



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 2 May 2024; 9:30am  
**Meeting Number:** MODAP/10  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

*A recording of the meeting is available via the following link: [MODAP/10 - 2 May 2024 - City of Joondalup - City of Gosnells - City of Kwinana](#)*

### **PART A – INTRODUCTION**

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

### **PART B – CITY OF JOONDALUP**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations
  - 5.1 Lot 2 (1) Lyell Grove, Woodvale – Child Care Premises – DAP/22/02166

### **PART C – CITY OF GOSNELLS**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
  - 4.1 Lot 56 (483) Balfour Street, Southern River – Fast Food Outlet and Motor Vehicle Wash – DAP/21/01997

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



## **PART D – CITY OF KWINANA**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1a Lots 60 (No.793) and 61 (No.811) Thomas Road, Anketell – Proposed Neighbourhood Centre Development – DAP/23/02493
  - 3.1b Lots 60 (No.793) and 61 (No.811) Thomas Road, Anketell – Proposed Neighbourhood Centre Development – DAP/23/02493
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

## **PART E – OTHER BUSINESS**

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

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Eugene Koltasz (Presiding Member)	Claire Ortlepp
Gabriela Poezyn (Deputy Presiding Member)	Ashlee Kelly
Brian Curtis	
<i>Part B – City of Joondalup</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Adrian Hill	Tim Thornton
Cr Nige Jones	Cathrine Temple
<i>Part C – City of Gosnells</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr David Goode	Brenton Scambler
Cr Caren Baayens	
<i>Part D – City of Kwinana</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Matthew Rowse	Jared Veenendaal
Cr Sherilyn Wood	Asha Logan
	Zarina McDonald (Western Australian Planning Commission)
	Aiden O'Brien (Western Australian Planning Commission)

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



<b>Applicant and Submitters</b>
<i>Part B – City of Joondalup</i>
Trent Will (Taylor Burrell Barnett) Farida Farrag (Taylor Burrell Barnett) Greg Hensman (Sagewood Early Learning) Tim Reynolds (Herring Storer Acoustics)
<i>Part C – City of Gosnells</i>
Abbey Goodall (Planning Solutions) Melanie Cox (Planning Solutions)
<i>Part D – City of Kwinana</i>
Nick Grindrod (Rise Urban) Zach Croft (Rise Urban) Leigh Saraceni (Saracen Properties) Jason Potalivo (Saracen Properties) Chris Weaver (BW Thomas Road Pty Ltd)

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 3 persons observing the meeting via the livestream.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9:35am on 2 May 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

The 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

Deputy Mayor Barry Winmar (Local Government DAP Member, City of Kwinana)

### 3. Members on Leave of Absence

Nil.

### 4. Noting of Minutes

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

Eugene Koltasz  
Presiding Member, Metro Outer DAP



## PART B – CITY OF JOONDALUP

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

Nil.

### 4. Form 2 DAP Applications

Nil.

### 5. Section 31 SAT Reconsiderations

#### 5.1 Lot 2 (1) Lyell Grove, Woodvale – Child Care Premises – DAP/22/02166

##### Deputations and Presentations

Farida Farrag & Trent Will (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 5.1 and responded to questions from the panel.

### REPORT RECOMMENDATION

**Moved by:** Cr Adrian Hill

**Seconded by:** Cr Nige Jones

That the Metro Outer Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 175 of 2023, resolves to:

**Reconsider** its decision dated 1 November 2023 and **SET ASIDE the decision and substitute a new** decision to **APPROVE** DAP Application reference DAP/22/02166 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 Joondalup *Local Planning Scheme No. 3*, subject to the following conditions:

#### Amended Conditions

- The hours of operation for the centre shall be between 6.30am to 6.30pm Monday to Friday, and 8.00am to 1.00pm Saturdays. Staff are permitted on site up to 30 minutes before and after these operating hours.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



### Additional Conditions

20. The Child Care Premises shall operate in accordance with the approved Car Parking Management Strategy received by the City on 12 April 2024, or as amended and approved by the City. Any amendments to the Car Parking Management Strategy shall be submitted to, and approved by the City, prior to implementing the amended Car Parking Management Strategy.

### Additional Advice Notes

This approval relates to modification of DAP/22/02166 (City reference: DA21/1292) to extend the Monday to Friday hours of operation to between 6.30am and 6.30pm.

All other conditions, footnotes and advice notes remain as per the DAP's original decision dated 14 April 2022.

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

**REASON:** The Panel considered that the matters that had previously prevented approval of the 6.30am opening hours have been addressed and therefore the earlier time can be supported in this instance.

The 6.30 am opening time supported in this application should not be considered to be a precedent for other childcare premises applications. Each should be considered on their own individual circumstances.

*Cr Adrian Hill & Cr Nige Jones (Local Government DAP Member, City of Wanneroo) left the panel at 9:46am.*

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



## PART C – CITY OF GOSNELLS

*Cr David Goode & Cr Caren Baayens (Local Government DAP Member, City of Gosnells) joined the panel at 9:46am.*

### 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 Additional Information.

### 2. Disclosure of Interests

DAP Member, Brian Curtis, declared an impartiality interest in item 4.1. Mr Curtis' son works at the City of Gosnells, however his son was not involved in this application.

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

### 3. Form 1 DAP Applications

Nil.

### 4. Form 2 DAP Applications

#### 4.1 Lot 56 (483) Balfour Street, Southern River – Fast Food Outlet and Motor Vehicle Wash – DAP/21/01997

#### Deputations and Presentations

Abbey Goodall (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP





## REPORT RECOMMENDATION

**Moved by:** Cr David Goode

**Seconded by:** Cr Caren Baayens

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/21/01997 and accompanying plans (Drg DA01 Rev A dated 31.01.2024, Drg DA02 Rev E dated 16.04.2024, Drg DA03 Rev B dated 01.02.2024, Drg DA04 Rev E dated 18.04.2024, Drg DA05 Rev A dated 31.01.2024, Drg DA06 Rev B dated 15.02.2024, Drg DA07 Rev E dated 16.04.2024, Drg DA08 Rev G dated 18.04.2024) 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 Gosnells Town Planning Scheme No. 6, for the proposed minor amendment to the approved Fast Food Outlet and Motor Vehicle Wash at Lot 56 (483) Balfour Street, Southern River, subject to the following conditions:

### Amended Conditions

1. Delete Condition 8 of DAP/21/01997 as follows:  
  
"8. Prior to applying for a Building Permit, the proposal is to be modified to incorporate the noise mitigation measures, in accordance with the submitted acoustic report (Lloyd George Acoustics, May 2021) and to the satisfaction of the City of Gosnells. The drawings and specifications contained within that application are to be endorsed as acceptable by an independent, qualified acoustic engineer and thereafter implemented to the satisfaction of the City of Gosnells."

### New Conditions

1. Prior to applying for a Building Permit application, the proponent shall submit an amended acoustic report and noise management plan that determines the impact from all noise sources within the proposed development and mitigation measures to be implemented to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*. The development must operate in accordance with the amended Acoustic Report to the satisfaction of the City of Gosnells for the duration of the development.
2. Prior to occupation of the development, the proponent shall submit certification from a qualified acoustic consultant confirming that the sound levels from the development complies with the *Environmental Protection (Noise) Regulations 1997* at the nearest noise sensitive premises, to the satisfaction of the City of Gosnells.

### New Advice Notes

1. The applicant is advised that all vehicle wash-down wastewater must be disposed of onsite, in accordance with the *Environmental Protection (Unauthorised Discharge) Regulations 2004*.

Eugene Koltasz  
Presiding Member, Metro Outer DAP



2. The applicant is advised that prior to applying for a Building Permit, the applicable trade waste permits must be obtained from the Water Corporation for disposal of all trade waste produced onsite.
3. All other conditions and requirements detailed on the previous approval dated 1 September 2021 shall remain unless altered by this application.

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

**REASON:** The Panel considered that the proposed development will be a positive addition to the locality.

The Panel was also satisfied that the proposal had addressed noise impacts from the site and that it will not have a negative impact on nearby residential properties.

The Panel also considered that the parking shortfall, resulting from the reconfiguration of the proposal, and the increased signage proposed, will not have a negative impact on the amenity of the area.

*Cr David Goode & Cr Caren Baayens (Local Government DAP Member, City of Gosnells) left the panel at 9:58am.*

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



## PART D – CITY OF KWINANA

*Cr Matthew Rowse & Cr Sherilyn Wood (Local Government DAP Member, City of Kwinana) joined the panel at 9:59am.*

### 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 Additional Information.

### 2. Disclosure of Interests

DAP Member, Eugene Koltasz, declared an impartiality interest in item 3.1b. Mr Koltasz is a member of the Western Australian Planning Commission, the responsible authority.

In accordance with section 3.3 of the DAP Code of Conduct 2024, a Presiding Member, Francesca Lefante, 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

#### 3.1a Lots 60 (No.793) and 61 (No.811) Thomas Road, Anketell – Proposed Neighbourhood Centre Development – DAP/23/02493

##### Deputations and Presentations

Nick Grindrod (Rise Urban) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

The Western Australian Planning Commission addressed the DAP in relation to the application at Item 3.1a and responded to questions from the panel.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



## REPORT RECOMMENDATION

**Moved by:** Cr Matthew Rowse

**Seconded by:** Cr Sherilyn Wood

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

That Condition No. 9 be amended to read as follows:

- i) *Prior to the lodgement of a building permit application, a Delivery Management Plan (DMP) is to be submitted to and approved by the City of Kwinana to ensure efficient and safe movement of delivery and service vehicles associated with the development. The DMP shall include, but not be limited to, the following:*
- a. *Delivery timeframes and frequencies;*
  - b. *Detail of the operation for the sliding gates to the loading/delivery area;*
  - c. *Traffic management measures including: ~~signage, line marking, mirrors, signalling sensors for pedestrians/cyclists;~~*
    - i. ***the provision of wayfinding/signage to guide the movement of heavy vehicles entering and exiting the loading/unloading dock;***
    - ii. ***the provision of mirrors, flashing lights and/or buzzers to buildings to inform pedestrians and cyclists of heavy vehicle movements;***
    - iii. ***the installation of “Left Only” signs in the vicinity of the proposed loading area exit to restrict right turn movements; and***
    - iv. ***the installation of temporary wayfinding/signage inside the site, to ensure that heavy vehicles move through Main Street towards Mallacoota Parade,***
  - d. *Detail of pavement material and demarcation;*
  - e. *Time-limiting restrictions for delivery bays where appropriate; and*
  - f. *Measures to ensure the DMP is implemented.*

*The DMP is to be implemented and adhered to for the life of the development, to the satisfaction of the City of Kwinana.*

**REASON:** *To incorporate condition 5 of the WAPC’s report on this matter in the City’s recommendation to simplify the clearance of conditions.*

- ii) *That a new Advice Note No. 9 be added to read as follows:*

***The applicant is advised to provide all outstanding information to Western Power to identify and mitigate any possible risks within the power line easement.***

**REASON:** *This advice note had inadvertently been omitted from the recommendation.*

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



That the Metro-Outer DAP resolves to:

**Approve** DAP Application reference DAP/23/02493 and accompanying plans (Attachments 2 – 13 inclusive) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 5.1 of the City of Kwinana Local Planning Scheme No. 2, subject to the following conditions:

**Conditions**

1. This approval relates only to the development on Lot 44 as per the subdivision approval WAPC reference 158081, as shown on the approved plans. All other development and road design detail does not form part of this approval.
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 lodgement of a building permit application, detailed plans are to be submitted to the City of Kwinana for approval including:
  - a. a schedule of colours, materials, textures and finishes for the development/building;
  - b. details of the entrance and gate to the loading/delivery bay on the eastern façade, including artwork design; and
  - c. detailed design drawings showing the parking bays adjacent to proposed tenancies 3 – 9 being at the same grade as the footpath.

The approved plans are to be implemented to the satisfaction of the City of Kwinana.

4. Prior to the lodgement of a building permit application, a detailed Drainage and Stormwater Management Plan that is consistent with the approved Urban Water Management Plan is required to be submitted to the City of Kwinana for approval. The detailed Drainage and Stormwater Management Plan shall demonstrate the on-site retention of stormwater drainage and be implemented in the design, construction, and ongoing operation of the development at all times to the satisfaction of the City of Kwinana.
5. Prior to the lodgement of a building permit application, details of external lighting for the development shall be submitted to and approved by the City of Kwinana. Pedestrian pathways, car parking areas and communal areas shall be suitably lit in accordance with the applicable Australian Standards to the satisfaction of the City of Kwinana.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



6. Prior to the lodgement of a building permit application, the Landscaping Plan prepared by Ecoscape, dated 6 July 2023 is to be amended to be consistent with the approved site plan and incorporate details of the landscaping to be delivered to the satisfaction of the City of Kwinana. The amended landscaping plan shall be implemented within 60 days of the practical completion of construction to the satisfaction of the City of Kwinana.
7. Prior to the lodgement of a building permit application, the Waste Management Plan prepared by Stantec (dated 13 April 2023) is to be amended to be consistent with the approved plans and submitted and approved by the City of Kwinana. The recommendations of the approved Waste Management Plan shall be implemented in the design, construction, and ongoing operation of the development at all times to the satisfaction of the City of Kwinana.
8. Prior to the lodgement of a building permit application, the Environmental Acoustic Assessment prepared by Herring Storer Acoustics (dated April 2023) is to be amended to be consistent with the approved plans and submitted and approved by the City of Kwinana. The recommendations of the approved Environmental Acoustic Assessment shall be implemented in the design, construction, and ongoing operation of the development at all times to the satisfaction of the City of Kwinana.
9. Prior to the lodgement of a building permit application, a Delivery Management Plan (DMP) is to be submitted to and approved by the City of Kwinana to ensure efficient and safe movement of delivery and service vehicles associated with the development. The DMP shall include, but not be limited to, the following:
  - a. Delivery timeframes and frequencies;
  - b. Detail of the operation for the sliding gates to the loading/delivery area;
  - c. Traffic management measures including:
    - i. the provision of wayfinding/signage to guide the movement of heavy vehicles entering and exiting the loading/unloading dock;
    - ii. the provision of mirrors, flashing lights and/or buzzers to buildings to inform pedestrians and cyclists of heavy vehicle movements;
    - iii. the installation of "Left Only" signs in the vicinity of the proposed loading area exit to restrict right turn movements; and
    - iv. the installation of temporary wayfinding/signage inside the site, to ensure that heavy vehicles move through Main Street towards Mallacoota Parade,
  - d. Detail of pavement material and demarcation;
  - e. Time-limiting restrictions for delivery bays where appropriate; and
  - f. Measures to ensure the DMP is implemented.

The DMP is to be implemented and adhered to for the life of the development, to the satisfaction of the City of Kwinana.

10. Prior to occupation of the development, vehicle crossovers shall be located and constructed to the specifications and satisfaction of the City of Kwinana.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP





11. Prior to occupation of the development, vehicle and pedestrian access required for the operation of the development area shall be provided as generally shown on the approved plans via gazetted roads and/or a public access easement in accordance with the approved subdivision plan (WAPC reference: 158081) to the satisfaction of the City of Kwinana.
12. Traffic, access and parking arrangements for the development are to be in accordance with the Transport Impact Assessment, prepared by Stantec, dated 15 February 2024 to the satisfaction of the City of Kwinana.
13. Prior to occupation of the development, the landowner/applicant shall contribute towards development infrastructure provisions pursuant to the City of Kwinana Local Planning Scheme No.2.
14. The requirements of Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - a. Prior to the commencement of works, the owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5. Prior to the use or occupation of the development, the approved Public Art must be installed on site to the satisfaction of the City of Kwinana; or
  - b. Prior to the commencement of works, the owner/applicant shall provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana in lieu of installing Public Art on site to the satisfaction of the City of Kwinana.
15. Prior to occupation of the development, the subject site shall be connected to a suitable sewerage service and reticulated potable water supply, to the satisfaction of the City of Kwinana, in consultation with the Water Corporation.
16. Prior to occupation of the development, a signage strategy is to be submitted to and approved by the City of Kwinana. The signage strategy is to address the objectives of Local Planning Policy 9 – Advertising Signage to the satisfaction of the City of Kwinana.
17. Vehicle parking bays are to be constructed in accordance with AS2890, clearly marked on the ground and drained prior to occupation of the development to the satisfaction of the City of Kwinana.
18. The development shall at all times comply with the requirements and recommendations of the approved Bushfire Management Plan prepared by Bushfire Prone Planning, dated 8 August 2023 (Revision 1.2) to the satisfaction of the City of Kwinana.

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19. Upon completion of the construction of Treeby Road through to Anketell Road in the north (in accordance with the approved Anketell North and Anketell South Local Structure Plans), delivery and service vehicles using the loading/delivery bay adjacent to Treeby Road shall exit the locality via Treeby Road, and not via the proposed 'Main Street' to maintain amenity and safety for the 'Main Street' to the satisfaction of the City of Kwinana.
20. No direct vehicular access to Thomas Road is permitted.
21. No waste collection is permitted from the Thomas Road Reserve.
22. Stormwater discharge shall not be discharged into the Thomas Road reserve.
23. No works are permitted within the Thomas Road Reservation unless Main Roads has issued a Working on Roads Permit.
24. All proposed signage must not:
  - a. exceed 300 cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise (if illuminated).
  - b. flash, pulsate or chase
  - c. contain fluorescent, reflective, or retro-reflective colours or materials.
25. Vegetation within the Thomas Road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising signs.
26. Appropriate measures are to be taken to ensure headlight disturbance/spill from vehicles inside the neighbourhood centre driving on the internal road (running parallel to Thomas Road) has minimal impact to Thomas Road eastbound traffic.

### Advice Notes

1. In relation to the Stormwater Management Plan, the applicant is advised that as per the draft Urban Water Management Plan over this development area, the first 15mm of stormwater is required to be treated, prior to discharge. This requirement is to be included in an approved Stormwater Management Plan.
2. The applicant is advised that detailed road design adjacent to the site will be considered as part of civil drawings that are submitted to the City of Kwinana for approval. The subject application does not approve the road design. The following key design elements will need to be addressed as part of detailed civil drawings for the road network:
  - a. the raised platform (speed hump) on Treeby Road (located within the left-turn pocket and northbound lane) is to be removed;
  - b. The fire hardstand be relocated to an appropriate location that does not interfere with the function and design of the Main Street;
  - c. The location and design of on-street bicycle lanes is to be reconsidered;
  - d. The Thetis Way – Treeby Road intersection being modified to avoid illegal turning movements of delivery vehicles and service trucks;
  - e. Access design and movement from the private accessway (adjacent to the southern façade of the building) onto Treeby Road is to be reconsidered; and

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- f. The design of the Main Street to incorporate additional elements including (but not limited to): landscaping, improved median design and at grade parallel parking.
3. The applicant is advised to submit an application to the City of Kwinana for approval to construct or alter a food business and register a food business with associated fees and documents at the lodgement of a building permit application.
4. The applicant is advised that the proposal is to comply with the *Food Act 2008*, *Food Regulations 2009*, *Health (Miscellaneous Provisions) Act 1911* and *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
5. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
6. The applicant is advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site, a building permit must be issued, and penalties apply for failing to adhere to this requirement.
7. The applicant is advised that Main Roads WA may modify the road network and road infrastructure within the functional area of the intersection in the event efficiency and/or safety of the road network deteriorate/s.
8. The applicant is advised to submit an application form to undertake works within the Thomas Road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
9. The applicant is advised to provide all outstanding information to Western Power to identify and mitigate any possible risks within the power line easement.

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

**REASON:** The Panel considered that the proposed development was consistent with the provisions of the Planning Framework for the locality, as outlined in State Planning Policy 4.2, the City of Kwinana Local Commercial Activity Centre Strategy, and the Anketell South Local Structure Plan.

A Neighbourhood Centre has been envisaged on this site for many years and the development proposed is consistent with the requirements of the locality.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



### 3.1b Lots 60 (No.793) and 61 (No.811) Thomas Road, Anketell – Proposed Neighbourhood Centre Development – DAP/23/02493

#### Deputations and Presentations

Nil.

#### REPORT RECOMMENDATION

**Moved by:** Cr Matthew Rowse

**Seconded by:** Cr Sherilyn Wood

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

- i) *That Condition No. 4 be deleted and the remaining condition be renumbered accordingly.*

**REASON:** *The Panel agreed that a Delivery Management Plan as required by the City will adequately address any possible concerns from waiting delivery vehicles causing traffic congestion on the greater road network.*

*The requirement to have the gates closed when delivery vehicles are not entering or exiting the site will improve the visual amenity of the area.*

- ii) *That Condition No. 5 (now Condition No.4) be deleted.*

**REASON:** *The panel considered that Condition No. 5 was redundant, as its content was already incorporated in Condition No. 9 of the City of Kwinana's report recommendation.*

That the Metro Outer Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/23/02493 and the accompanying plans date stamped **13 February 2024**, pursuant to clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

#### Conditions

1. The development is to be carried out generally in accordance with the plans date stamped 13 February 2024 (attached) by the Department of Planning, Lands and Heritage, subject to any modifications required by conditions of approval.
2. This decision constitutes planning approval only. If development has not substantially commenced within four years of the date of this letter, the approval shall lapse and be of no further effect.
3. Prior to the issue of a building permit, the applicant is to submit revised plans depicting the raised platform (speed hump) to Treeby Road (located within the left-turn pocket and northbound lane) to be removed to the specification of Main Roads Western Australia and to the satisfaction of the Western Australian Planning Commission.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



### Advice Notes

1. The City of Kwinana advises that the grant of conditional development approval should not be construed as the grant of a building permit giving authority to commence works. For further information, it is recommended you contact the City of Kwinana's Building Services team on (08) 9439 0208.
2. The City of Kwinana advises that the landowner/applicant should ensure the proposed development complies with all other relevant legislation and regulation, including, but not limited to, the *Environmental Protection Act 1986*, the *Health (Miscellaneous Provisions) Act 1911*, any regulations associated with those Acts and the National Construction Code.

### AMENDING MOTION

**Moved by:** Gabriela Poezyn

**Seconded by:** NIL

That Condition No. 3 be deleted and the remaining conditions be renumbered accordingly.

**The Amending Motion lapsed for want of a seconder.**

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

**REASON:** The Panel considered that the application is consistent with the provisions of the Metropolitan Region Scheme and WA Planning Commission policy and practice. The proposed amendments to conditions were considered appropriate as they can be accommodated within the Council conditions for clarity and ease of clearance and compliance in the future.

#### 4. Form 2 DAP Applications

Nil.

#### 5. Section 31 SAT Reconsiderations

Nil.

**Eugene Koltasz**  
Presiding Member, Metro Outer DAP



## PART E – OTHER BUSINESS

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

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

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

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

\*Matters finalised during the last meeting cycle.

### 2. General Business

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

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:43am.

Eugene Koltasz  
Presiding Member, Metro Outer DAP