architects)
Mr Leon Slattery (Parry and Rosenthal Architects)
Mr Martin Bent (Swan Christian Education Association)
Mr Michael Bolan (Swan Christian Education Association)
Mr Graeme Cross (Swan Christian Education Association)
Mr Rowan Joubert (Swan Christian Education Association)

Members of the Public / Media

Nil.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 7 December 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

The Presiding Member advised that 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

Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

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 6 December 2021.

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 Lorna Buchan and Cr Mark Jones, 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 Lorna Buchan and Cr Mark Jones 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 Rod Henderson and Cr Mel Congerton, declared that they participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Rod Henderson and Cr Mel Congerton acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

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 items.

7. Deputations and Presentations

7.1 Mr Joshua Carmody (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1.

7.2 The City of Rockingham 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 Martin Bent (Swan Christian Education Association) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 Mr Michael Bolan (Swan Christian Education Association) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.5 The City of Swan officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.5 were heard prior to the application at Item 8.2.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 1 (No.27) Day Road, East Rockingham

Development Description:	Proposed industrial development
Applicant:	Planning Solutions
Owner:	Ms M E Pike
Responsible Authority:	City of Rockingham
DAP File No:	DAP/21/02074

REPORT RECOMMENDATION

Moved by: Mr Gene Koltasz

Seconded by: Ms Diana Goldswain

With the approval of the mover and the seconder the following amendments were made:

- i) That Condition No. 6 be deleted, and the remaining conditions be renumbered accordingly.

REASON: These matters will be addressed when clearing conditions concerning crossover approval and stormwater management. The City's officers agreed that the condition was unnecessary.

- ii) That Condition No. 10 (now Condition No. 9) be deleted, and the remaining conditions be renumbered accordingly.

REASON: As acknowledged by the City's officers, this Australian Standard does not apply to industrial buildings.

- iii) That the preamble be amended to read as follows:

Approve DAP Application reference DAP/21/02074 and accompanying plans as contained within Attachment 1:

- Site Development Plan - Drawing No A.03, dated 12 August 2021;
- Administration Office and Workshop Amenities Plan - Drawing No A.04; dated 12 August 2021;
- Warehouse/Manufacturing Plan - Drawing No A.05; dated 12 August 2021;
- Enlarged Administration Office Street East Elevation - Drawing No A.06; dated 12 August 2021; and
- East, West, North, South Elevation B - Drawing A.07; dated 12 August 2021.

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2 and pursuant to clause 26 of the Metropolitan Region Scheme, subject to the following conditions as follows:

REASON: By delegation, the approval is also under the MRS.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02074 and accompanying plans as contained within Attachment 1:

- Site Development Plan - Drawing No A.03, dated 12 August 2021;
- Administration Office and Workshop Amenities Plan - Drawing No A.04; dated 12 August 2021;
- Warehouse/Manufacturing Plan - Drawing No A.05; dated 12 August 2021;
- Enlarged Administration Office Street East Elevation - Drawing No A.06; dated 12 August 2021; and
- East, West, North, South Elevation B - Drawing A.07; dated 12 August 2021.

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2 and pursuant to clause 26 of the Metropolitan Region Scheme, subject to the following conditions as follows:

Conditions:

1. This decision constitutes Development 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.
2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for approval. All stormwater generated by the development must be managed in accordance with *Planning Policy 3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. Prior to the commencement of works a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
 - (i) A Dust, Noise and Vibration Management Plan;
 - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (iii) How any stockpiles on site/s are to be managed;
 - (iv) Construction waste disposal strategy and location of waste disposal bins;
 - (v) How materials and equipment will be delivered and removed from the site/s; and
 - (vi) Parking arrangements for contractors.

All works must be carried out in accordance with the approved Construction Management Plan and maintained at all times, for duration of the development.



4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. The carpark must:
 - (i) provide a minimum of 90 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and line marked in accordance with User Class 1A for staff parking, User Class 2 for visitor bays, User Class 4 for universal bays of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to commencement of development;
 - (iii) two (2) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of development;
 - (vi) any semi-trailer parking bays shall be clearly line marked and designed in accordance with AS2890.2 for the purposes of parking trailers only at all times; and
 - (vii) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
6. Crossovers shall be designed and constructed in accordance with the City's *Commercial Crossover Specifications*.
7. Pavement markings and signage shall be provided at the vehicular crossover locations, to clearly delineate the intended traffic flow within the site as follows:
 - (i) Restricted exit only for heavy vehicles at the most northern crossover;
 - (ii) Full movement entry and exit only for heavy vehicles at the drive-through crossover. No access permitted to staff or visitor vehicles;
 - (iii) Full movement entry and exit for staff and visitor vehicles only at the crossover for the administration building;
 - (iv) Full movement entry and exit for staff vehicles at the southern-most crossover; and
 - (v) Restricted entry only for heavy vehicles at the southern-most crossover.



8. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, six (6) long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.
9. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in the approved Bushfire Management Plan of the Western Australian Planning Commission Subdivision Approval issued (Ref 161809) must be installed on the site. The APZ must not place reliance or impositions on the management of the adjoining Conservation Area (Reserve ID R/52979 - Alumina Reserve), be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.
10. No vegetation within the Conservation Area (Reserve ID R/52979 - Alumina Reserve) shall be removed or disturbed during development works, including any secondary impacts from works to provide infrastructure and drainage.
11. No battering, fill or waste shall be deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve). The landowner/applicant must immediately report any fill or construction waste that is deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve) to the Department of Biodiversity, Conservation and Attractions.
12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
13. Prior to applying for a Building Permit, bin storage area/s must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area/s must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.



14. Prior to applying for a Building Permit, a Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall 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) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) the provision of shade trees at a ratio of 1 tree per 4 car bays;
 - (vi) use of species consistent with the prescribed plant species list in the East Rockingham Development Guidelines;
 - (vii) fencing type, height and alignment, demonstrating that the street frontage fencing is located behind the extent of the Landscaped setback area;
 - (viii) as required by the Subdivision Approval issued by Western Australian Planning Commission dated 15 August 2021, a fence restricting vehicle, pedestrian, stock access to the Reserve ID R/52979 – Alumina Reserve is to be constructed on the Reserve boundary and is to be maintained at all times;
 - (ix) internal footpath and kerb ramps providing linkages between car parking areas to the main office, including any proposed lighting; and
 - (x) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

15. Materials, sea containers, goods or bins must not be stored within the carpark areas at any time. Car parks shall remain freely accessible at all times.
16. The open air storage area shall not be used for the storage of flammable materials or liquids at any time, unless further approval is obtained.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.



2. In relation to Condition 3, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
3. The proponent is advised that this approval is not a building permit, which constitutes a separate legislative requirement. Prior to any building work commencing on site, a building permit must be obtained.
4. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
5. With respect to the Landscape Plan and Stormwater Management Plan, the applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.
6. All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services and Engineering Services in this regard.
7. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
8. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.
9. All vehicle access to the site via Lodge Drive must be provided by the internal access road to be constructed prior to occupation of the development pursuant to the Subdivision Approval issued by WAPC (ref 160809).

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed development of the site for industry, is consistent with the long-established industrial uses in this area. In accordance with the assessment and recommendation in the Responsible Authority Report, the application is approved with appropriate conditions.

Cr Mark Jones & Cr Lorna Buchan (Local Government Members, City of Rockingham) left the panel at 9:45am.

Cr Rod Henderson & Cr Mel Congerton (Local Government Members, City of Swan) joined the panel at 9:45am.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



8.2 Lot 27 Bennett Springs Drive, Bennett Springs

Development Description:	Proposed Educational Establishment (Primary School)
Applicant:	Parry and Rosenthal Architects
Owner:	Swan Christian Education Association Inc
Responsible Authority:	City of Swan
DAP File No:	DAP/21/02060

REPORT RECOMMENDATION

Moved by: Mr Gene Koltasz

Seconded by: Cr Mel Congerton

With the approval of the mover and seconder, the following amendments were made:

- i) That Recommendation No. 1 be deleted and added to Recommendation No. 2 as an Advice Note No. 1.
- ii) That Recommendation No. 3 (now Recommendation No. 2) be deleted and added to Recommendation No. 2 as an Advice Note No. 2.
- iii) That Recommendation No. 2 (now Recommendation No. 1) be amended to read as follows:

*Endorse the staff recommendation on the application to the Metro Outer Joint Development Assessment Panel, which is to approve the application with conditions, subject to the inclusion of the following additional Condition **and the following additional Advice notes:***

Condition 21:

Prior to commencement of operation of the school the applicant/owner is to prepare, to the satisfaction of the City of Swan, a "Kiss and Drive" Operational Plan that will detail the management and supervision of the operation of the carpark and kiss and drive area through designation of:

- (i) *lines of pedestrian movement through the car parking area, including crossing points of the carpark;*
- (ii) *vehicle travel speeds through the car parking area; and*
- (iii) *signage and line marking to the car parking area that indicates pedestrian movement areas and vehicle speeds to users.*

Advice note:

- 1) ***Note the importance of ensuring that the carpark of the proposed school can operate in a manner that reduces the risk of conflict between pedestrians and motorists using this area.***



- 2) **Note the reason for modifying the staff recommendation is to respond to the reasonable concerns of Council with the safety in operation of the proposed school's car parking area by ensuring it is appropriately managed in operation as recommended by the applicants own Traffic Impact Assessment by Shawmac dated 30 3 August 2021.**

REASON: To reorder the motion in keeping with DAP pro-forma, clarify condition and advice and correct typographical error.

Responsible Authority Recommendation

- 1) Endorse the staff recommendation on the application to the Metro Outer Joint Development Assessment Panel, which is to approve the application with conditions, subject to the inclusion of the following additional Condition and additional Advice notes:

Condition:

Prior to commencement of operation of the school the applicant/owner is to prepare, to the satisfaction of the City of Swan, a "Kiss and Drive" Operational Plan that will detail the management and supervision of the operation of the carpark and kiss and drive area through designation of:

- (i) lines of pedestrian movement through the car parking area, including crossing points of the carpark;
- (ii) vehicle travel speeds through the car parking area; and
- (iii) signage and line marking to the car parking area that indicates pedestrian movement areas and vehicle speeds to users.

Advice note:

1. Note the importance of ensuring that the carpark of the proposed school can operate in a manner that reduces the risk of conflict between pedestrians and motorists using this area.
2. Note the reason for modifying the staff recommendation is to respond to the reasonable concerns of Council with the safety in operation of the proposed school's car parking area by ensuring it is appropriately managed in operation as recommended by the applicants own Traffic Impact Assessment by Shawmac dated 3 August 2021.

Officer Recommendation

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02060 and Accompanying Plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, and pursuant to clause 26 of the Metropolitan Region Scheme subject to the following conditions:

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Conditions

1. This approval is for an Educational Establishment as defined in the City of Swan Local Planning Scheme No.17, and the subject land may not be used for any other use without the prior approval of the City.
2. All building and works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
3. Prior to the occupation or use of the development, a minimum of 67 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
4. Prior to the occupation or use of the development, a minimum of 20 bicycle spaces (comprising of 10 bike racks) must be provided on site to the satisfaction of the City of Swan. The design and construction of the bicycle spaces must be in accordance with AS/NZ 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.
5. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
6. All crossovers must be built and maintained in accordance with the City's specifications.
7. No wall, fence or landscaping greater than 0.75m in height measured from the natural ground level at the boundary, shall be constructed within 3m of a vehicular access way.
8. Prior to approval of the building permit, the Applicant needs to submit to the City of Swan for approval a detailed Drainage Management Strategy with drawings.
9. All stormwater produced from this property including subsoil drainage must be collected and disposed of in accordance with the approved detailed Drainage Management Strategy.
10. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of development.
11. External lighting shall comply with the requirements of AS4282 - Control of Obtrusive Effects of Outdoor Lighting.
12. The approved Landscaping Plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City of Swan.
13. All trees located along the western boundary are to be protected during the site works and construction of the development, and thereafter maintained.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



14. Bike racks are to be provided with appropriate weather protection.
15. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Swan prior to the issue of a building permit.
16. All areas of outdoor storage must be screened from public view. Design plans for the location, materials and construction of proposed screening are to be included on the development plans to the satisfaction of the City of Swan prior to the issue of a building permit.
17. The development must be connected to Scheme Water and the Water Corporation's sewer where available.
18. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:
 - a. Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$66,490). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b. Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$66,490). The following is required for the provision of Public Art on site:
 - i. The landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended.) The City of Swan may apply further conditions in regard to the Public Art.
 - ii. No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and
 - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
19. Signage illumination shall not flash or pulsate to the satisfaction of the City of Swan.
20. All earthworks and footings must be located entirely within the subject lot and must not encroach upon the road reserve or any other land.



21. Prior to commencement of operation of the school the applicant/owner is to prepare, to the satisfaction of the City of Swan, a “Kiss and Drive” Operational Plan that will detail the management and supervision of the operation of the carpark and kiss and drive area through designation of:
- (i) lines of pedestrian movement through the car parking area, including crossing points of the carpark;
 - (ii) vehicle travel speeds through the car parking area; and
 - (iii) signage and line marking to the car parking area that indicates pedestrian movement areas and vehicle speeds to users.

Advice notes

1. Note the importance of ensuring that the carpark of the proposed school can operate in a manner that reduces the risk of conflict between pedestrians and motorists using this area.
2. Note the reason for modifying the staff recommendation is to respond to the reasonable concerns of Council with the safety in operation of the proposed school’s car parking area by ensuring it is appropriately managed in operation as recommended by the applicants own Traffic Impact Assessment by Shawmac dated 3 August 2021.

AMENDING MOTION 1

Moved by: Ms Diana Goldswain

Seconded by: Cr Rod Henderson

The following amendments were made en bloc:

- (i) That the additional Condition No. 21 recommended by the Council be deleted.
- (ii) That Condition No. 14 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and LOST (2/3).

For: Ms Diana Goldswain
Cr Rod Henderson

Against: Mr Ian Birch
Mr Gene Koltasz
Cr Mel Congerton

Mr Ian Birch
Presiding Member, Metro Outer JDAP



AMENDING MOTION 2

Moved by: Mr Ian Birch

Seconded by: Cr Rod Henderson

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

Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:

- a. *Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the 1% contribution amount (~~\$66,490~~). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or*
- b. *Provision of Public Art on-site to a minimum value of the 1% contribution amount (~~\$66,490~~). The following is required for the provision of Public Art on site:*
 - i. *The landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended.) The City of Swan may apply further conditions in regard to the Public Art.*
 - ii. *No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and*
 - iii. *The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow for confirmation of construction cost, which determines the contribution amount.



REPORT RECOMMENDATION (AS AMENDED)

Officer Recommendation

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02060 and Accompanying Plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, and pursuant to clause 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. This approval is for an Educational Establishment as defined in the City of Swan Local Planning Scheme No.17, and the subject land may not be used for any other use without the prior approval of the City.
2. All building and works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
3. Prior to the occupation or use of the development, a minimum of 67 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
4. Prior to the occupation or use of the development, a minimum of 20 bicycle spaces (comprising of 10 bike racks) must be provided on site to the satisfaction of the City of Swan. The design and construction of the bicycle spaces must be in accordance with AS/NZ 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.
5. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
6. All crossovers must be built and maintained in accordance with the City's specifications.
7. No wall, fence or landscaping greater than 0.75m in height measured from the natural ground level at the boundary, shall be constructed within 3m of a vehicular access way.
8. Prior to approval of the building permit, the Applicant needs to submit to the City of Swan for approval a detailed Drainage Management Strategy with drawings.
9. All stormwater produced from this property including subsoil drainage must be collected and disposed of in accordance with the approved detailed Drainage Management Strategy.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



10. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of development.
11. External lighting shall comply with the requirements of AS4282 - Control of Obtrusive Effects of Outdoor Lighting.
12. The approved Landscaping Plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City of Swan.
13. All trees located along the western boundary are to be protected during the site works and construction of the development, and thereafter maintained.
14. Bike racks are to be provided with appropriate weather protection.
15. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Swan prior to the issue of a building permit.
16. All areas of outdoor storage must be screened from public view. Design plans for the location, materials and construction of proposed screening are to be included on the development plans to the satisfaction of the City of Swan prior to the issue of a building permit.
17. The development must be connected to Scheme Water and the Water Corporation's sewer where available.

A handwritten signature in black ink, appearing to read 'Ian Birch'.



18. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:
 - a. Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the 1% contribution amount. This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b. Provision of Public Art on-site to a minimum value of the 1% contribution amount. The following is required for the provision of Public Art on site:
 - i. The landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended.) The City of Swan may apply further conditions in regard to the Public Art.
 - ii. No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and
 - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
19. Signage illumination shall not flash or pulsate to the satisfaction of the City of Swan.
20. All earthworks and footings must be located entirely within the subject lot and must not encroach upon the road reserve or any other land.
21. Prior to commencement of operation of the school the applicant/owner is to prepare, to the satisfaction of the City of Swan, a "Kiss and Drive" Operational Plan that will detail the management and supervision of the operation of the carpark and kiss and drive area through designation of:
 - (i) lines of pedestrian movement through the car parking area, including crossing points of the carpark;
 - (ii) vehicle travel speeds through the car parking area; and
 - (iii) signage and line marking to the car parking area that indicates pedestrian movement areas and vehicle speeds to users.

Advice notes

1. Note the importance of ensuring that the carpark of the proposed school can operate in a manner that reduces the risk of conflict between pedestrians and motorists using this area.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



2. Note the reason for modifying the staff recommendation is to respond to the reasonable concerns of Council with the safety in operation of the proposed school's car parking area by ensuring it is appropriately managed in operation as recommended by the applicants own Traffic Impact Assessment by Shawmac dated 3 August 2021.

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

REASON: The proposed development of the site for an independent primary school takes the opportunity of using land already reserved for that purpose, but, no longer required as a government school. As outlined in the Responsible Authority Report the plans have been refined through a successful design process and overall, the development is assessed as meeting relevant planning requirements. Having regard for all of the above, the application is approved, with appropriate conditions, as recommended.

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/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/21/02000 DR203/2021	City of Joondalup	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo	Proposed Child Care Centre	28/09/2021
DAP/21/02016 DR207/2021	City of Joondalup	centre Lot 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley	Child Care Centre	28/09/2021



Finalised SAT Applications* (withdrawn by applicant)				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020

* Matters finalised during the last meeting cycle.

11 General Business

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

12 Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:42am.