



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 20 March 2025; 9:30am
Meeting Number: MODAP/69
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/69 – 20 March 2025 – City of Kwinana – City of Wanneroo](#)

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 KWINANA

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 9000 (129) Orton Road, Casuarina – Extractive Industry (Sand) – DAP/24/02689
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF WANNEROO

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 692 & Lot 800 (16 & 22) Amesbury Loop, Butler – Warehouse / Storage Development – DAP/24/02802
 - 3.2 Lot 260 (2) Bourke Way, Eglinton – Child Care Premises – DAP/24/02806
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Dale Page
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Claire Ortlepp
Eugene Koltasz (Deputy Presiding Member)	Ashlee Kelly
Karen Hyde	
<i>Part B – City of Kwinana</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Barry Winmar	Twinkle Makwana
Cr Matthew Rowse	Asha Logan
	Brett Cammell
	Ruban Ganesha
	Rebecca Rosa
<i>Part C – City of Wanneroo</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Bronwyn Smith	Ming Wai (Gaile) Chung
Cr Jacqui Huntley	Ciara Slim
	Nick de Vecchis

Dale Page
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Kwinana</i>
Daniel Lewis (Element Advisory) Stephen Elliott (Urban Resources) Sasha Martens (Hyd2o)
<i>Part C – City of Wanneroo</i>
<i>Item 3.1</i>
Gianni Da Rui (Meyer Shircore)
<i>Item 3.2</i>
Isabelle How (Planning Solutions) Ross Underwood (Planning Solutions) Scott Lambie (PTG Consulting) Benjamin Farrell (Gabriels Hearne Farrell) Chris Muir (Aspire Early Education & Kindergarten)

Members of the Public / Media

Nil.

Observers via livestream

There were 3 persons observing the meeting via the livestream.

Dale Page
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 20 March 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

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

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).



PART B – CITY OF KWINANA

PROCEDURAL MOTION

Moved by: Dale Page

Seconded by: Karen Hyde

That the meeting be adjourned for a period of 10 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the panel to consider additional advice received from DBCA and DWER, which was provided on the morning of the meeting, and for the City of Kwinana officers to consider more specific information that would be requested of the applicant, in the event the deferral motion was passed by the panel.

The meeting was adjourned at 9:35am.

The meeting was reconvened at 9:47am.

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 14 March 2025, was published in Part B of the Related Information.

The Presiding Member noted an addendum to the responsible authority report was published in Part B of the Related Information in relation to Item 3.1, received on 20 March 2025.

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

Nil.

3. Form 1 DAP Applications

3.1 Lot 9000 (129) Orton Road, Casuarina – Extractive Industry (Sand) – DAP/24/02689

Deputations and Presentations

Daniel Lewis (Element Advisory) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Stephen Elliott (Urban Resources) responded to questions from the panel in relation to the application at Item 3.1.

Dale Page
Presiding Member, Metro Outer DAP



Sasha Martens (Hyd2o) responded to questions from the panel in relation to the application at Item 3.1.

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

REPORT RECOMMENDATION

Moved by: Cr Barry Winmar

Seconded by: Cr Matthew Rowse

The RAR recommendation was moved and seconded inclusive of a change to the deferral time period from 90 to 180 days.

That the Metro Outer DAP resolves to:

1. **Defer** the consideration of DAP Application DAP/24/02689 for a period of 180 days, in accordance with section 5.10.1a of the DAP Standing Orders 2024, for the following reasons:

Reasons

1. To allow the City of Kwinana to further review the potential impact of the development on the future use and implementation of public open spaces (POS).
2. To allow the relevant Government Agencies, in consultation with the City of Kwinana, to review the applicant's additional information and confirm whether the proposed development will result in unacceptable and adverse environmental impacts on the adjoining Conservation Category Wetland (CCW) as well as endangered wildlife, flora, and fauna on site.

AMENDING MOTION

Moved by: Dale Page

Seconded by: Cr Matthew Rowse

That the RAR recommendation be amended to read as follows:

That the Metro Outer DAP resolves to:

1. *Defer the consideration of DAP Application DAP/24/02689 for a period of ~~180~~ 90 days, in accordance with section 5.10.1a of the DAP Standing Orders 2024, for the following reasons:*

Reasons

1. ~~To allow the City of Kwinana to further review the potential impact of the development on the future use and implementation of public open spaces (POS).~~

Dale Page
Presiding Member, Metro Outer DAP



- ~~2. To allow the relevant Government Agencies, in consultation with the City of Kwinana, to review the applicant's additional information and confirm whether the proposed development will result in unacceptable and adverse environmental impacts on the adjoining Conservation Category Wetland (CCW) as well as endangered wildlife, flora, and fauna on site.~~
1. **To receive advice from DBCA on the presence of Tumulus Springs TEC in any part of the site or wetland adjoining the proposed extraction area.**
 2. **Assessment of any potential direct and indirect impacts on the TEC by the applicant, and identification of suitable mitigation measures.**
 3. **To receive DBCA and DWER comments on the applicant's Hydrology Assessment and any changes to the assessment that may be required.**
 4. **Commentary from the City of Kwinana on potential impacts on the nearby residential uses to the east because of reduced separation distances.**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Even though this matter has already been deferred twice, the majority of the panel agreed that additional information was needed before an approval could be issued. The panel acknowledged that the City's first reason for deferral (further POS investigations) has largely been addressed, but that environmental concerns about potential impact on the wetlands and TEC remained of concern. The panel agreed that 180 days was not required as most of the information required from DBCA and DWER was imminent. The panel did, however, require specificity included in the reasons for deferral so the applicant would be clear on what was required.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer DAP resolves to:

1. **Defer** the consideration of DAP Application DAP/24/02689 for a period of 90 days, in accordance with section 5.10.1a of the DAP Standing Orders 2024, for the following reasons:

Reasons

1. To receive advice from DBCA on the presence of Tumulus Springs TEC in any part of the site or wetland adjoining the proposed extraction area.
2. Assessment of any potential direct and indirect impacts on the TEC by the applicant, and identification of suitable mitigation measures.
3. To receive DBCA and DWER comments on the applicant's Hydrology Assessment and any changes to the assessment that may be required.

Dale Page
Presiding Member, Metro Outer DAP



4. Commentary from the City of Kwinana on potential impacts on the nearby residential uses to the east because of reduced separation distances.

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

For: Dale Page
Cr Barry Winmar
Cr Matthew Rowse

Against: Eugene Koltasz
Karen Hyde

REASON: Even though this matter has already been deferred twice, the majority of the panel agreed that additional information was needed before an approval could be issued. The panel acknowledged that the City's first reason for deferral (further POS investigations) has largely been addressed, but that environmental concerns about potential impact on the wetlands and TEC remained of concern. The panel agreed that 180 days was not required as most of the information required from DBCA and DWER was imminent. The panel did, however, require specificity included in the reasons for deferral so the applicant would be clear on what was required.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Barry Winmar & Cr Matthew Rowse (Local Government DAP Members, City of Kwinana) left the panel at 11:19am.

Dale Page
Presiding Member, Metro Outer DAP



PART C – CITY OF WANNEROO

Cr Bronwyn Smith & Cr Jacqui Huntley (Local Government DAP Members, City of Wanneroo) joined the panel at 11:19am.

PROCEDURAL MOTION

Moved by: Dale Page

Seconded by: Karen Hyde

That the meeting be adjourned for a period of 2 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow members to take a comfort break.

The meeting was adjourned at 11:20am.

The meeting was reconvened at 11:23am.

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

DAP Member, Jacqui Huntley, declared an impartiality interest in Item 3.2. Cr Huntley's daughter has recently purchased a property on Bourke Way, which is on the same street as the subject site. However, the property is not directly adjacent to the site.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 692 & Lot 800 (16 & 22) Amesbury Loop, Butler – Warehouse / Storage Development – DAP/24/02802

Deputations and Presentations

Gianni Da Rui (Meyer Shircore) responded to questions from the panel in relation to the application at Item 3.1.

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

Dale Page
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Karen Hyde

Seconded by: Cr Jacqui Huntley

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02802 and accompanying plans (Revision date 16.01.2025) 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 Wanneroo District 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 use of the approved **'Warehouse / storage'** must conform to the District Planning Scheme No. 2 definition which states:

"warehouse/storage means premises including indoor or outdoor facilities used for –

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

A change of use from that outlined above may require further development approval of the City.

4. The office must be incidental to the predominant use, being 'warehouse / storage' and must not be used for activities unrelated to the approved use.
5. Lot 692 (16) and Lot 800 (22) Amesbury Loop, Butler shall be amalgamated prior to occupancy of the building.
6. All development, including signage, is to be contained entirely within the allotment.
7. The signage must not contain fluorescent, reflective or retro-reflective colours or materials, and must not be illuminated.
8. Planting and landscaping must be carried out in accordance with the approved plans prior to the occupation of the building and thereafter maintained to the satisfaction of the City.

Dale Page
Presiding Member, Metro Outer DAP



9. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Off-street Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
10. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
11. The crossovers must be constructed in concrete to commercial specifications (TS07-11) to the satisfaction of the City.
12. Stormwater and any other water run-off from buildings or paved areas must be collected and retained on site.
13. The applicant must undertake adequate measures during construction to minimise any adverse impacts caused by sand drift and dust from the site.
14. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied. Lighting must be in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and must be oriented to not overspill into nearby lots. All floodlights shall be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.
15. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
16. All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
17. Any graffiti applied to the external surfaces of the building must be removed within seven (7) days of it being applied, to the satisfaction of the City of Wanneroo.

Advice Notes

1. The applicant is to take measures to minimise any adverse impacts caused by sand drift and dust from the site during construction and shall be based on the requirements contained in the Department of Environmental Regulation's '*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*'.

Dale Page
Presiding Member, Metro Outer DAP



2. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to on-going compliance.
3. In relation to managing dust and sand drift in accordance with the Construction Management Plan condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and Environmental Regulation's "*A guidelines for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*".
4. Signage is to be kept in accordance with the City's Signs Local Planning Policy as amended from time to time.

AMENDING MOTION

Moved by: Dale Page

Seconded by: Karen Hyde

The following amendments were made en bloc:

- (i) That Condition No. 13 be amended to read as follows:

The applicant must undertake adequate measures during construction to minimise any adverse impacts caused by sand drift and dust from the site, to the satisfaction of the City of Wanneroo.

- (ii) That Advice Note No. 1 be deleted, and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide certainty in regard to Condition No. 13 as to the responsible authority for assessment and condition clearing and to avoid duplication of wording in Advice Note No. 1.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02802 and accompanying plans (Revision date 16.01.2025) 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 Wanneroo District Planning Scheme No. 2*, subject to the following conditions:

Dale Page
Presiding Member, Metro Outer DAP



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 use of the approved **'Warehouse / storage'** must conform to the District Planning Scheme No. 2 definition which states:

"warehouse/storage means premises including indoor or outdoor facilities used for –

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

A change of use from that outlined above may require further development approval of the City.

4. The office must be incidental to the predominant use, being 'warehouse / storage' and must not be used for activities unrelated to the approved use.
5. Lot 692 (16) and Lot 800 (22) Amesbury Loop, Butler shall be amalgamated prior to occupancy of the building.
6. All development, including signage, is to be contained entirely within the allotment.
7. The signage must not contain fluorescent, reflective or retro-reflective colours or materials, and must not be illuminated.
8. Planting and landscaping must be carried out in accordance with the approved plans prior to the occupation of the building and thereafter maintained to the satisfaction of the City.
9. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Off-street Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
10. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
11. The crossovers must be constructed in concrete to commercial specifications (TS07-11) to the satisfaction of the City.

Dale Page
Presiding Member, Metro Outer DAP



12. Stormwater and any other water run-off from buildings or paved areas must be collected and retained on site.
13. The applicant must undertake adequate measures during construction to minimise any adverse impacts caused by sand drift and dust from the site, to the satisfaction of the City of Wanneroo.
14. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied. Lighting must be in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and must be oriented to not overspill into nearby lots. All floodlights shall be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.
15. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
16. All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
17. Any graffiti applied to the external surfaces of the building must be removed within seven (7) days of it being applied, to the satisfaction of the City of Wanneroo.

Advice Notes

1. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to on-going compliance.
2. In relation to managing dust and sand drift in accordance with the Construction Management Plan condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and Environmental Regulation's *"A guidelines for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities"*.
3. Signage is to be kept in accordance with the City's Signs Local Planning Policy as amended from time to time.

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

Dale Page
Presiding Member, Metro Outer DAP



REASON: The land use is a permitted use in the light industry zone under the relevant planning framework and is compatible with surrounding land uses. The development was regarded as generally compliant with the development standards and where variation was sought, in terms of parking and landscape, the variations were acceptable given the low intensity warehouse land use and did not cause any amenity impact. The signage proposed was proportionate to the scale of the development. The overall design was of a high quality and sufficiently articulated.

The panel was unanimous in supporting the proposal with appropriate conditions to ensure satisfactory implementation and ongoing operation and maintenance.

3.2 Lot 260 (2) Bourke Way, Eglinton – Child Care Premises – DAP/24/02806

Deputations and Presentations

Isabelle How (Planning Solutions) addressed the DAP against the recommendation for the application at Item 3.2 and responded to questions from the panel.

Scott Lambie (PTG Consulting) responded to questions from the panel in relation to the application at Item 3.2.

Benjamin Farrell (Gabriels Hearne Farrell) responded to questions from the panel in relation to the application at Item 3.2.

The City of Wanneroo addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Bronwyn Smith

Seconded by: NIL

That the Metro Outer DAP resolves to:

1. **Refuse** DAP Application reference DAP/24/02806 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 the City of Wanneroo *District Planning Scheme No. 2* and the City of Wanneroo's *Local Planning Policy 2.3 – Child Care Centres*, for the following reasons:

Dale Page
Presiding Member, Metro Outer DAP



Reasons

1. The City of Wanneroo's *Local Planning Policy 2.3 – Child Care Centres* requires an acoustic report is to be provided where the Child Care Premises is proposed within a residential zone. The application and provided acoustic report require the extension of the fence to a height of 2.6 metres from the adjoining residential property. As the acoustic screening is attached to the fence, it is considered to form part of the dividing fence and is subject to the City of Wanneroo's *Fencing Local Law 2021*. Written consent to increase the fence height has not been provided. As such, the proposal has not adequately demonstrated that the acoustic measures can be implemented and therefore does not appropriately demonstrate that the noise and amenity issues can be resolved. This is contrary to Clause 67(2)(g) and (n) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* given the proposal does not appropriately address amenity impacts.
2. The City of Wanneroo's *Local Planning Policy 2.3 – Child Care Centres* requires pedestrian access from the entrance of the building and to link into the existing neighbourhood pedestrian networks. Further, the *State Planning Policy 7.0 – Design of the Built Environment* provides requirements relating to legible and clear connections and design optimising safety and security. The application does not provide any internal pedestrian access and is therefore contrary to Clause 67(2)(c), (g) and (s) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* given the proposal does not provide for safe and legible pedestrian access and egress within the site.

The Report Recommendation LAPSED for want of a seconder.

ALTERNATE MOTION

Moved by: Cr Jacqui Huntley

Seconded by: Eugene Koltasz

An administrative amendment was made to insert an appropriate preamble in the alternate recommendation for approval.

That the Metro Outer DAP resolves to:

Approve DAP Application reference DAP/24/02806 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 the City of Wanneroo *District Planning Scheme No. 2* and the City of Wanneroo's *Local Planning Policy 2.3 – Child Care Centres*, subject to the following conditions:

Dale Page
Presiding Member, Metro Outer DAP



Conditions

1. The use of the approved **Child Care Premises** must conform to the District Planning Scheme No. 2 definition which states:

“**Child Care Premises:** means premises where –

- (a) an education and care service defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided.”

A change of use from that outlined above may require further development approval of the City.

2. A maximum of **96 Children** and **16 Staff** are permitted within the **Child Care Premises** at any one time.
3. The hours of operation of the **Child Care Premises** is restricted to between the hours of **6:30am to 6.30pm, Monday to Friday, excluding public holidays**.
4. The use of outdoor play area must only occur after 7:00am on days when the Child Care Premises operates.
5. A revised detailed landscaping plan for the subject site and the adjoining verges must be lodged for approval by the City prior to lodging a building permit. The landscaping plan must detail a minimum of 8% soft landscaping across the site and include a plant legend outlining botanical and common names and plant quantities, densities, confirmation of mulch details, and planting locations and shade trees. Planting and installation must be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
6. A revised Acoustic Report is to be lodged for approval by the City prior to lodging a building permit. The development is to comply with the recommendations and assumptions of the updated Acoustic Report and the recommended works must be completed prior to the commencement of the use.
7. All signage is to be contained entirely within the lot.
8. The applicant/owner must ensure that all illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.

Dale Page
Presiding Member, Metro Outer DAP



9. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
10. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
11. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
12. Staff car parking spaces for the **Child Care Premises** must be marked and clearly signposted as dedicated for staff use only, to the satisfaction of the City.
13. Stormwater and any other water run-off from buildings or paved areas must be collected and retained on site.
14. Detailed civil engineering drawings and specifications for works within the verge for the installation to the footpath along Bourke Way, must be lodged for approval to the City prior to commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications to the satisfaction of the City.
15. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted and approved prior to a building permit being issued. The system must be installed during the construction of the development.
16. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.
17. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
18. Future operations on the lot must be undertaken in accordance with the approved Waste Management Plan prepared by **Melbourne Sustainability Consultants** dated **14 November 2024**.
19. Any graffiti applied to the external surfaces of the building shall be removed, to the satisfaction of the City of Wanneroo.

Dale Page
Presiding Member, Metro Outer DAP



20. A Construction Management Plan must be submitted for approval when an application is made for a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
- a) The delivery of and delivery times for materials and equipment to the site;
 - b) Storage of materials and the location and types of equipment on site;
 - c) Parking arrangements for contractors and sub-contractors;
 - d) The impact on traffic movement;
 - e) Construction times;
 - f) The relocation of public footpaths;
 - g) Measures to minimise impacts of noise and sand drift and dust from the site;
 - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
 - i) The relocation/disruption of any public transport infrastructure; and
 - j) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development. Construction is to be implemented in accordance with the approved construction management plan.

AMENDING MOTION 1

Moved by: Cr Jacqui Huntley

Seconded by: Karen Hyde

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

A revised Acoustic Report is to be lodged for approval by the City prior to lodging a building permit. The development is to comply with the recommendations and assumptions of the updated Acoustic Report (Gabriel Hearn Farrell, dated 14 November 2024) and the recommended works must be completed prior to the commencement of the use, and maintained thereafter to the satisfaction of the City of Wanneroo.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Given the acceptance and approval of the proposal's supporting transport impact statement, the condition was edited to reflect this whilst maintaining the need for the ongoing compliance with the acoustic measures recommended and approved in the technical acoustic report for the life of the development.

Dale Page
Presiding Member, Metro Outer DAP



AMENDING MOTION 2

Moved by: Cr Jacqui Huntley

Seconded by: Karen Hyde

That a new Condition No. 21 be added to read as follows:

Prior to occupancy, line-marking shall be installed within the carpark to delineate a path of pedestrian access through the carpark and linking the entrance to the surrounding path network. The line-marking shall be installed and thereafter maintained, to the satisfaction of the City of Wanneroo.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Whilst the child care centre car park is of a modest scale and privately operated, the panel were of the unanimous view that further way finding was required to ensure the safety of pedestrians with prams and small children, in order to access the front entrance safely. Due to limited space in the car park, a solution to provide a line-marked pedestrian way, as suggested by the applicant and supported by the City's technical officers, was included as a new condition of the approval.

AMENDING MOTION 3

Moved by: Karen Hyde

Seconded by: Eugene Koltasz

That a new Condition No. 22 be added to read as follows:

Prior to occupation, an Operational Management Plan including, but not limited to, the following is to be submitted:

- ***Staff parking management***
- ***Operating hours and daily routines***
- ***Landscape maintenance***
- ***Noise management***
- ***Waste management***

The plan is to be approved and implemented, to the satisfaction of the City of Wanneroo.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The operational management plan assists in coordinating the various recommendations stemming from the technical studies and assessments and allows overall consideration of the day-to-day operation in that context. It is common for child care centres to have an operational management plan and, once approved by the City, will provide a level of certainty for the City, operator, and community regarding expectations for management during the hours of operation.



ALTERNATE MOTION (AS AMENDED)

Administrative note – pursuant to clause 26 of the Metropolitan Region Scheme, this approval also constitutes and approval under the Metropolitan Region Scheme.

That the Metro Outer DAP resolves to:

Approve DAP Application reference DAP/24/02806 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 the City of Wanneroo *District Planning Scheme No. 2* and the City of Wanneroo's *Local Planning Policy 2.3 – Child Care Centres*, subject to the following conditions:

Conditions

1. The use of the approved **Child Care Premises** must conform to the District Planning Scheme No. 2 definition which states:

“Child Care Premises: means premises where –

- (a) an education and care service defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided.”

A change of use from that outlined above may require further development approval of the City.

2. A maximum of **96 Children** and **16 Staff** are permitted within the **Child Care Premises** at any one time.
3. The hours of operation of the **Child Care Premises** is restricted to between the hours of **6:30am to 6.30pm, Monday to Friday, excluding public holidays**.
4. The use of outdoor play area must only occur after 7:00am on days when the Child Care Premises operates.
5. A revised detailed landscaping plan for the subject site and the adjoining verges must be lodged for approval by the City prior to lodging a building permit. The landscaping plan must detail a minimum of 8% soft landscaping across the site and include a plant legend outlining botanical and common names and plant quantities, densities, confirmation of mulch details, and planting locations and shade trees. Planting and installation must be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.

Dale Page
Presiding Member, Metro Outer DAP



6. The development is to comply with the recommendations and assumptions of the Acoustic Report (Gabriel Hearn Farrell, dated 14 November 2024) and the recommended works must be completed prior to the commencement of the use, and maintained thereafter to the satisfaction of the City of Wanneroo.
7. All signage is to be contained entirely within the lot.
8. The applicant/owner must ensure that all illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
9. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
10. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
11. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
12. Staff car parking spaces for the **Child Care Premises** must be marked and clearly signposted as dedicated for staff use only, to the satisfaction of the City.
13. Stormwater and any other water run-off from buildings or paved areas must be collected and retained on site.
14. Detailed civil engineering drawings and specifications for works within the verge for the installation to the footpath along Bourke Way, must be lodged for approval to the City prior to commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications to the satisfaction of the City.
15. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted and approved prior to a building permit being issued. The system must be installed during the construction of the development.
16. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.

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17. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
18. Future operations on the lot must be undertaken in accordance with the approved Waste Management Plan prepared by **Melbourne Sustainability Consultants** dated **14 November 2024**.
19. Any graffiti applied to the external surfaces of the building shall be removed, to the satisfaction of the City of Wanneroo.
20. A Construction Management Plan must be submitted for approval when an application is made for a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
 - a) The delivery of and delivery times for materials and equipment to the site;
 - b) Storage of materials and the location and types of equipment on site;
 - c) Parking arrangements for contractors and sub-contractors;
 - d) The impact on traffic movement;
 - e) Construction times;
 - f) The relocation of public footpaths;
 - g) Measures to minimise impacts of noise and sand drift and dust from the site;
 - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
 - i) The relocation/disruption of any public transport infrastructure; and
 - j) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development. Construction is to be implemented in accordance with the approved construction management plan.

21. Prior to occupancy, line-marking shall be installed within the carpark to delineate a path of pedestrian access through the carpark and linking the entrance to the surrounding path network. The line-marking shall be installed and thereafter maintained, to the satisfaction of the City of Wanneroo.
22. Prior to occupation, an Operational Management Plan including, but not limited to, the following is to be submitted:
 - Staff parking management
 - Operating hours and daily routines
 - Landscape maintenance
 - Noise management
 - Waste management



The plan is to be approved and implemented, to the satisfaction of the City of Wanneroo.

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

REASON: The land use has been contemplated as appropriate in the residential area and the Urban Zone during the development of the planning framework for this emerging growth area. The proposal is of a residential scale, built form, and material palette and fits well within the context. The technical assessment of bushfire, traffic, and vehicle movement issues have been assessed and are satisfactorily resolved or mitigated. Further details of the landscape, pedestrian circulation through the car park, and acoustic fencing are covered by conditions of approval.

The Design Review Panel was generally supportive of the design and the applicant has responded to comments with some updating of plans to ensure improved legibility and functionality. The reasons for refusal contained within the Responsible Authority Report have been resolved and the applicant and City were able to confirm the boundary fence acoustic detailing had been accepted by the adjacent landowner.

The application was therefore regarded as capable of approval and was unanimously supported with some minor amendments to the conditions in the alternate recommendation prepared by the City.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Dale Page
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
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:32pm.