



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 20 November 2020; 9:30am
Meeting Number: MOJDAP/51
Meeting Venue: Via Zoom

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

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

Cr Suzanne Thompson (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Item 9.1

Cr Caroline Knight (Local Government Member, City of Mandurah)

Officers in attendance

Item 8.1

Ms Ciara Slim (City of Joondalup)
Mr Chris Leigh (City of Joondalup)
Mr Jonathan Creedon (City of Joondalup)

Item 9.1

Mr Arran Sutherland (Western Australian Planning Commission)
Ms Alice Brown (Western Australian Planning Commission)

Minute Secretary

Ms Megan Ventris (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr David Reynolds (Taylor Burrell Barnett)
Mr David Wilkins (i3 Consultants WA)
Mr Walt Coulston (CK Property Group)
Mr Darren Tempany

Item 9.1

Mr David Maiorana (Harley Dykstra Pty Ltd)

Members of the Public / Media

There were 5 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:34am on 20 November 2020 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. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Darren Lee (Local Government Member, City of Mandurah)

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 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 8.1, received on 17 November 2020. An amendment to the addendum was received on 19 November 2020 in relation to condition 22.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Suzanne Thompson, declared an Impartiality Interest in item 8.1. As part of my duties as Ward Councillor, I have met with local members of the community to hear their views on this matter and explained the JDAP process.

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 Impartiality Interest, was permitted to participate in the discussion and voting on the item.

PROCEDURAL MOTION

Moved by: Cr Suzanne Thompson

Seconded by: Cr Philippa Taylor

That the application at Item 9.1 be heard prior to the application at Item 8.1.



The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow item 9.1 to be heard prior to item 8.1.

Cr Phillipa Taylor and Cr Suzanne Thompson (City of Joondalup) left the panel at 9:37am.
Cr Caroline Knight (City of Mandurah) joined the panel at 9:37am.

7. Deputations and Presentations

- 7.1 Mr Darren Tempany addressed the DAP in support of the report recommendation, against the proposed development for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr David Reynolds (Taylor Burrell Barnett) addressed the DAP against the report recommendation, but in support of the proposed development for the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Joondalup addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Items 7.1 - 7.3 were heard prior to the application at Item 8.1.

Cr Phillipa Taylor and Cr Suzanne Thompson (City of Joondalup) joined the panel at 9:42am

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 508 & 509 (29-31) Acacia Way, Duncraig

Development Description:	Child Care Premises
Applicant:	Taylor Burrell Barnett
Owner:	Lot 508: Ms A J P Ruffino Lot 509: Mr C G Apsland
Responsible Authority:	City of Joondalup
DAP File No:	DAP/20/01841

REPORT RECOMMENDATION

Moved by: Cr Suzanne Thompson

Seconded by: Cr Philippa Taylor

1. **Refuse** DAP Application reference DAP/20/01841 and accompanying plans (dated 26 October 2020) 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, for the following reasons:

Reasons:

1. In accordance with Schedule 2, Clause 67(g) of the *Planning and Development (Local Planning Scheme) Regulations 2015* the proposed development does not comply with the provisions of the City's *Child Care Premises Local Policy* as:



- a. The proposed development is not located adjacent to non-residential uses; and
- b. the access for the proposed development is not located from a Local Distributor Road and in such a manner that discourages the use of nearby Access Roads, in this instance being Acacia Way, for turning movements.

The Report Recommendation was put and LOST (2/3).

For: Cr Suzanne Thompson
Cr Philippa Taylor

Against: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick

ALTERNATE MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Jason Hick

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

- i. That condition no. 1 be deleted and the remaining conditions be renumbered accordingly.

REASON: Condition 1 is a duplication as it is already stated in the preamble.

- ii. That condition no. 22 (now condition no. 21) be amended to read as follows:

All external fixtures and utilities (e.g. air conditioning units, piping, ducting and water tanks) shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street or integrated with the building design. ~~This includes placement of the air conditioning units within the basement car park as indicated on the approved plans.~~ Details shall be submitted to and approved by the City prior to the commencement of development.

REASON: This section of the condition does not apply to this development.

That the Metro Outer JDAP resolves to:

Approve DAP Application reference DAP/20/01841 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the *City of Joondalup Local Planning Scheme No. 3*, and pursuant to clause 24(1) and 26 of the *Metropolitan Region Scheme* subject to the following conditions:

1. This decision constitutes planning approval only and is valid for a period of two 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.
2. This approval relates to the Child Care Premises and associated works only and development shall be in accordance with the approved plan(s), any other



supporting information and conditions of approval. It does not relate to any other development on the lot.

3. The lots included shall be amalgamated prior to occupancy certification.
4. A maximum of 92 children and 15 staff on the premises at any one time.
5. The hours of operation for the centre shall be between 7:00am to 6.30pm Monday to Friday. Child Care Centre staff shall not arrive at the centre before 6:30am and be off site by 7:00pm.
6. The proposed Child Care Premises shall operate in accordance with the approved Operations Management Plan dated October 2020 to the satisfaction of the City.
7. A Noise Management Plan, addressing the impact of noise on surrounding properties is to be submitted to, and approved by the City prior to occupation of the development. The Noise Management Plan is to incorporate all recommendations of the Environmental Acoustic Assessment dated 14 August 2020 (Attachment 6).

Operation of the Child Care Premises shall then be carried out in accordance with the approved Noise Management Plan.

8. The applicant shall remove the existing crossover, including any concrete apron, and reinstate any kerbing, landscaping, footpath and/or other infrastructure to the satisfaction of the City. These works shall be completed within 28 days of the completion of construction of the new crossover.
9. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
10. Two (2) bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City.
11. A full schedule of colours and materials for all exterior parts to the building is to be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule to the satisfaction of the City.
12. The open style fencing indicated along the Acacia Way frontage shall be visually permeable (as defined in the Residential Design Codes).
13. No solid walls, fences or other structures higher than 0.75 metres shall be constructed within 1.5 metres of where the driveway meets the street boundary.
14. A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City of Joondalup for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:



'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

15. The proposed development shall be constructed to comply with the relevant provisions of *State Planning Policy 5.4: Road and Rail Noise* (and the associated Guidelines) prior to occupation of the development.
16. A Waste Management Plan indicating the method of rubbish collection is to be submitted prior to the commencement of development and approved by the City prior to the development first being occupied and thereafter implemented to the satisfaction of the City. No waste collection is permitted from the Marmion Avenue Road Reserve.
17. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and shall be prepared to the specification and satisfaction of the City. The construction works shall be undertaken in accordance with the approved Construction Management Plan.
18. Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - a. Provide landscaping that discourages the parking of vehicles within the verge;
 - b. Provide landscaping screening adjacent to the front boundary, of a sufficient height and density to reduce the visibility of the access ramping from Coolibah Drive;
 - c. Provide details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
 - d. Provide all details relating to paving and treatment of verges;
 - e. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - f. Show spot levels and/or contours of the site;
 - g. Be based on water sensitive urban design principles to the satisfaction of the City;
 - h. Be based on Designing out Crime principles to the satisfaction of the City;
 - i. Show all irrigation design details.
19. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
20. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.
21. All external fixtures and utilities (e.g. air conditioning units, piping, ducting and water tanks) shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street or integrated with



the building design. Details shall be submitted to and approved by the City prior to the commencement of development.

22. The signage shall:

- a. not be illuminated;
- b. not include fluorescent, reflective or retro reflective colours;
- c. be established and thereafter maintained of a high standard

to the satisfaction of the City.

23. All external walls of the proposed building shall be of a clean finish and shall at all times be free of vandalism, to the satisfaction of the City.

24. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

25. All development shall be contained within the property boundaries.

Advice Notes:

1. Further to condition 1, the City of Joondalup *Local Planning Scheme No. 3* defines 'Child Care Premises' as:

"premises where:

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

2. The City encourages the applicant/owner to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.

3. Any existing infrastructure/assets within the road reserve are to be retained and protected during construction of the development and are not to be removed or altered. Should any infrastructure or assets be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.

4. In regard to condition 7, any amendments to the Operations Management Plan are to be approved by the City.

5. In regard to condition 13, the Residential Design Codes define visually permeable as:

In reference to a wall, gate, door or fence that the vertical surface has:

- a. *continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
- b. *continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
- c. *a surface offering equal or lesser obstruction to view.*



as viewed directly from the street.

6. In regard to condition 16, the treatment standards as specified in the *State Planning Policy 5.4 Acoustic Assessment* (dated 12 August 2020) provided as part of the application shall be implemented to the satisfaction of the City.
7. In regard to condition 18, the construction management plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
8. All lighting to the centre is to be designed to minimise light spillage onto the surrounding residential properties and be in accordance with the requirements of Australian Standard AS1158.
9. Bin store and wash down area to be provided with a hose cock and have a concrete floor graded to an industrial floor waste connected to sewer.
10. Laundry to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
11. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
12. Development to be set up and run in compliance with the *Food Act 2008* and the *Australia New Zealand Food Standards Code*. Consideration should be given to having adequate number of sinks in the main kitchen including a dedicated food preparation sink. The applicant is encouraged to send detailed kitchen fit out plans to the City's Health Services for comment prior to lodging a certified building permit. For further information please contact Health & Environmental Services on 9400 4933.
13. Stormwater discharge (if any) shall not exceed pre-development discharge to the Marmion Avenue Road Reserve.

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

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick

Against: Cr Suzanne Thompson
Cr Philippa Taylor

REASON: The panel in majority concluded that the proposal, a discretionary use, is consistent with the land use objective of providing a range of compatible non-residential uses and is conveniently accessible to the nearby local shopping centre and schools.

Resident concerns regarding traffic impact were carefully considered however the panel was satisfied that the submitted Traffic Impact Statement (TIS), which had been reviewed and accepted by the city's engineers, was fair and accurate and found no undue impact on the local road network, including Acacia Way. Main Roads WA also assessed the TIS



and concluded no objection to the development and no adverse impact on regional road network, including Marmion and Marri Road intersection.

Although vehicular access is from a local road, contrary to the City's local planning policy the submitted TIS clearly demonstrated that traffic impacts during peak use times on the local street network can be adequately and safely accommodated.

Car parking provided on site is compliant with the local planning policy requirements and, as outlined in the Responsible Authority Report, all other development standards are either achieved or satisfy acceptable design solutions. The application has been reviewed by the Development Design Review Panel and is assessed as having adequately addressed their comments and recommendations.

Other amenity issues such as noise will be mitigated by the design and the submitted acoustic report verified that the proposal complies with noise regulations.

Whilst not adjacent to non-residential uses, as preferred in the LPP, the subject site is surrounded on three sides by roads, one being Marmion Avenue, a Primary Regional Road. The Child Care building is well set back from the one abutting residential property, to the south, with outdoor play areas located further away, on the northern side of the centre building.

The premises will provide a local facility for the surrounding residential community.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

9.1 Lot 600 on Deposited Plan 68023 (Reserve 52410) and Lot 5003 on Deposited Plan 4248 Galgoyl Road, Mandurah

Development Description:	Mandurah Station Multi Storey Car Park Complex
Proposed Amendments:	Multi-Storey Car Park Complex at Mandurah Station - Modifications to building height and car parking
Applicant:	Harley Dykstra Pty Ltd
Owner:	State of Western Australia (with a management order to the Public Transport Authority) (Lot 600) Public Transport Authority (Lot 5003)
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/19/01677

REPORT RECOMMENDATION

Moved by: Cr Caroline Knight

Seconded by: Ms Sheryl Chaffer

1. **Accept** that the DAP Application reference DAP/19/01677 as detailed on the DAP Form 2 dated 8 October 2020 is appropriate for consideration as a minor amendment to an existing development approval in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and



2. **Approve** DAP Application reference DAP/19/01677 and accompanying plans in accordance with Clause 18 of the Peel Region Scheme for the proposed minor amendment to the approved development at Lot 600 on Deposited Plan 68023 (Reserve 52410) and Lot 5003 on Deposited Plan 4248, Mandurah.

All other conditions and requirements detailed on the previous approval dated 27 November 2019 shall remain applicable.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: In accordance with the RAR assessment and recommendation. The proposed amendments to the car park are minor and will result in improved facade articulation and presentation to the street. There is no change to the building footprint or access arrangements and the additional car park spaces have no traffic impact on the surrounding road network and may encourage increased rail transport patronage.

Cr Caroline Knight (City of Mandurah) left the panel at 9:42am.

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/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/19/01575 DR 256/2019	City of Armadale	Lot 9007(76) Southampton Drive, Piara Waters	Lifestyle Village (Piara Waters Lifestyle Village)	10/12/2019
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stick Feed Grain Mill	8/09/2020
DAP/20/01738 DR 225/2020	City of Kwinana	Lot 15 Mason Road, Kwinana	Proposed Lithium Plant	7/10/2020

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 11:06am.

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