



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 20 June 2024; 9:30am  
**Meeting Number:** MODAP/20  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

A recording of the meeting is available via the following link: [MODAP/20 – 20 June 2024 – City of Joondalup – City of Swan](#)

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

### **PART B – CITY OF JOONDALUP**


1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lots 243 (44) and 244 (46) Grand Ocean Entrance, Burns Beach – Child Care Premises and Restaurant/Café – DAP/24/02638
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF SWAN**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 50 (No.342) Park Street & Lot 124 (No.10) Starflower Road, Henley Brook – Proposed Child Care Premises – DAP/24/02658
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations


### **PART D – OTHER BUSINESS**

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

  
**Clayton Higham**  
Presiding Member, Metro Outer DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Claire Ortlepp
Eugene Koltasz (Deputy Presiding Member)	Ashlee Kelly
Jason Hick	
<i>Part B – City of Joondalup</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Rebecca Pizzey	Cathrine Temple
Cr Nige Jones	Marshall Farrell
<i>Part C – City of Swan</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Aaron Bowman	Phil Russell
Cr Jennifer Catalano	

  
**Clayton Higham**  
Presiding Member, Metro Outer DAP




<b>Applicant and Submitters</b>
<i>Part B – City of Joondalup</i>
Carlo Famiano (CF Town Planning & Development) Joe Germano (Germano Designs) Rajai Wahhab (Catalonia Investments Pty Ltd) Lars Rasmussen (Burns Beach Residents Association) Rosa Da Silva (Burns Beach Residents Association)
<i>Part C – City of Swan</i>
Josh Watson (Planning Solutions) Abbey Goodall (Planning Solutions) Daniel Panickar (Western Environmental) Matt Davies (Accord Property)

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 3 persons observing the meeting via the livestream.

  
**Clayton Higham**  
Presiding Member, Metro Outer DAP



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 20 June 2024 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 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

### 2. Apologies

Cr Adrian Hill (Local Government DAP Member, City of Joondalup)

### 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](#).



## **PART B – CITY OF JOONDALUP**

### **1. Declaration of Due Consideration**

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

### **2. Disclosure of Interests**

DAP Member, Cr Adrian Hill, declared an impartiality interest in item 3.1. Cr Hill was formerly Chairperson of Burns Beach Residents Association (from 2015 to 2012), during which time he publicly opposed the development of a proposed childcare facility at this location.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP executive director determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in the discussion and voting on the item.

### **3. Form 1 DAP Applications**

#### **3.1 Lots 243 (44) and 244 (46) Grand Ocean Entrance, Burns Beach – Child Care Premises and Restaurant/Café – DAP/24/02638**

##### **Deputations and Presentations**

Lars Rasmussen (Burns Beach Residents Association) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Rajai Wahhab (Catalonia Investments Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Carlo Famiano (CF Town Planning & Development) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Joondalup addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.



## REPORT RECOMMENDATION

**Moved by:** Cr Rebecca Pizzey

**Seconded by:** Cr Nige Jones

*Cr Rebecca Pizzey withdrew support for the motion.*

**Moved by:** Cr Nige Jones

**Seconded by:** Eugene Koltasz

*With the approval of the mover and seconder, the following amendment was made:*

That Condition No. 6 be amended to read as follows:

*The hours of operation for the Child Care Premises shall be between 6:30am to ~~6:00~~ 6:30pm Monday to Friday, and closed on Saturdays and Sundays. Staff are permitted on site up to 30 minutes before and after these operating hours.*


**REASON:** To correct a typographical error so that the hours of operation are consistent with that of Condition 7.

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02638 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 Clause 68 of the *City of Joondalup Local Planning Scheme No. 3*, 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 two (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.
3. This approval relates to the Child Care Premises and Restaurant/Café, 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. Lot 243 and Lot 244 on Plan DP47367 shall be amalgamated into one lot on Certificate of Title prior to the lodgement of an occupancy permit.
5. A maximum of 57 children and 11 staff may be on the premises at any one time.
6. The hours of operation for the Child Care Premises shall be between 6:30am to 6.30pm Monday to Friday, and closed on Saturdays and Sundays. Staff are permitted on site up to 30 minutes before and after these operating hours.

  
Clayton Higham  
Presiding Member, Metro Outer DAP



7. The hours of operation for the Restaurant/Café shall be limited to between the hours of 6:30am to 6:30pm Monday to Friday, and closed on Saturdays and Sundays.
8. Amended plans widening the crossover from the subject site to Broulee Lane to the specifications and satisfaction of the City shall be submitted to, and approved by the City prior to the commencement of development. The works shall be completed prior to an occupancy permit being granted.
9. An amended Traffic Impact Statement, detailing modifications to the Broulee Lane and Whitehaven Avenue intersection to the specification and satisfaction of the City shall be submitted to, and approved by the City prior to the commencement of development.
10. Modifications to the intersection of Broulee Lane and Whitehaven Avenue shall be undertaken in accordance with the approved Traffic Impact Statement at the proponent's expense, prior to an occupancy permit being granted.
11. An Operations Management Plan is to be submitted to and approved by the City prior to occupation of the development. The operation of the Child Care Premises shall then be carried out in accordance with the approved Operations Management Plan.
12. 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 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.
13. A full schedule of colours and materials for all exterior parts to the development (including fencing) shall 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. Any proposed building plant and equipment, including the air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.



15. Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
  - a. Provide landscaping that discourages the parking of vehicles within the verge;
  - b. Provide details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
  - c. Provide all details relating to paving and treatment of verges;
  - d. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - e. Show spot levels and/or contours of the site;
  - f. Be based on water sensitive urban design principles to the satisfaction of the City;
  - g. Be based on Designing out Crime principles to the satisfaction of the City;
  - h. Show all irrigation design details.
16. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
17. The development shall at all times comply with the Waste Management Plan prepared by CF Town Planning & Development and dated 29 April 2024, or as amended and approved by the City.
18. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), prior to the occupation of the development. The car bay markings shall also address the parking allocation to staff and visitors, to the satisfaction of the City. These bays are to be thereafter maintained to the satisfaction of the City.
19. 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.
20. 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.
21. The infill garrison style fencing indicated on the approved plans shall be visually permeable (as defined in the *Residential Design Codes*).
22. Boundary walls, retaining walls and fencing shall be of a clean finish and made good to the satisfaction of the City.





23. The signage shall:
- not be illuminated;
  - not include fluorescent, reflective or retro reflective colours;
  - be established and thereafter maintained of a high standard
- to the satisfaction of the City.
24. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

### Advice Notes

- The City of Joondalup *Local Planning Scheme No. 3* defines 'Child Care Premises' as:  
  
*"premises where:*
  - 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*
  - a child care service as defined in the Child Services Act 2007 section 4 is provided."*
- The City of Joondalup *Local Planning Scheme No. 3* defines 'Restaurant/Café' as:  
  
*"premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988"*
- In regard to condition 8, the applicant is advised that the crossover width is required to be increased to achieve appropriate vehicular access.
- In regard to condition 9, the applicant is advised to contact the City for arrangements to be made for the modification of the intersection of Broulee Lane and Whitehaven Avenue.
- In regard to condition 11, the Operations Management Plan shall address as a minimum the following:
  - Incorporation of the recommendations of the Environmental Acoustic Assessment and demonstration of compliance with the *Environmental Protection (Noise) Regulations 1997*, including management of outdoor play areas and the car parking area.
  - Operation of the Restaurant/Café.
  - Deliveries to the site.
- 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.




7. 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.
8. The Construction Management Plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
9. The *Residential Design Codes* define visually permeable as:  
  
*In reference to a wall, gate, door 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.
10. Any 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.
11. 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.
12. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
13. 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.
14. 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*.

**The Report Recommendation was put and CARRIED (4/1).**

For: Clayton Higham  
Eugene Koltasz  
Jason Hick  
Cr Nige Jones

Against: Cr Rebecca Pizzey

  
Clayton Higham  
Presiding Member, Metro Outer DAP



**REASON:** The majority of panel members considered that the proposed child care centre with the small café is appropriately located and satisfies the planning framework. Given the context of the location and the imposition of the approval conditions the majority of panel members believed that discretion could be exercised to support the minor variations being sought.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Rebecca Pizzey & Cr Nige Jones (Local Government DAP Member, City of Joondalup) left the panel at 10:23am.*



## PART C – CITY OF SWAN

*Cr Aaron Bowman & Cr Jennifer Catalano (Local Government DAP Member, City of Swan) joined the panel at 10:24am.*

### 1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 50 (No.342) Park Street & Lot 124 (No.10) Starflower Road, Henley Brook – Proposed Child Care Premises – DAP/24/02658

##### Deputations and Presentations

Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Swan addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** Eugene Koltasz


**Seconded by:** Jason Hick

That the Metro Outer Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/24/02658 and Accompanying Plans in accordance with Clause 68 of Schedule No.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, subject to the following conditions:

### Conditions

1. This approval is for a 'Child Care Premises' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
2. The approved 'Child Care Premises' is to comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.

  
**Clayton Higham**  
Presiding Member, Metro Outer DAP



3. The 'Child Care Premises' is limited to a maximum number of 97 children and 17 staff at any given time.
4. The hours of operation shall be limited to 6.30am to 6.30pm Monday to Friday.
5. Where construction of the Child Care Premises occurs before the subdivision of the subject land in accordance with WAPC Subdivision Approval 163813, the owner of the subject land is to:
  - (i) clear an Asset Protection Zone (APZ) to a distance of 100 metres from the Child Care Premises building to ensure the building is not subject to a Bushfire Attack Level Rating in excess of BAL-LOW; and
  - (ii) maintain such APZ until the land is subdivided.
6. Prior to commencement of operation, the Child Care Premises is to have vehicular access to the public road network, either by:
  - (i) the prior installation of public roads in accordance with WAPC Subdivision Approval 163813; or
  - (ii) a private driveway to Park Street constructed by the owner to the satisfaction of the City of Swan and maintained by the owner until the installation of public roads in accordance with WAPC Subdivision Approval 163813 has occurred.
7. All noise attenuation measures, identified by the Environmental Noise Assessment (Reference: 24018641-01) prepared by Lloyd George Acoustics, dated 20 February 2024, are to be implemented prior to occupancy of the development and the requirements of the Environmental Noise Assessment are to be observed at all times, specifically:
  - a. The installation of a 2.1m high solid fence, free of gaps with a minimum surface mass of 8kg/m<sup>2</sup> along the western lot boundary (Eucalyptus Crescent) adjacent the outdoor play area;
  - b. The installation of a 2.3m high solid fence, free of gaps with a minimum surface mass of 8kg/m<sup>2</sup> along the southern lot boundary (Park Street) adjacent the outdoor play area; and
  - c. The outdoor play area not being used prior to 7.00am.
8. **Prior to occupation of the development**, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the City of Swan.



9. **Prior to the lodgement of a building permit**, an Operational Management Plan is to be prepared by a suitably qualified consultant and submitted to the City of Swan for approval prior to a Building Permit being lodged. The Operational Management Plan shall outline how all noise related recommendations and 'best practice' mitigation measures detailed by the Environmental Noise Assessment (Reference: 24018641-01) prepared by Lloyd George Acoustics, dated 20 February 2024, will be implemented to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*. This plan is to be to the satisfaction of the City of Swan and shall be maintained and complied with in perpetuity.
10. Plans submitted at building permit stage must document that the cot room is not fully enclosed and remains, in effect, an alcove off the associated activity space.
11. **Prior to the lodgement of a building permit**, a Statement of Sustainability shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, analysis of summer heat gain through windows and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.
12. **Prior to occupation or use of the development**, 21 car parking bays on-site 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).
13. Parking bays at the northern end of the carpark as annotated on the approved site plan are to be marked 'No Parking Before 7.00am'.
14. **Prior to the lodgement of a building permit**, a Traffic and Parking Management Plan must be submitted to and approved by the City of Swan and shall address:
  - a. A breakdown of staffing arrangements for the centre, including an explanation of fulltime 'room ratio' educators vs support staff;
  - b. A staffing arrival / departure roster which confirms how many staff would be present on site for every hour the facility operates;
  - c. The use of parking bays prior to 7.00am; and
  - d. An outline of the parking management measures the centre will implement to ensure proper and orderly use of the car park and to avoid any conflict in traffic/carparking movement to ensure the safety of the children and students, and to protect the amenity of the Primary School.
15. The design and construction of the bicycle bays shall be in accordance with AS/NZS 2890.3:2015 - Parking Facilities Part No.3: Bicycle Parking.
16. 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.





17. All crossovers must be built and maintained in accordance with the City of Swan's specifications. The proposed vehicle crossover onto Eucalyptus Crescent is to be designed to permit right turn movements only out of the site.
18. Prior to the lodgement of a building permit, a Waste Management Plan must be submitted to and approved by the City of Swan. The plan must include the following details to the satisfaction and specification of the City of Swan:
  - a. The location of bin storage areas and bin collection areas;
  - b. The number, volume and type of bins, and the type of waste to be placed in the bins;
  - c. Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - d. Times and frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.

19. **Prior to the lodgement of a building permit**, a detailed playscape, landscaping and reticulation plan shall be submitted, and approved by the City of Swan, addressing the location, densities, and species as well as verge treatments.
20. 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.
21. **Prior to commencement of works on-site**, a Construction Management Plan shall be submitted and approved to the satisfaction of the City of Swan. The Construction Management Plan shall address, but not be limited to, dust, noise, odour, waste management, storage of materials, traffic management and site safety/security. The Construction Management Plan is to include how carparking and delivery vehicles associated with construction will be managed so as not to compromise the safety of the adjacent Henley Brook Primary School community, particularly during peak school periods. The Construction Management Plan is to be complied with for the duration of the construction of the development.
22. All signs must be placed on private property and must not overhang or encroach on the road reservation.
23. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
24. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Swan.



25. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Swan.
26. **Prior to a building permit being issued**, stormwater disposal plans, details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
27. The development shall be connected to the reticulated sewerage system.

#### **AMENDING MOTION 1**

**Moved by:** Jason Hick

**Seconded by:** Eugene Koltasz

That Condition No. 3 be amended to read as follows:

*The 'Child Care Premises' is limited to a maximum number of 97 children at any given time.*

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

For: Clayton Higham  
Eugene Koltasz  
Jason Hick

Against: Cr Aaron Bowman  
Cr Jennifer Catalano

**REASON:** The majority of panel members were satisfied that the possible small increase in staff numbers would not present any significant traffic or amenity issues, and, in any event, the operational management plan can appropriately address this issue.

#### **AMENDING MOTION 2**

**Moved by:** Clayton Higham

**Seconded by:** Cr Aaron Bowman

That a new Condition No. 1 be added to read as follows and all other Conditions to be renumbered accordingly:

*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.*

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

Clayton Higham  
Presiding Member, Metro Outer DAP





For: Clayton Higham  
Eugene Koltasz  
Jason Hick  
Cr Aaron Bowman

Against: Cr Jennifer Catalano

**REASON:** To include that the development is also being approved under the provisions of the MRS.

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

That the Metro Outer Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/24/02658 and Accompanying Plans in accordance with Clause 68 of Schedule No.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, 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 approval is for a 'Child Care Premises' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
3. The approved 'Child Care Premises' is to comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.
4. The 'Child Care Premises' is limited to a maximum number of 97 children at any given time.
5. The hours of operation shall be limited to 6.30am to 6.30pm Monday to Friday.
6. Where construction of the Child Care Premises occurs before the subdivision of the subject land in accordance with WAPC Subdivision Approval 163813, the owner of the subject land is to:
  - (i) clear an Asset Protection Zone (APZ) to a distance of 100 metres from the Child Care Premises building to ensure the building is not subject to a Bushfire Attack Level Rating in excess of BAL-LOW; and
  - (ii) maintain such APZ until the land is subdivided.

Clayton Higham  
Presiding Member, Metro Outer DAP



7. Prior to commencement of operation, the Child Care Premises is to have vehicular access to the public road network, either by:
  - (i) the prior installation of public roads in accordance with WAPC Subdivision Approval 163813; or
  - (ii) a private driveway to Park Street constructed by the owner to the satisfaction of the City of Swan and maintained by the owner until the installation of public roads in accordance with WAPC Subdivision Approval 163813 has occurred.
  
8. All noise attenuation measures, identified by the Environmental Noise Assessment (Reference: 24018641-01) prepared by Lloyd George Acoustics, dated 20 February 2024, are to be implemented prior to occupancy of the development and the requirements of the Environmental Noise Assessment are to be observed at all times, specifically:
  - a. The installation of a 2.1m high solid fence, free of gaps with a minimum surface mass of 8kg/m<sup>2</sup> along the western lot boundary (Eucalyptus Crescent) adjacent the outdoor play area;
  - b. The installation of a 2.3m high solid fence, free of gaps with a minimum surface mass of 8kg/m<sup>2</sup> along the southern lot boundary (Park Street) adjacent the outdoor play area; and
  - c. The outdoor play area not being used prior to 7.00am.
  
9. **Prior to occupation of the development**, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the City of Swan.
  
10. **Prior to the lodgement of a building permit**, an Operational Management Plan is to be prepared by a suitably qualified consultant and submitted to the City of Swan for approval prior to a Building Permit being lodged. The Operational Management Plan shall outline how all noise related recommendations and 'best practice' mitigation measures detailed by the Environmental Noise Assessment (Reference: 24018641-01) prepared by Lloyd George Acoustics, dated 20 February 2024, will be implemented to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*. This plan is to be to the satisfaction of the City of Swan and shall be maintained and complied with in perpetuity.
  
11. Plans submitted at building permit stage must document that the cot room is not fully enclosed and remains, in effect, an alcove off the associated activity space.



12. **Prior to the lodgement of a building permit**, a Statement of Sustainability shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, analysis of summer heat gain through windows and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.
13. **Prior to occupation or use of the development**, 21 car parking bays on-site 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).
14. Parking bays at the northern end of the carpark as annotated on the approved site plan are to be marked 'No Parking Before 7.00am'.
15. **Prior to the lodgement of a building permit**, a Traffic and Parking Management Plan must be submitted to and approved by the City of Swan and shall address:
  - a. A breakdown of staffing arrangements for the centre, including an explanation of fulltime 'room ratio' educators vs support staff;
  - b. A staffing arrival / departure roster which confirms how many staff would be present on site for every hour the facility operates;
  - c. The use of parking bays prior to 7.00am; and
  - d. An outline of the parking management measures the centre will implement to ensure proper and orderly use of the car park and to avoid any conflict in traffic/carparking movement to ensure the safety of the children and students, and to protect the amenity of the Primary School.
16. The design and construction of the bicycle bays shall be in accordance with AS/NZS 2890.3:2015 - Parking Facilities Part No.3: Bicycle Parking.
17. 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.
18. All crossovers must be built and maintained in accordance with the City of Swan's specifications. The proposed vehicle crossover onto Eucalyptus Crescent is to be designed to permit right turn movements only out of the site.



19. Prior to the lodgement of a building permit, a Waste Management Plan must be submitted to and approved by the City of Swan. The plan must include the following details to the satisfaction and specification of the City of Swan:
  - a. The location of bin storage areas and bin collection areas;
  - b. The number, volume and type of bins, and the type of waste to be placed in the bins;
  - c. Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - d. Times and frequency of bin collections.The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.
20. **Prior to the lodgement of a building permit**, a detailed playscape, landscaping and reticulation plan shall be submitted, and approved by the City of Swan, addressing the location, densities, and species as well as verge treatments.
21. 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.
22. **Prior to commencement of works on-site**, a Construction Management Plan shall be submitted and approved to the satisfaction of the City of Swan. The Construction Management Plan shall address, but not be limited to, dust, noise, odour, waste management, storage of materials, traffic management and site safety/security. The Construction Management Plan is to include how carparking and delivery vehicles associated with construction will be managed so as not to compromise the safety of the adjacent Henley Brook Primary School community, particularly during peak school periods. The Construction Management Plan is to be complied with for the duration of the construction of the development.
23. All signs must be placed on private property and must not overhang or encroach on the road reservation.
24. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
25. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Swan.
26. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Swan.



27. **Prior to a building permit being issued**, stormwater disposal plans, details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
28. The development shall be connected to the reticulated sewerage system.

**The Report Recommendation (as amended) was put and CARRIED (4/1).**

For: Clayton Higham  
Eugene Koltasz  
Jason Hick  
Cr Aaron Bowman

Against: Cr Jennifer Catalano


**REASON:** The majority of panel members were satisfied that this proposal satisfies the City's planning framework noting that there are a number of small variations to which discretion was sought. The panel also noted the comments of the DRP and encouraged the applicant to address those concerns during the further development of the plans. The panel was satisfied that the use and its operation with the conditions imposed is appropriate.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

  
**Clayton Higham**  
Presiding Member, Metro Outer DAP



## PART D – OTHER BUSINESS

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

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR179/2023 DAP/22/02358	Shire of Serpentine Jarrahdale	Lot 806 South Western Highway, Byford	Proposed Showroom and Fast Food/Takeaway Development	4/12/2023
DAP/23/02545 PA23/588	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

### 2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:04am.

Clayton Higham  
Presiding Member, Metro Outer DAP