



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 10 December 2021; 10:00am  
**Meeting Number:** MOJDAP/141  
**Meeting Venue:** Electronic means

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

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**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## Attendance

### DAP Members

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)

#### *Item 8.1 & Item 8.2*

Cr Chamonix Terblanche (Local Government Member, City of Cockburn)  
Cr Chontelle Stone (Local Government Member, City of Cockburn)

#### *Item 8.3*

Nil.

### Officers in attendance

#### *Item 8.1 & Item 8.2*

Mr Lorenzo Santoriello (City of Cockburn)  
Mr André Pinto (City of Cockburn)  
Mr Ahmed Qader (City of Cockburn)

#### *Item 8.3*

Mr Christopher Valentine (City of Armadale)  
Mr Glen Windass (City of Armadale)

### Minute Secretary

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

### Applicants and Submitters

#### *Item 8.1*

Mr Alan Stewart (Stewart Urban Planning Pty Ltd)

#### *Item 8.2*

Mr Josh Watson (Planning Solutions)  
Mr Behnam Bordbar (Transcore)  
Mr Matthew Elliott (Accord Property)

#### *Item 8.3*

Ms Daniella Mrdja (Urbanista Town Planning)  
Mr Alex McGlue (Lavan)  
Mr Jason Hick (Emerge Associates)  
Mr Julian Croudace (Propagule Consulting))  
Ms Marina Kleyweg (KCTT)

### Members of the Public / Media

There were 10 members of the public in attendance.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:02am on 10 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

Mr Jason Hick (Third Specialist Member)

## 3. Members on Leave of Absence

Nil.

## 4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the DAP website.

## 5. Declaration of Due Consideration

The Presiding Member noted that two addendums to the agenda were published to include details of a DAP request for further information and responsible authority response in relation to Item 8.3, received on 8 December 2021.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Mr Jason Hick, declared a Direct Pecuniary Interest in item 8.3. Australian Islamic College (Perth) Inc is an active client of Emerge Environmental Services Pty Ltd. Jason Hick is a shareholders, Director and employee of Emerge Environmental Services Pty Ltd. Jason has also been directly involved in providing environmental consultancy services to support the application in question.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed a Direct Pecuniary Interest, was not permitted to participate in the discussion and voting on the items.

## **7. Deputations and Presentations**

**7.1** Mr Alan Stewart (Stewart Urban Planning Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

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

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

**7.4** Mr Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

**7.5** Mr Matthew Elliott (Accord Property) responded to questions from the panel regarding Item 8.2.

**7.6** City of Cockburn officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

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

**7.7** Mr Alex McGlue (Lavan) addressed the DAP against the recommendation for the application at Item 8.3.

**7.8** Ms Daniella Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 8.3.

**7.9** Mr Julian Croudace (Propagule Consulting) addressed the DAP against the recommendation for the application at Item 8.3.

**7.10** Mr Jason Hick (Emerge Associates) addressed the DAP against the recommendation for the application at Item 8.3 and responded to questions from the panel.

**7.11** City of Armadale officers addressed the DAP in relation to the application at Item 8.3 and responded to questions from the panel.

***The presentations at Items 7.7 - 7.11 were heard prior to the application at Item 8.3.***

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



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

### 8.1 Lot 17 (No.245) Rockingham Road, Spearwood

Development Description: Child Care Centre  
Applicant: Stewart Urban Planning Pty Ltd  
Owner: Rockingham 245 Pty Ltd  
Responsible Authority: City of Cockburn  
DAP File No: DAP/21/02100

#### REPORT RECOMMENDATION

**Moved by:** Cr Chontelle Stone

**Seconded by:** Ms Sheryl Chaffer

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

- i) That Condition No. 4 be amended to read as follows:

*Hours of operation are restricted to 6:00am to 6:00pm Monday to Friday and not at all on weekends or public holidays.*

**REASON:** To allow for staff preparation at the beginning and clean up at the end of each opening day. This request by the applicants was supported by City staff.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/21/02100 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 Cockburn Town 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 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 development must be carried out in accordance with the details of this application herein, and any approved plans.
4. Hours of operation are restricted to 6:00am to 7:00pm Monday to Friday and not at all on weekends or public holidays.
5. A maximum of seventeen (17) staff and eighty-eight (88) children are permitted on site at any one time.
6. The outdoor play areas are not to be utilised prior to 7am.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



7. All stormwater must be contained and disposed of on-site, to the satisfaction of the City of Cockburn.
8. No building or construction activities shall be carried out before 7:00am or after 7:00pm, Monday to Saturday, and not at all on Sundays or public holidays.
9. Prior to the lodgement of a building permit, a detailed landscaping plan shall be submitted to and approved by the City.
10. Landscaping shall be installed and reticulated in accordance with the approved landscape plan prior to the occupation of the development. Landscape areas are to be maintained thereafter in perpetuity and in good order to the satisfaction of the City.
11. Prior to the lodgement of a building permit, a schedule of the materials, finishes and colours are to be submitted to and approved by the City. The schedule shall include details of the type of materials proposed to be used including their colour and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.
12. Prior to the issue of a building permit, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
13. Prior to the issue of a Building Permit, the owner/applicant shall:
  - submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - submit to the City for approval an 'Application for Art Work Design';
  - enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.
14. As per the approved plan, all waste and recycling materials must be contained within the bins in the Bin Store. The external enclosure located and constructed as per the approved plans, to the satisfaction of the City.
15. The premises must clearly display the street numbers.
16. As per the approved plans, the six (6) bicycle racks shall be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.
17. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



18. Prior to the lodgement of a building permit, an updated Acoustic Report shall be submitted to the City for approval. The Acoustic Report shall include any recommendations necessary to ensure the development complies with assigned noise levels.
19. The approved Acoustic Report required by Condition 18 above, shall be implemented at all times to the satisfaction of the City.
20. Where the further Acoustic Report makes operational recommendations, an Operational Management Plan must be submitted and approved prior to occupation of the premises.
21. Prior to occupation of the development, the applicant shall provide written confirmation that the requirements of the Acoustic Report referred to in condition 18 have been incorporated into the completed development with the Form BA7 Completion Form.
22. A Dust Management Plan shall be submitted to and approved by the City, prior to any work commencing on-site. The approved Dust Management Plan shall be implemented thereafter, to the satisfaction of the City.
23. Prior to the lodgement of a building permit, a Parking Management Plan shall be submitted to the City for approval.

#### **Advice Notes**

- a. This is a Planning Approval only and does not remove the responsibility of the applicant/landowner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3, or with the requirements of any external agency.
- b. The development shall comply with the requirements of the Building Code of Australia.
- c. With regard to Condition 7, drainage is to be contained at a rate of 1 in 100 year storm event for a 24 hour period.
- d. With regard to Condition 9, the landscape plan shall address the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP





- e. With regard to Condition 12, the Construction Management Plan shall address the following items:
- I. Access to and from the site;
  - II. Delivery of materials and equipment to the site;
  - III. Storage of materials and equipment on the site;
  - IV. Parking arrangements for contractors and subcontractors;
  - V. Management of construction waste; and
  - VI. Other matters likely to impact on surrounding properties.
- f. With regard to Condition 14, the bin store area must be of an adequate size to contain all waste bins, at least 1.8m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
- g. All food businesses shall comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- h. An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with mentioned legislation.
- i. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and condensating clothes dryers installed.
- j. The proposal shall comply with the *Child Care Services Regulations 2007* and the requirements of the Department for Child Protection and the applicant is advised approval shall be obtained from the Department for Families, Housing, Community Services and Indigenous Affairs.
- k. A sign permit is required in accordance with the City's Local Laws (2000) prior to the erection of any signs on site. A permit is obtainable from the City's Building Services Department.
- l. The dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas complying with AS2890.1 and AS2890.6.
- m. Crossover to meet City's Vehicle Crossover Specification. A separate approval is required by the City's Development Engineering team. Please submit a crossover application on City's website with a detailed site plan. A 2m x 2.5m sightline shall be provided at the intersection of the crossover and the front boundary for standard crossovers. All sightlines shall be maintained clear of obstructions above a height of 0.75m.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP





- n. Hardstand to be constructed to City's Paving and Drainage Specification for trafficable areas. Please provide compaction certificates, stormwater plan and calculations prior to the commencement of use.
- o. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- p. With regard to Condition 22, an Application for Approval of a Dust Management Plan form may be obtained from [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au), and shall identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication "*Land development sites and impacts on air quality*" (November 1996). The developer is further advised that Council approval may be required for bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
- q. If dust is detected at adjacent premises and is deemed to be a nuisance by the City, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City.
- r. With regard to condition 23, the Parking Management Plan shall address the following:
  - a. Available on-site and off-site parking provision for all users including staff and visitors and access/egress measures,
  - b. Any potential parking shortages that are anticipated to occur during busy peak periods of operations or event time (super peak – worst case scenario),
  - c. Any suggested parking allocations for staff or on-site/offsite drop off and pickups arrangement,
  - d. Arrangements for service or delivery vehicles,
  - e. The communication and promotion of alternative modes of travel like the provision of bike racks and EoT facilities and other applicable staff incentives like carpooling between staff.

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

**REASON:** The development and land use are appropriate to the local planning context and all built form, access, parking and amenity considerations have been suitably addressed.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## 8.2 Lot 104 (104L) Russell Road, Henderson

Development Description: Service Station  
Applicant: Planning Solutions  
Owner: Vele Bond Pty Ltd  
Responsible Authority: City of Cockburn  
DAP File No: DAP/21/02048

### REPORT RECOMMENDATION

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr Ian Birch

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

- i) That Condition No. 10 be amended to read as follows:

*The site is limited to a maximum of two ~~employees~~ **service station attendants** at the Service Station.*

**REASON:** To clarify that the intent of the condition is to apply to everyday staff numbers, not occasional visits by support staff.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02048 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 Cockburn Town 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 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. Prior to the issue of a Building Permit, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
4. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter in perpetuity to the satisfaction of the City.
5. All stormwater drainage shall be retained on-site and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the City.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



6. This development will require a suitable crossover to be constructed. Crossovers are to be located and constructed to the City's specifications.
7. Prior to the initial occupation, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans and thereafter maintained to the satisfaction of the City.
8. The pylon sign and sign structures shall not overhang or encroach upon the road reserve or adjoining lot boundary.
9. No bunting is to be erected on the site, bunting includes streamers, streamer strips, banner strips or decorations of similar kind.
10. The site is limited to a maximum of two service station attendants at the Service Station.
11. Prior to the issue of a Building Permit, the owner/applicant shall:
  - Submit to the City for approval a preliminary proposal for an art work designed be a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be to be located within the subject site as an integral part of the development;
  - Submit to the City for approval an '*Application for Art Work Design*'; and
  - Enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.
12. Prior to the issue of a building permit, a detailed Vehicle Access Plan, Roadworks Plan and Road Safety Audit (RSA), regarding vehicle access arrangements, shall be submitted to the City of Cockburn for approval in consultation with Main Roads Western Australia.
13. The approved vehicle access and roadworks plan as informed by the approved RSA required by Condition 12 above, shall be implemented at all times to the satisfaction of the City.
14. Any associated works as required by Condition 12 shall be at the cost of the owner/(s)/ applicant.

### Advice Notes

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



- b) Service Station means *premises other than premises used for a transport depot, panel beating, spray painting, major repair or wrecking, that are used for –*
- (a) *the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
  - (b) *the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.*
- c) In relation to condition 12; The RSA is to be guided by drawing t21.162.sk13 dated 26/11/2021. The RSA shall be prepared by a suitably qualified and independent road safety audit team (in accordance with *Main Roads WA Policy and Guidelines for Road Safety Audits*). This will enable the City to identify potential road safety issues that may pose risks to road users in the vicinity and suggesting any required design modifications or other measures to eliminate or reduce these possible risks. Reference to be made to the information provided under Main Roads WA website in relation to RSA policy and standard templates <https://www.mainroads.wa.gov.au/technical-commercial/road-safety/road-safety-auditing/>
- d) You are advised that a Sign Permit is required in accordance with the City's *Local Laws (2000)* prior to the erection of the sign. A permit is obtainable from the City's Building Services Department.
- e) With regards to the crossovers, copies of crossover specifications are available from the City's Engineering Services or from the City's website [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au) .
- f) With respect to the parking bay/s, driveway/s and points of ingress and egress, these are to be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS 2890)
- g) The disposal of industrial liquid waste is to comply with the *City of Cockburn (Health) Local Laws 2000* and meet one of the following requirements:
- (a) discharge to sewer as approved by the Water Corporation;
  - (b) discharge to on-site effluent disposal as approved by the Executive Director, Public Health or the Manager, Environmental Health;
  - (c) collection and disposal in an approved manner at an approved liquid waste disposal site.
  - (d) Discharge of industrial liquid wastes directly to soak or ground is also not permitted and requires the approval of the Department of Environment and Conservation.
- h) The Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website.
- i) No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



- j) Storage methods and storage facilities for all hazardous materials must comply with the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 (the Storage and Handling Regulations). Consultation regarding the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment shall be directed to the relevant State Authority.
- k) Where petrol, benzine or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed wash-down area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment and Conservation.
- l) With regard to public art, the art work shall be in accordance with City's *Local Planning Policy LPP 5.13 Percent for Art* and the '*Application for Art Work Design*' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
- m) All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- n) An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with the mentioned legislation.
- o) Compliance with the *Government Sewage Policy (2012)* must be demonstrated, to the satisfaction of the City.

### AMENDING MOTION 1

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Ms Diana Goldswain

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

*This development will require a **left turn pocket on Cockburn Road to the left in entry only access to the site and suitable crossovers to be constructed. Crossovers and turn pocket are to be located and constructed to the City's specifications prior to occupation of the development.***

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

**REASON:** To clearly state the requirement for a slip lane to be constructed along Cockburn Road to service the left in only access to the site.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## AMENDING MOTION 2

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Ms Diana Goldswain

That Condition No. 12 be amended to read as follows:

*Prior to the issue of a building permit, a detailed Vehicle Access Plan, Roadworks Plan and Road Safety Audit (RSA) regarding vehicle access arrangements **for works associated with the northbound lane upgrades along Cockburn Road** shall be submitted to the City of Cockburn for approval in consultation with Main Roads Western Australia.*

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

**REASON:** To provide clarification on the requirements of the condition.

## AMENDING MOTION 3

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Ms Diana Goldswain

That Condition No. 13 be amended to read as follows:

*The approved Vehicle Access ~~and roadworks~~ Plan required by Condition 12 above, shall be implemented at all times to the satisfaction of the City.*

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

For: Mr Ian Birch  
Ms Sheryl Chaffer  
Ms Diana Goldswain  
Cr Chamonix Terblanche

Against: Cr Chontelle Stone

**REASON:** To make the condition clear that it only relates to works in the approved Vehicle Access Plan, not roadway upgrades.

## AMENDING MOTION 4

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Cr Chontelle Stone

*The following amendments were made enbloc:*

i) That Condition No. 14 be amended to read as follows:

*Any associated roadway upgrade works as required by Condition 12 shall ~~be at the cost of the owner(s)/ applicant.~~ **receive a contribution of 25% by the owner(s) / applicant.***

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



- ii) That a new Advice Note be added to read as follows:

***The works associated with the upgrade to the roadway, are to be completed independent of the development.***

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

**REASON:** By majority, panel members did not support the contention that this development has, alone, brought on the need for upgrading the intersection. It was noted that existing traffic conditions associated with wider district/regional traffic already warrants revision and that in the circumstances, the condition making the proponents responsible for the full cost of any intersection upgrade was not considered to be sustainable.

The Panel felt it was necessary to include this additional Advice Note as the applicant has no control of the timing of the roadway upgrade to Cockburn Road and the Russell Road intersection.

#### **AMENDING MOTION 5**

**Moved by:** Cr Chontelle Stone

**Seconded by:** Ms Sheryl Chaffer

*The following amendments were made enbloc:*

- i) That Amending Motion 4 be amended to exclude the addition of the new Advice Note.
- ii) That a new Advice Note p. be added to read as follows:

***In regards to Condition 12, the works associated with the upgrade to the roadway, are to be completed independent of the development.***

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

**REASON:** To reference the condition that the Advice Note relates to.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP





## AMENDING MOTION 6

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Cr Chontelle Stone

That Advice Note c. be amended to read as follows:

*In relation to condition 12; The RSA is to be guided by drawing t21.162.sk13 dated 26/11/2021, **but deleting the left turn exit at Cockburn Road**. The RSA shall be **coordinated and funded by the Applicant and be prepared by a suitably qualified and independent road safety audit team (in accordance with Main Roads WA Policy and Guidelines for Road Safety Audits)**. This will enable the City to identify potential road safety issues that may pose risks to road users in the vicinity and suggesting any required design modifications or other measures to eliminate or reduce these possible risks. Reference to be made to the information provided under Main Roads WA website in relation to RSA policy and standard templates <https://www.mainroads.wa.gov.au/technical-commercial/road-safety/road-safety-auditing/>*

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

**REASON:** To specify the role of the applicant in the preparation of the RSA and to clarify that there is no left turn exit proposed at the Cockburn Road crossover.

### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02048 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 Cockburn Town 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 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. Prior to the issue of a Building Permit, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
4. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter in perpetuity to the satisfaction of the City.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



5. All stormwater drainage shall be retained on-site and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the City.
6. This development will require a left turn pocket on Cockburn Road to the left in entry only access to the site and suitable crossovers to be constructed. Crossovers and turn pocket are to be located and constructed to the City's specifications prior to occupation of the development.
7. Prior to the initial occupation, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans and thereafter maintained to the satisfaction of the City.
8. The pylon sign and sign structures shall not overhang or encroach upon the road reserve or adjoining lot boundary.
9. No bunting is to be erected on the site, bunting includes streamers, streamer strips, banner strips or decorations of similar kind.
10. The site is limited to a maximum of two service station attendants at the Service Station.
11. Prior to the issue of a Building Permit, the owner/applicant shall:
  - Submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - Submit to the City for approval an '*Application for Art Work Design*'; and
  - Enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.

12. Prior to the issue of a building permit, a detailed Vehicle Access Plan, Roadworks Plan and Road Safety Audit (RSA), regarding vehicle access arrangements, for works associated with the northbound lane upgrades along Cockburn Road shall be submitted to the City of Cockburn for approval in consultation with Main Roads Western Australia.
13. The approved Vehicle Access Plan shall be implemented at all times to the satisfaction of the City.
14. Any associated roadway upgrade works as required by Condition 12 shall receive a contribution of 25% by the owner(s) / applicant.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## Advice Notes

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
- b) Service Station means *premises other than premises used for a transport depot, panel beating, spray painting, major repair or wrecking, that are used for –*
  - (a) *the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
  - (b) *the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.*
- c) In relation to condition 12; The RSA is to be guided by drawing t21.162.sk13 dated 26/11/2021 but deleting the left turn exit at Cockburn Road. The RSA shall be coordinated and funded by the Applicant and be prepared by a suitably qualified and independent road safety audit team (in accordance with Main Roads WA Policy and Guidelines for Road Safety Audits). This will enable the City to identify potential road safety issues that may pose risks to road users in the vicinity and suggesting any required design modifications or other measures to eliminate or reduce these possible risks. Reference to be made to the information provided under Main Roads WA website in relation to RSA policy and standard templates <https://www.mainroads.wa.gov.au/technical-commercial/road-safety/road-safety-auditing/>
- d) You are advised that a Sign Permit is required in accordance with the City's *Local Laws (2000)* prior to the erection of the sign. A permit is obtainable from the City's Building Services Department.
- e) With regards to the crossovers, copies of crossover specifications are available from the City's Engineering Services or from the City's website [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au) .
- f) With respect to the parking bay/s, driveway/s and points of ingress and egress, these are to be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS 2890)
- g) The disposal of industrial liquid waste is to comply with the *City of Cockburn (Health) Local Laws 2000* and meet one of the following requirements:
  - (a) discharge to sewer as approved by the Water Corporation;
  - (b) discharge to on-site effluent disposal as approved by the Executive Director, Public Health or the Manager, Environmental Health;
  - (c) collection and disposal in an approved manner at an approved liquid waste disposal site.
  - (d) Discharge of industrial liquid wastes directly to soak or ground is also not permitted and requires the approval of the Department of Environment and Conservation.
- h) The Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website.

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- i) No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
- j) Storage methods and storage facilities for all hazardous materials must comply with the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 (the Storage and Handling Regulations). Consultation regarding the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment shall be directed to the relevant State Authority.
- k) Where petrol, benzine or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed wash-down area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment and Conservation.
- l) With regard to public art, the art work shall be in accordance with City's *Local Planning Policy LPP 5.13 Percent for Art* and the '*Application for Art Work Design*' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
- m) All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- n) An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with the mentioned legislation.
- o) Compliance with the *Government Sewage Policy (2012)* must be demonstrated, to the satisfaction of the City.
- p) In regard to Condition 12 the works associated with the upgrade to the roadway, are to be completed independent of the development.

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

For: Mr Ian Birch  
Ms Sheryl Chaffer  
Ms Diana Goldswain  
Cr Chamonix Terblanche

Against: Cr Chontelle Stone

*Cr Chontelle Stone & Cr Chamonix Terblanche (Local Government Members, City of Cockburn) left the panel at 12:27pm.*

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



**REASON:** In accordance with the RAR the proposal is consistent with the planning framework for the Henderson locality and the development layout, access arrangements and Traffic Impact Statement, together with conditions of approval, satisfactorily respond to the traffic safety and access impacts.

### **PROCEDURAL MOTION**

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr Ian Birch

That the meeting be adjourned for a period of 5 minutes.

*The meeting was adjourned at 12:28pm.*

*The meeting was reconvened at 12:33pm.*

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

**REASON:** To provide the members with a comfort break.

### **8.3 Lot 15 (651) Nicholson Road, Forrestdale**

Development Description:	Proposed Educational Establishment and Place of Worship
Applicant:	Urbanista Town Planning
Owner:	Australian Islamic College (Perth) Inc
Responsible Authority:	City of Armadale
DAP File No:	DAP/21/02046

### **REPORT RECOMMENDATION**

**Moved by:** Nil.

**Seconded by:** Nil.

That the Metro Outer JDAP resolves to:

**Defer** consideration of the DAP Application reference DAP/21/02046 pending the submission of the following information for further consideration by the City:

- a. The submission of revised plans demonstrating design changes to address the cumulative impact of the proposed building height variations;
- b. The submission of revised plans that demonstrate design changes to provide increased landscaping along the Oxley Road frontage setback area; and
- c. The provision of an Environmental Improvement Concept Plan;

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

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## ALTERNATE MOTION

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Ms Diana Goldswain

**Approve** DAP Application reference DAP/21/02046 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 Metropolitan Region Scheme and the City of Armadale Town Planning Scheme No. 4 subject to the following conditions:

### Conditions:

1. Prior to commencement of works, a fence restricting vehicle and pedestrian access to Bush Forever Site No. 345 is to be constructed to the specification of the Department of Biodiversity, Conservation and Attractions, on the Bush Forever Site boundary to protect native vegetation to the satisfaction of the City of Armadale.
2. The Educational Establishment and Place of Worship shall be constructed and implemented prior to occupation in accordance with the recommendations of the Acoustic Environmental Assessment dated July 2021 (Rev B) prepared by Hewshott Acoustics to the satisfaction of the City of Armadale.
3. Prior to the occupation of the development, an Acoustic Assessment addendum must be prepared and provided to the City of Armadale which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*. The Final Acoustic Assessment must include the following information:
  - a) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
  - b) tonality, modulation and impulsiveness of noise sources; and confirmation of the implementation of noise attenuation measures.

Any further works required must be carried out in accordance with the final Acoustic Report and implemented as such for the duration of the development.

4. The Educational Establishment (including any after school hours care) is restricted to a maximum of 1000 children at any given time.
5. The Place of Worship shall not be used by members of the public during school operating hours.
6. The Place of Worship is restricted to a maximum of 500 occupants at any given time.
7. Sound amplification equipment shall not be used outdoors for worship practices.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP





8. An Operational Management Plan is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) litter, servicing, truck deliveries, operating hours for the Place of Worship and event management to the satisfaction of the City of Armadale. The plan shall be implemented to the satisfaction of the City of Armadale thereafter.
9. Prior to occupation, to meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the City of Armadale:
  - a) Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;
  - b) Relocate/remove any services/infrastructure as necessary;
  - c) Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;
  - d) Utilise brick paving or other high quality finish. Untreated concrete and black asphalt finishes are not permitted; and,

Arrange for continuous maintenance of all such areas thereafter.

10. The intersection of Nicholson Road and Oxley Road shall be upgraded to a channelised sign-controlled intersection, in accordance with Austroads and other relevant standards, at the developer cost to the satisfaction of the City of Armadale prior to occupation of the development.
11. Oxley Road shall be upgraded at the developers cost from rural standard (sealed) to a residential standard (asphalted pavement), comparable to an Access Street C (Liveable Neighbourhoods) standard, from the intersection of Nicholson road to the primary entrance to the development to the satisfaction of the City of Armadale prior to occupation of the development.
12. The applicant shall prepare an Odour Analysis Report of potential poultry farm odour impacts upon the Place of Worship and implement the findings prior to commencement of the use.
13. Vehicular crossovers shall be completed to the specifications and satisfaction of the City of Armadale prior to occupation of the development.
14. Bin storage areas shall be conveniently located and screened from view, to the satisfaction of the City of Armadale.
15. Waste collection shall be carried out in accordance with the approved Waste Management Plan to the satisfaction of the City of Armadale.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP





16. To meet drainage requirements prior to commencement of works, the developer/owner shall, to the specifications and satisfaction of the City of Armadale:
  - a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;
  - b) Incorporate relevant measures pertaining to environmental protection;
  - c) Show any drainage easements as may be required on the Certificate of Title in favour of the City; and
  - d) Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.
17. Any existing on-site effluent disposal system(s) including all tanks and pipes and associated drainage systems (soak wells or leach drains) are to be decommissioned and removed as per Part 2, Division 3 of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
18. Prior to submission of a Building Permit, a schedule of external colours and materials shall be submitted and approved by the City of Armadale. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the City of Armadale.
19. Prior to commencement of works, a finalised landscape plan for non-revegetation areas shall be submitted to and approved by the City of Armadale. The landscape plan shall include:
  - a) Plant species (West Australian natives);
  - b) Numbers, location, container size;
  - c) Method of irrigation of the landscaped areas;
  - d) Landscaping and treatment of adjoining verge areas; and
  - e) The provision of a boundary landscaping strip and shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking.

All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.
20. The Bushfire Management Plan submitted by Emerge Associates (October 2021), shall be revised following the completion of the REMP and implemented prior to occupation of the development and continuously implemented.
21. The Bushfire Emergency Evacuation Plan submitted by Emerge Associates (October 2021), shall be implemented prior to occupation of the development and continuously implemented.

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22. An updated Environmental Assessment and Management Plan (REMP) shall be provided to the satisfaction of the City of Armadale. The revised EAMP will provide a targeted and specific program of works for the management of threats and environmental enhancement in accordance with Policy PLN 2.7 for the native plant communities shown in Figure 5 of the Environmental Assessment and Management Plan (Emerge Associates 2021) and Wetlands, UFI 7233 & UFI 7235 and their buffers shown on Figure 18 of the Environmental Assessment and Management Plan (Emerge Associates 2021). The EAMP will be implemented for the duration of the approved use within the site to the satisfaction of the City of Armadale.
23. Prior to commencement of works, an Irrigation and Nutrient Management Plan consistent with the detail recommended in the Environmental Assessment and Management Plan (Emerge 2021) shall be submitted to and approved by the City of Armadale. The development shall be implemented and maintained as per the approved management plans thereafter to the satisfaction of the City of Armadale.
24. Prior to the commencement of works, a Construction and Environmental Management Plan (CEMP) is to be prepared and submitted to the City of Armadale for approval. The Construction Management Plan shall be implemented to the satisfaction of the City of Armadale and detail how the construction of the development will be managed, including the following:
  - a) Public safety and site security;
  - b) Hours of operation;
  - c) Dust management;
  - d) Waste and material disposal;
  - e) Traffic management plans for the various phases of the construction;
  - f) Parking arrangements for contractors and sub-contractors;
  - g) Delivery and access arrangements;
  - h) The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
  - i) Bonding and remediation arrangements;
  - j) Measures to mitigate environmental impacts, including fauna relocation, dieback management, nutrient discharge and sediment and erosion control; and
  - k) Any other matters likely to impact upon the surrounding properties or public realm.

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25. Air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the City.
26. Outdoor storage areas shall be screened from public view and adjoining properties to the satisfaction of the Executive Director Development Services.
27. In accordance with the requirements of Local Planning Policy PLN 3.12 - Percent for Public Art, prior to the occupancy of the development, the applicant and/or landowner is to either:
  - a. make a monetary contribution to the City of Armadale Public Art Reserve Account equal to one per cent (1%) of the estimated total development cost; or,
  - b. install public art work on site to the value of one per cent (1%) of the total development cost and continuously maintain the public art work thereafter.
28. 'End of trip bicycle facilities' in accordance with Clause 4.11.1 and Schedule 7B of Town Planning Scheme No.4 shall be provided prior to occupation of the development in a location agreed to by the Executive Director Development Services and continuously maintained thereafter.

**ADVICE TO APPLICANTS:**

- A. The applicant is advised that fencing associated with the proposed development, other than that specified under the condition relating to the Acoustic Assessment, is to comply with the requirements of the City of Armadale *Fencing Local Law 2011*.
- B. With regard to the condition requiring a Stormwater Management Plan, Stormwater management should be in accordance with South Forrestdale Local Water Management Strategy.
- C. The effluent disposal system is to be in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the *Government Sewerage Policy 2019*.
- D. The onsite effluent disposal system is to be adequate to treat waste water based on the relevant findings in the Site and Soil Evaluation for the site dated July 2021.
- E. The subject site is affected by future road widening under the Metropolitan Region Scheme. No development of a permanent nature, such as buildings are supported within the portion of land zoned Other Regional Roads (Nicholson Road) under the Metropolitan Region Scheme.
- F. The applicant is advised of the requirement to comply with the *Environmental Protection (Noise) Regulations 1997*.

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- G. In the event of asbestos cement products being removed during the demolition process the applicant is to comply with the *Environmental Protection (Controlled Waste) Regulations 2004* and the *Health (Asbestos) Regulations 1992*.
- H. Lighting shall comply with Australian Standard 4282-1997 “Control of the obtrusive effects of outdoor lighting” or its equivalent and the City’s *Environment, Animals and Nuisance Local Laws 2002*.

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

**REASON:** Following lengthy discussion and consideration of the submitted documents and responsible authority assessment, the panel was satisfied that the proposal could be approved, and deferral was not required. The city officers agreed that the conditions relating to environmental management were suitably worded and that the applicant’s approach to environmental protection, including vegetation and nutrient management of the relevant wetland buffer areas, was appropriate.

The panel noted that the development proposal had been professionally prepared and subject to comprehensive assessment by allied consultants, city officers and government agencies.

In regard to building height the panel accepted the proposal’s design response to recommendations from the city’s design review panel on built form, height and scale, acknowledging that the proposal is for a school comprising both single and two storey buildings and a place of worship designed as a functional landmark building.

The submitted landscape plans included increased setback and landscaping to Oxley Road and the panel supported the proposal’s approach to landscaping which integrated the requirements for bushfire, stormwater and environmental management as well as acknowledging the sites local rural context.

**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

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<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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
DAP/21/02047 DR	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

## 11. General Business

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

## 12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2:00pm.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP