



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 6 June 2024; 9:30am  
**Meeting Number:** MODAP/16  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

A recording of the meeting is available via the following link: [MODAP/16 – 6 June 2024 – City of Wanneroo – City of Kwinana – Shire of Murray](#)

### **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 WANNEROO**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 No.65 (Lot No.2) Salcott Road, Girrawheen – Proposed Residential Building – DAP/24/02635
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF KWINANA**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 541 (2) Ovens View, Mandogalup – Child Care Centre – DAP/24/02656
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

**Ian Birch**  
Presiding Member, Metro Outer DAP



**PART D – SHIRE OF MURRAY**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot No. 9500 (No. 320) Gull Road, Keralup – Proposed Noxious Industry (Carbon Recycling Facility) – DAP/23/02622
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

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

**Ian Birch**  
Presiding Member, Metro Outer DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Ian Birch (Presiding Member)	Claire Ortlepp
Tony Arias (Deputy Presiding Member)	Tenielle Brownfield
Neema Premji	
<i>Part B – City of Wanneroo</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Bronwyn Smith	Greg Bowering
Cr Jacqui Huntley	Rhiannon McQuillan
<i>Part C – City of Kwinana</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Deputy Mayor Barry Winmar	Asha Logan
Cr Matthew Rowse	Sara Sylvester
<i>Part D – Shire of Murray</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Ange Rogers	Luke Cervi
	Rod Peake
	Brendan Birney
	Eric Anderson
	Geordie Galvin

**Ian Birch**  
Presiding Member, Metro Outer DAP



<b>Applicant and Submitters</b>
<i>Part B – City of Wanneroo</i>
Ingrid van Dorssen (Uniting WA) Reegan Cake (Dynamic Planning & Developments)
<i>Part C – City of Kwinana</i>
Alessandro Stagno (Apex Planning) Arthur Majewski (QUBE Property)
<i>Part D – Shire of Murray</i>
Joe Algeri (Altus Planning) Jayden Pope (Altus Planning) John Hurley (Environmental & Air Quality Consulting)

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 6 persons observing the meeting via the livestream.

**Ian Birch**  
Presiding Member, Metro Outer DAP



## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9:39am on 6 June 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

#### 1.1 Announcements by Presiding Member

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

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

### 2. Apologies

Cr David Bolt (Local Government DAP Member, Shire of Murray)

### 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](#).

Ian Birch  
Presiding Member, Metro Outer DAP



## PART B – CITY OF WANNEROO

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 No.65 (Lot No.2) Salcott Road, Girrawheen – Proposed Residential Building – DAP/24/02635

*Cr Bronwyn Smith (Local Government DAP Member, City of Wanneroo) joined the panel at 9:44am.*

#### Deputations and Presentations

Reegan Cake (Dynamic Planning & Developments) addressed the DAP in support of the recommendation for the application at Item 3.1.

Ingrid van Dorssen (Uniting WA) 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 Wanneroo addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

### REPORT RECOMMENDATION

**Moved by:** Cr Jacqui Huntley

**Seconded by:** Cr Bronwyn Smith

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02635 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Wanneroo *District Planning Scheme No. 2*, 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.

**Ian Birch**  
Presiding Member, Metro Outer DAP



2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The use of the approved **Residential Building** must conform to the *State Planning Policy 7.3 – Residential Design Codes* definition which states:

**“Residential Building:** *A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- *Temporarily by two or more persons; or*
- *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

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

4. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
5. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
6. A detailed landscaping plan is to be provided for the subject site and adjacent verge area. The landscaping plan detailing the plant species, densities, planting locations is to achieve the required landscaping as *per State Planning Policy 7.3 – Residential Design Codes* and to appropriately screen the bin store as indicated on the plans, is to be lodged for approval by the City prior to lodging a building permit. Planting and installation must be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
7. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted for approval when application is made for a building permit and the system must be installed during the construction of the development.
8. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.

**Ian Birch**  
Presiding Member, Metro Outer DAP



9. All external fixtures, utilities and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
10. Future operations on the lot must be undertaken in accordance with the approved Waste Management Plan prepared by Uniting WA dated 24 April 2024.
11. Redundant vehicle crossover to be removed and the kerbing and footpath reinstated with grass or landscaping to the specifications of the local government prior to the submissions of a Building Permit, to the satisfaction of the City.
12. A Construction Management Plan must be submitted for approval prior to lodging a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
  - a) The delivery of and delivery times for materials and equipment to the site;
  - b) Storage of materials and the location and types of equipment on site;
  - c) Parking arrangements for contractors and sub-contractors;
  - d) The impact on traffic movement;
  - e) Construction times;
  - f) The relocation of public footpaths;
  - g) Measures to minimise impacts of noise and sand drift and dust from the site;
  - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
  - i) The relocation/disruption of any public transport infrastructure; and
  - j) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development.

### Advice Notes

1. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to on-going compliance.

**Ian Birch**  
Presiding Member, Metro Outer DAP





## AMENDING MOTION

**Moved by:** Tony Arias

**Seconded by:** NIL

That a new Condition No. 13 be added to read as follows:

***Preparation of a revised Operational Management Plan, to the satisfaction of the City of Wanneroo, will address the following components: parking, staffing and management personnel, hours of operation, safety, and security.***

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

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

**REASON:** The panel agreed with the assessed classification of the development as residential building and noted the pressing need for the provision of this form of accommodation. Further, the development assessment in the Responsible Authority Report applied to that specific use, as distinct from group dwellings, was supported.

Accordingly, by a unanimous decision, the panel adopted the recommendation in the RAR to approve the application with relevant conditions.

### **4. Form 2 DAP Applications**

Nil.

### **5. Section 31 SAT Reconsiderations**

Nil.

*Cr Bronwyn Smith & Cr Jacqui Huntley (Local Government DAP Members, City of Wanneroo) left the panel at 10:07am.*

**Ian Birch**  
Presiding Member, Metro Outer DAP



## PART C – CITY OF KWINANA

*Deputy Mayor Barry Winmar & Cr Matthew Rowse (Local Government DAP Members, City of Kwinana) joined the panel at 10:08am.*

### 1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 5 June 2024.

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 541 (2) Ovens View, Mandogalup – Child Care Centre – DAP/24/02656

##### Deputations and Presentations

Alessandro Stagno (Apex Planning) 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 3.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** Cr Matthew Rowse

**Seconded by:** Deputy Mayor Barry Winmar

*An administrative change to the report recommendation was made to correct the numbering of conditions.*

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02656 and accompanying plans (Site Plan SK010-1000, Ground Floor Plan SK010-1001, Overshadowing Diagram SK010-1002, Landscaping Plan SK010-1003, Elevation Plans SK010-2000 & SK010-2001, Section SK010-3000, Perspectives SK010-4000) 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 Kwinana Local Planning Scheme No. 2, subject to the following conditions:

**Ian Birch**  
Presiding Member, Metro Outer DAP



## Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The Child Care Centre is limited to a maximum of 96 children on site at any one time. Operating hours for the Child Care Centre are limited to between 6:30am to 6:30pm, Monday to Friday inclusive.
4. The requirements of the City of Kwinana Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - a) prior to a building permit being issued, 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 onsite to a minimum value as specified in LPP5. The approved Public Art must be installed on the site prior to the occupation or use of the development; or
  - b) Prior to the commencement of works, the owner/applicant must provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana in lieu of installing Public Art on the site;to the satisfaction of the City of Kwinana.
5. Prior to a building permit being issued, a Parking Management Plan (PMP) demonstrating staff levels during the development peak hours in accordance with Table 1 of the Transport Impact Assessment (TIS) prepared by Transcore (Rev.5, dated 8 February 2024), must be prepared and submitted to the City of Kwinana for approval. The approved PMP must be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.

**Ian Birch**  
Presiding Member, Metro Outer DAP



6. The recommendations contained in the Environmental Noise Assessment prepared by Lloyd George Acoustics (Rev.A, dated 14 February 2024) must be implemented in the design, construction and ongoing operation of the development at all times, including but not limited to:
- no outdoor children's play prior to 7am;
  - fencing and retaining walls constructed and maintained to the minimum specifications; and,
  - mechanical plant to be selected, located, screened and/or operated to comply with specified noise levels;

to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.

7. Prior to a building permit being issued, a Waste Management Plan (WMP) demonstrating the following requirements must be prepared and submitted to the City of Kwinana for approval:
- bin store must be adequately enclosed and screened from view of the road and neighbouring properties;
  - waste collection must occur onsite; and,
  - waste collection must occur outside of the Child Care Centre operating hours, and between 7am to 7pm, Monday to Saturday inclusive.

The approved WMP must be implemented in the design, construction, and ongoing operation of the development at all times to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.

8. Prior to a building permit being issued, a detailed Landscape Management Plan must be prepared by a suitably qualified person and approved by the City of Kwinana, and must include details of the following:
- the location, number, size and species of new trees, shrubs and/or other vegetation to be planted onsite; and,
  - details of hard and soft landscaping as well as shade trees and structures for the outdoor play area(s).

Any building or design requirements are to be shown as part of the building permit application. The approved Landscape Management Plan must be implemented prior to the occupation of the development, and maintained thereafter, to the satisfaction of the City of Kwinana. Any species that fails to establish within the first three (3) growing seasons following implementation must be replaced in consultation with the City.

9. Prior to a building permit being issued, a detailed Drainage and Stormwater 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 to the satisfaction of the City of Kwinana.

**Ian Birch**  
Presiding Member, Metro Outer DAP



10. Prior to the use or occupation of the development, suitable arrangements being made with the City of Kwinana for the installation of:
  - a. yellow 'no stopping' line-marking within Ovens View abutting the subject lot between the approved crossover and intersection of Quatermaine Boulevard; and,
  - b. signage to limit on-street parking to 15 minutes during peak hours for the two (2) on-street parking bays on Tasman Crescent abutting the lot, and four (4) on-street parking bays on Ovens View to the east of site;at the full cost of the landowner and to the satisfaction of, or as otherwise agreed with, the City of Kwinana.
11. A minimum of twenty (22) vehicle parking bays and one (1) reversing bay must be clearly line-marked on the ground, sealed and drained in accordance with the approved plans. The design of vehicle parking and access must comply with AS2890.1 (as amended). Accessible parking bays must comply with AS2890.6 (as amended).
12. The reversing bay must be kept clear at all times and installed with a bollard or wheel stop designed to prevent parking and maintain the functionality of the reversing bay, to the satisfaction of the City of Kwinana.
13. The vehicle crossover must be located, designed and maintained in accordance with the specifications of the City of Kwinana.
14. Prior to occupation or use of the development an Emergency Evacuation Plan (EEP) must be prepared by a suitably qualified person in accordance with the *Guidelines for Planning in Bushfire Prone Areas* (as amended). The approved EEP must be implemented on the site at all times. The landowner must ensure the EEP is reviewed on an annual basis to ensure it remains valid and relevant.
15. Boundary walls and fences must be treated with anti-graffiti resistant coating to the satisfaction of the City of Kwinana. The landowner must maintain the premises, including boundary walls and fences, in a state of good repair and free from unsightly matter including graffiti at all times, to the satisfaction of the City of Kwinana.
16. External lighting must comply with the requirements of AS4282 - Control of Obtrusive Effects of Outdoor Lighting (as amended).
17. The site must be connected to a suitable water supply and sewerage service in accordance with the requirements of the Water Corporation, to the satisfaction of the City of Kwinana.
18. Stormwater drainage from roofed and paved areas must be contained and disposed of onsite at all times, to the satisfaction of the City of Kwinana.
19. The landowner must implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.

**Ian Birch**  
Presiding Member, Metro Outer DAP



### Advice Notes

1. The owner/applicant is advised to submit an application to the City of Kwinana for approval to construct or alter a food business, an application for registration of food business and an application for child care approval with associated fees and documents at the lodgement of building permit application.
2. The owner/applicant is advised that the development is to comply with the *Food Act 2008, Food Regulations 2009, Education and Care Services National Law (WA) Act 2012, Education and Care Services National Regulations 2012, Health (Miscellaneous Provisions) Act 1911, Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.*
3. 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.
4. 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.
5. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011.*

### AMENDING MOTION

**Moved by:** Tony Arias

**Seconded by:** Cr Matthew Rowse

That Condition No. 15 (now No. 12) be amended to read as follows:

*The reversing bay must be kept clear at all times and installed with a bollard, or wheel stop, **or other mechanism** designed to prevent parking and maintain the functionality of the reversing bay, to the satisfaction of the City of Kwinana.*

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

**REASON:** To allow some flexibility for the applicant to explore other alternatives that might be acceptable to the City.

**Ian Birch**  
Presiding Member, Metro Outer DAP



## REPORT RECOMMENDATION

**Moved by:** Cr Matthew Rowse

**Seconded by:** Deputy Mayor Barry Winmar

*An administrative change to the report recommendation was made to correct the numbering of conditions.*

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02656 and accompanying plans (Site Plan SK010-1000, Ground Floor Plan SK010-1001, Overshadowing Diagram SK010-1002, Landscaping Plan SK010-1003, Elevation Plans SK010-2000 & SK010-2001, Section SK010-3000, Perspectives SK010-4000) 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 Kwinana Local Planning Scheme No. 2, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The Child Care Centre is limited to a maximum of 96 children on site at any one time. Operating hours for the Child Care Centre are limited to between 6:30am to 6:30pm, Monday to Friday inclusive.
4. The requirements of the City of Kwinana Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - c) prior to a building permit being issued, 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 onsite to a minimum value as specified in LPP5. The approved Public Art must be installed on the site prior to the occupation or use of the development; or
  - d) Prior to the commencement of works, the owner/applicant must provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana in lieu of installing Public Art on the site;to the satisfaction of the City of Kwinana.

**Ian Birch**  
Presiding Member, Metro Outer DAP



5. Prior to a building permit being issued, a Parking Management Plan (PMP) demonstrating staff levels during the development peak hours in accordance with Table 1 of the Transport Impact Assessment (TIS) prepared by Transcore (Rev.5, dated 8 February 2024), must be prepared and submitted to the City of Kwinana for approval. The approved PMP must be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.
  
6. The recommendations contained in the Environmental Noise Assessment prepared by Lloyd George Acoustics (Rev.A, dated 14 February 2024) must be implemented in the design, construction and ongoing operation of the development at all times, including but not limited to:
  - d) no outdoor children's play prior to 7am;
  - e) fencing and retaining walls constructed and maintained to the minimum specifications; and,
  - f) mechanical plant to be selected, located, screened and/or operated to comply with specified noise levels;to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.
  
7. Prior to a building permit being issued, a Waste Management Plan (WMP) demonstrating the following requirements must be prepared and submitted to the City of Kwinana for approval:
  - d) bin store must be adequately enclosed and screened from view of the road and neighbouring properties;
  - e) waste collection must occur onsite; and,
  - f) waste collection must occur outside of the Child Care Centre operating hours, and between 7am to 7pm, Monday to Saturday inclusive.The approved WMP must be implemented in the design, construction, and ongoing operation of the development at all times to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.
  
8. Prior to a building permit being issued, a detailed Landscape Management Plan must be prepared by a suitably qualified person and approved by the City of Kwinana, and must include details of the following:
  - c) the location, number, size and species of new trees, shrubs and/or other vegetation to be planted onsite; and,
  - d) details of hard and soft landscaping as well as shade trees and structures for the outdoor play area(s).

**Ian Birch**  
Presiding Member, Metro Outer DAP





Any building or design requirements are to be shown as part of the building permit application. The approved Landscape Management Plan must be implemented prior to the occupation of the development, and maintained thereafter, to the satisfaction of the City of Kwinana. Any species that fails to establish within the first three (3) growing seasons following implementation must be replaced in consultation with the City.

9. Prior to a building permit being issued, a detailed Drainage and Stormwater 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 to the satisfaction of the City of Kwinana.
10. Prior to the use or occupation of the development, suitable arrangements being made with the City of Kwinana for the installation of:
  - a. yellow 'no stopping' line-marking within Ovens View abutting the subject lot between the approved crossover and intersection of Quatermaine Boulevard; and,
  - b. signage to limit on-street parking to 15 minutes during peak hours for the two (2) on-street parking bays on Tasman Crescent abutting the lot, and four (4) on-street parking bays on Ovens View to the east of site;at the full cost of the landowner and to the satisfaction of, or as otherwise agreed with, the City of Kwinana.
11. A minimum of twenty (22) vehicle parking bays and one (1) reversing bay must be clearly line-marked on the ground, sealed and drained in accordance with the approved plans. The design of vehicle parking and access must comply with AS2890.1 (as amended). Accessible parking bays must comply with AS2890.6 (as amended).
12. The reversing bay must be kept clear at all times and installed with a bollard, wheel stop, or other mechanism designed to prevent parking and maintain the functionality of the reversing bay, to the satisfaction of the City of Kwinana.
13. The vehicle crossover must be located, designed and maintained in accordance with the specifications of the City of Kwinana.
14. Prior to occupation or use of the development an Emergency Evacuation Plan (EEP) must be prepared by a suitably qualified person in accordance with the *Guidelines for Planning in Bushfire Prone Areas* (as amended). The approved EEP must be implemented on the site at all times. The landowner must ensure the EEP is reviewed on an annual basis to ensure it remains valid and relevant.
15. Boundary walls and fences must be treated with anti-graffiti resistant coating to the satisfaction of the City of Kwinana. The landowner must maintain the premises, including boundary walls and fences, in a state of good repair and free from unsightly matter including graffiti at all times, to the satisfaction of the City of Kwinana.

**Ian Birch**  
Presiding Member, Metro Outer DAP



16. External lighting must comply with the requirements of AS4282 - Control of Obtrusive Effects of Outdoor Lighting (as amended).
17. The site must be connected to a suitable water supply and sewerage service in accordance with the requirements of the Water Corporation, to the satisfaction of the City of Kwinana.
18. Stormwater drainage from roofed and paved areas must be contained and disposed of onsite at all times, to the satisfaction of the City of Kwinana.
19. The landowner must implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.

### Advice Notes

1. The owner/applicant is advised to submit an application to the City of Kwinana for approval to construct or alter a food business, an application for registration of food business and an application for child care approval with associated fees and documents at the lodgement of building permit application.
2. The owner/applicant is advised that the development is to comply with the *Food Act 2008, Food Regulations 2009, Education and Care Services National Law (WA) Act 2012, Education and Care Services National Regulations 2012, Health (Miscellaneous Provisions) Act 1911, Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997*.
3. 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.
4. 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.
5. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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

**Ian Birch**  
Presiding Member, Metro Outer DAP



**REASON:** As outlined in the responsible authority report, the proposed child care centre is a much needed facility in this growing neighbourhood, supported by number of resident submissions in favour of the development, and is well located in terms of vehicle access and proximity to other community facilities, notably the future primary school. All development requirements for the site have been satisfied through the planning assessment process and appropriate measures to protect against bush fire threat are addressed.

Accordingly, by a unanimous decision the panel adopted the RAR recommendation to approve the application with relevant conditions.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Deputy Mayor Barry Winmar & Cr Matthew Rowse (Local Government DAP Members, City of Wanneroo) left the panel at 10:37am.*

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

**Ian Birch**  
Presiding Member, Metro Outer DAP



## PART D – SHIRE OF MURRAY

*Cr Ange Rogers (Local Government DAP Member, Shire of Murray) joined the panel at 10:37am.*

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

DAP Member, Cr David Bolt, declared an impartiality interest in item 3.1. Cr Bolt chairs a regional council whose members have existing waste agreements with an unrelated company who are currently building a Waste to Energy plant in Kwinana.

Cr Bolt also declared an indirect pecuniary interest in item 3.1. The Shire of Murray, of which Cr Bolt is Shire President, has used the green waste recycling services provided by the applicant.

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

### 3. Form 1 DAP Applications

#### 3.1 Lot No. 9500 (No. 320) Gull Road, Keralup – Proposed Noxious Industry (Carbon Recycling Facility) – DAP/23/02622

##### Deputations and Presentations

Joe Algeri and Jayden Pope (Altus Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

John Hurley (Environmental & Air Quality Consulting) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

**Ian Birch**  
Presiding Member, Metro Outer DAP



## REPORT RECOMMENDATION

**Moved by:** Cr Ange Rogers

**Seconded by:** Neema Premji

That the Metro Outer Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/23/02622 and accompanying plans included in **Attachment 1** 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 *Peel Region Scheme* and the *Shire of Murray Local Planning Scheme No. 4*, subject to the following conditions:

### Conditions

#### Management Plans

1. A Construction Management Plan to the satisfaction of the Shire is to be submitted to the Shire for approval prior to the works commencing. The Plan is to include, but not be limited to:
  - a) Access to and from the site;
  - b) The delivery of materials and equipment to the site;
  - c) The storage of materials and equipment on the site;
  - d) The parking arrangements for contractors and subcontractors;
  - e) Management of construction waste;
  - f) Dust control;
  - g) Hours during which onsite construction works are to be limited; and
  - h) Other matters that have potential to impact nearby properties.

The approved Construction Management Plan is to be implemented on an ongoing basis during construction.

2. Prior to the commencement of works a fauna protection / relocation management plan is to be prepared and approved to ensure the identification and relocation of any native fauna potentially impacted by the clearing or operation of the site and arrangements being made for the implementation of the approved plan to the satisfaction of the Local Government.
3. Prior to the commencement of works a wetland management plan is to be prepared and approved to ensure the protection and management of the Conservation Category Wetland and Resource Enhancement Wetland with satisfactory arrangements being made for the implementation of the approved plan. This plan is to include but not necessarily be limited to; revegetation and weed management requirements and any associated fencing as well as other actions.

**Ian Birch**  
Presiding Member, Metro Outer DAP



4. A Waste Management Plan to the satisfaction of the Shire is to be submitted to the Shire for approval prior to the use first commencing. The Plan is to include, but not be limited to:
- a) Identification of waste streams likely to be generated;
  - b) Waste avoidance/minimisation strategies;
  - c) On-site waste management system, including bin placement and access;
  - d) Recycling and disposal options to be utilised; and
  - e) How compliance with the 'plan' will be managed.

The approved Plan is to be implemented on an ongoing basis.

5. A Biofilter Management Plan to the satisfaction of the Shire is to be submitted to the Shire for approval prior to the use first commencing. The Plan is to include, but not be limited to:
- a) Technical details of the biofilters;
  - b) Commissioning approach and testing requirements;
  - c) Operational requirements and maintenance regimes; and
  - d) Performance monitoring requirements.

The approved Plan is to be implemented on an ongoing basis.

6. An Odour Complaint Management Plan to the satisfaction of the Shire is to be submitted to the Shire for approval prior to the use first commencing. The Plan is to include, but not be limited to:
- a) A clear and accessible procedure for the public to report odour complaints to the operator;
  - b) A system for logging and tracking complaints, including the date, time, nature of the complaint, and the complainant's contact information;
  - c) A process for investigating complaints promptly and effectively;
  - d) Communication protocols for informing complainants about the investigation outcomes and any actions to be taken and making this information available to Shire upon request.

The approved Plan is to be implemented on an ongoing basis.

**Ian Birch**  
Presiding Member, Metro Outer DAP



7. An Odour Management Contingency Plan to the satisfaction of the Shire is to be submitted to the Shire for approval prior to the use first commencing. The Plan is to include suitable contingency measures to address odour issues that are to be implemented in the event that odour complaints are received and verified and may include, but are not limited to:
  - a) Temporary operational adjustments or shutdowns;
  - b) Additional odour control equipment or technologies;
  - c) Increased maintenance activities.

The approved Plan is to be implemented on an ongoing basis.

### Odour

8. Prior to a building permit being lodged, Environmental and Air Quality Consulting Pty Ltd's Addendum to Odour Impact Assessment Report (EAQ23024-C-Wise-OdourImpactAssessment-Finalv3) is to be modified as follows:
  - a) Figure 1 updated by:
    - (i) Amending references from 'bunkers' to 'cocoon's';
    - (ii) Including locations of all biofilters and stacks
  - b) Figure 2 updated by:
    - (iii) Including locations of all biofilters and stacks
9. Prior to the use commencing, an odour control system generally in accordance with that described in Environmental and Air Quality Consulting Pty Ltd's Addendum to Odour Impact Assessment Report (EAQ23024-C-Wise-OdourImpactAssessment-Finalv3) must be installed on site to treat odorous air from the:
  - a) Reveal building mixing area; and
  - b) Proposed cocoon system;

All to the satisfaction of the Local Government.
10. All biofilters and their duct work within the odour control system must be constructed in a way that allows expansion or modification of the system if the need arises to the satisfaction of the Local Government.
11. All biofilters must be designed, operated and maintained in a way that does not emit offensive odour and does not exceed 500 odour units at the biofilter surface.
12. The reveal building must be enclosed and:
  - a) Treat air from the mixing area via one or more of the biofilters;
  - b) Discharge air from the remainder of the building via a dedicated stack/s with a velocity of at least 10 m/s at least 3 m above the highest point of the roof.

**Ian Birch**  
Presiding Member, Metro Outer DAP



13. Fresh air must be used in the cocoons and mobile air floor systems. The mobile air floor systems are to be designed to be operated in a way to add odour control.
14. Odour concentration from the stack/s must not cause offsite nuisance.
15. The receival building must be cleaned frequently to avoid the generation of excessive odour.
16. Leachate ponds must be managed in a way to avoid the generation of offensive odour.
17. The tank farm is to be designed and managed to avoid the generation of odours which would lead to offsite impacts. The farm should be retrofittable to the odour control system if required, all to the satisfaction of the Local Government.

#### Earthworks and drainage

18. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plans of development for grading and/or stabilisation of the site to ensure that finished ground levels at the boundaries of the development the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
19. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Water Management Plan for the site, to the satisfaction of the Local Government

#### Access and parking

20. Prior to the development first being occupied, vehicle crossovers to be designed and constructed to the satisfaction and specifications of the Local Government.
21. Prior to the development first being occupied, internal access roads are to be designed and constructed to the satisfaction of the Local Government.
22. Prior to the development first being occupied, the parking bay(s), driveway(s) and points of ingress and egress to be designed in accordance with the Australian Standard for Off Street Parking (AS2890), and are to be kerbed, drained, line-marked and thereafter maintained in a sound state of repair to the satisfaction of the Local Government.
23. No parking bays shall be obstructed in any way or used for purposed of storage.

**Ian Birch**  
Presiding Member, Metro Outer DAP





### Environmental

24. Containment of all vehicle cleaning and wash-down areas and direction of waste materials to a suitable waste treatment facility (for instance a triple-interceptor) to the satisfaction of the Local Government.

### Fencing

25. Boundary fencing must be of an open post and rail or post and wire design. Any more substantial fencing to be installed shall be limited to the immediate curtilages of the proposed carbon recycling facility.

### Bushfire

26. Prior to a building permit being lodged, the Bushfire Management Plan (Bushfire Prone Planning Job Reference No. 220666 Version 1.4 dated 14 March 2024) is to be modified as follows:
- a) Section 5.5 – Assessment Statements for Element 3: Vehicle Access updated by including proposed Emergency Access Way requirements at A3.2b.
  - b) Section 6.1 Developer / Landowner Responsibilities – Prior to Sale or Occupancy / Operation updated to include the construction of the Emergency Access Way and securing of necessary easement/s.
27. The landowner is to consent to the lodgement of a notification on the certificate of title of the subject land, pursuant to section 70A of the *Transfer of Land Act 1893*, to alert prospective purchasers that the land is located within a bushfire prone area and is subject to a bushfire management plan which imposes ongoing management requirements on the land. The landowner must not occupy the approved development until such time as the notification is prepared and registered on the certificate of title of the subject land. All costs associated with the preparation and registration of the notification are to be met by the landowner. The notification is to state as follows:

*“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. A Bushfire Management Plan applies to the site which imposes ongoing management requirements on the landowner.”*

### Certification

28. A ‘Certification by Bushfire Consultant’ is to be provided to demonstrate that the measures required in Section 6.3 of the Bushfire Management Plan [Bushfire Prone Planning, Job Reference: 220666, Dated 14 March 2024] have been implemented prior to occupation of the facility.
29. Prior to use commencing, Certification by an Environmental Consultant suitably qualified and experienced in air quality management, must be provided to demonstrate that the measures required by conditions **9-14 and 17** have been implemented.

Ian Birch  
Presiding Member, Metro Outer DAP



## Advice Notes

- A. Further to conditions **1-3**, implementation of the Management Plans that are ultimately approved may include actions that need to be undertaken prior to works commencing.
- B. In regards to condition **4**, Shire waste services are not currently available to this site.
- C. In regards to condition **14**, if offsite nuisance is experienced from the stack/s, these odour emissions are to be redirected to a biofilter/s.
- D. In regards to condition **19**, the drainage concept submitted with the planning application is supported in principle. The water management plan will need to incorporate but not limited to drainage and ground water matters such as onsite drainage retention and ground water monitoring.
- E. In regards to condition **24**, the washdown facility must comply with DWER guidelines <https://www.wa.gov.au/system/files/2022-04/WQPN-68-Mechanical-equipment-washdown.pdf>
- F. In regards to condition **26**, the emergency access way as mentioned in the applicant's performance principle solution for Element 3: Vehicular Access is critical to achieving the performance principle and therefore must be included within the Bushfire Management Plan.
- G. This land is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.
- H. The use proposes activities that are 'prescribed premises' and require works approval/s under the *Environmental Protection Act 1986*.
- I. Any native vegetation removal must be in accordance with a clearing permit obtained from Department of Water and Environmental Regulation or exempt from the need of a clearing permit.
- J. Acid sulfate soils (ASS) risk mapping indicates that the site is located primarily within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

**Ian Birch**  
Presiding Member, Metro Outer DAP



- K. The proposal is located within the Peel-Harvey coastal plain catchment and the provisions of the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992, the State Planning Policy No 2.1, Peel-Harvey Coastal Plain Catchment (SPP 2.1) and the Draft State Planning Policy 2.9 Planning for Water (SPP 2.9) shall apply

### AMENDING MOTION

**Moved by:** Cr Ange Rogers

**Seconded by:** NIL

That Condition No. 26 be amended to read as follows:

*Prior to a building permit being lodged, the Bushfire Management Plan (Bushfire Prone Planning Job Reference No. 220666 Version 1.4 dated 14 March 2024) is to be modified as follows:*

- a) *Section 5.5 – Assessment Statements for Element 3: Vehicle Access updated by including proposed Emergency Access Way requirements at A3.2b.*
- b) *Section 6.1 Developer / Landowner Responsibilities – Prior to Sale or Occupancy / Operation updated to include the construction of the Emergency Access Way and securing of necessary easement/s.*
- c) **Section 6.1 Developer / Landowner Responsibilities – Prior to commencement of use, a minimum 10,000L bulk water tanker to be provided to ensure a sufficient additional water source to assist with managing any fire to eventuate at the facility, with the tanker being available on an ongoing basis.**

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

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

**REASON:** In noting the sensitivity of the proposed land use, the panel had regard for the extensive level of assessment and scientific input that has been undertaken in relation to mitigation against adverse environmental impacts on the surrounding areas. Further, the proposal has been assessed and broadly supported by other relevant government agencies with specific environmental responsibilities.

It was noted that this new recycling facility is significantly advanced in the control of such impacts as compared to an existing nearby open pit facility currently operated by the same proponent.

Accordingly, the recommendation in the responsible authority report to approve the application with relevant conditions was adopted by a unanimous decision of the panel.

**Ian Birch**  
Presiding Member, Metro Outer DAP



**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

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

**Ian Birch**  
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

The Presiding Member noted the following Supreme Court Appeal -

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

### 2. General Business

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

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:26am.

Ian Birch  
Presiding Member, Metro Outer DAP