



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 25 March 2021; 1:30pm
Meeting Number: MOJDAP/77
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)
Cr Suzanne Thompson (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

Mr Jeremy Thompson (City of Joondalup)
Mr Chris Leigh (City of Joondalup)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Mr Alessandro Stagno (Apex Planning)
Mr Rob Rowell (Correda)
Mr Malcom Mackay

Members of the Public / Media

There was 1 member of the public in attendance.

Ms Tyler Brown from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:33pm on 25 March 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 27 & 28 (68 & 70) Readshaw Road, Duncraig

Development Description:	Child Care Premises
Applicant:	Apex Planning
Owner:	Lot 27: Mr G Fitzgerald & Mrs A M E Fitzgerald Lot 28: Mrs J MacDonald
Responsible Authority:	City of Joondalup
DAP File No:	DAP/20/01852



REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Ms Sheryl Chaffer

With the agreement of the mover and seconder the following amendments was made;

- (i) That Condition No. 1 be amended to read as follows;

*This decision constitutes planning approval only and is valid for a period of ~~two~~ **four** 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.*

REASON: To reflect the amendments to the DAP Regulations that came into effect on 15 February 2021 provide default 4-year approvals.

- (ii) That condition No. 17(b) be deleted, and conditions be re-alphabetised accordingly.

REASON: This condition is no longer relevant to the proposal. The revised proposal includes the removal of the ramp and its replacement with landscaping.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01852 and accompanying plans (Attachment 2) in accordance with the 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:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four 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 18 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.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



6. 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 Noise Assessment dated 21 July 2020 (Attachment 5).

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

7. The applicant shall remove the existing crossover(s), including any concrete apron(s), 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.
8. 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.
9. The car parking bays numbered 25 and 27 on the approved plans are to be unmarked and made available for use by either staff or visitors to the satisfaction of the City.
10. Three (3) bicycle parking spaces shall be designed and installed in accordance with the *Australian Standard for Parking facilities – Bicycle parking* (AS 2890.3-2015), 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. 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.
13. 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.'
14. 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.



15. 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.
16. 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.
17. 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 details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
 - c. Provide all details relating to paving and treatment of verges;
 - d. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - e. Show spot levels and/or contours of the site;
 - f. Be based on water sensitive urban design principles to the satisfaction of the City;
 - g. Be based on Designing out Crime principles to the satisfaction of the City;
 - h. Show all irrigation design details.
18. 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.
19. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.
20. 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.
21. 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.
22. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
23. All development shall be contained within the property boundaries.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



24. The signage shall:
- a. not include fluorescent, reflective or retro reflective colours;
 - b. where illuminated, use low illumination that does not flash, pulsate or chase;
 - c. be established and thereafter maintained of a high standard
- to the satisfaction of the City.

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 without approval from the City. 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. Should the applicant/owner seek to remove any street tree(s) located within the Readshaw Road and Marmion Avenue road an application to the City for approval shall be made prior to removal. Any removal costs and amenity value (as determined by the City) for the approved removal of street tree(s) shall be paid prior to commencement of development.
5. In regard to condition 16, the construction management plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
6. 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.
7. 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.



8. The development shall be designed, constructed and run in accordance with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.
9. 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.
10. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
11. 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.

AMENDING MOTION

Moved by: Cr Suzanne Thompson

Seconded by: Cr Philippa Taylor

The following amendments were made en bloc;

- (i) That a new condition no. 25 be added to read as follows:

A gate to be installed to the vehicular access, which is to remain open during the operating hours and closed outside of these operating hours, to the satisfaction of the City

REASON: To discourage access to the premises by unwanted visitors, when not occupied, avoiding potential anti-social behaviour.

- (ii) That a new condition no. 26 be added to read as follows:

The bin store is to be fully enclosed.

REASON: To provide assurance to adjoining neighbours that steps are taken to mitigate odour.

The Amending Motion was put and CARRIED UNANIMOUSLY



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01852 and accompanying plans (Attachment 2) in accordance with the 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:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four 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 18 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. 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 Noise Assessment dated 21 July 2020 (Attachment 5).

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

7. The applicant shall remove the existing crossover(s), including any concrete apron(s), 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.
8. 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.
9. The car parking bays numbered 25 and 27 on the approved plans are to be unmarked and made available for use by either staff or visitors to the satisfaction of the City.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



10. Three (3) bicycle parking spaces shall be designed and installed in accordance with the *Australian Standard for Parking facilities – Bicycle parking* (AS 2890.3-2015), 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. 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.
13. 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.'
14. 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.
15. 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.
16. 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.



17. 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 details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
 - c. Provide all details relating to paving and treatment of verges;
 - d. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - e. Show spot levels and/or contours of the site;
 - f. Be based on water sensitive urban design principles to the satisfaction of the City;
 - g. Be based on Designing out Crime principles to the satisfaction of the City;
 - h. Show all irrigation design details.
18. 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.
19. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.
20. 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.
21. 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.
22. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
23. All development shall be contained within the property boundaries.
24. The signage shall:
 - a. not include fluorescent, reflective or retro reflective colours;
 - b. where illuminated, use low illumination that does not flash, pulsate or chase;
 - c. be established and thereafter maintained of a high standardto the satisfaction of the City.
25. A gate to be installed to the vehicular access, which is to remain open during the operating hours and closed outside of these operating hours, to the satisfaction of the City.



26. The bin store is to be fully enclosed.

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 without approval from the City. 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. Should the applicant/owner seek to remove any street tree(s) located within the Readshaw Road and Marmion Avenue road an application to the City for approval shall be made prior to removal. Any removal costs and amenity value (as determined by the City) for the approved removal of street tree(s) shall be paid prior to commencement of development.
5. In regard to condition 16, the construction management plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
6. 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.
7. 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.
8. The development shall be designed, constructed and run in accordance with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.
9. 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.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



10. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
11. 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.

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

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick
Cr Philippa Taylor

Against: Cr Suzanne Thompson

REASON: As outlined in the Responsible Authority Report, the proposal is assessed as satisfying the planning operational requirements for a child care centre to be located in a residential area and architectural and landscaping revisions made to the plans in response to matters raised by the City's Design Review Panel achieve a built form outcome that is now compatible within its residential context.

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

Nil.



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/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/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 Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2:12pm.