



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 8 September 2021; 2:00pm
Meeting Number: MOJDAP/121
Meeting Venue: Electronic means

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

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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 Chris Leigh (City of Joondalup)
Ms Ashleigh Bryce (City of Joondalup)

Minute Secretary

Ms Megan Ventriss (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Mr Alessandro Stagno (Apex Planning)
Mr Sam Morrell (Keiki Early Learning)
Ms Orielle Pearce (SPH Architecture and Interiors)
Ms Renata Patroni
Ms Jacqueline Ferreira
Ms Alicia Watts
Mr Andrew Jones
Mr Carlo Famiano (CF Town Planning & Development)

Members of the Public / Media

There were 19 members of the public in attendance.

Ms Tyler Brown from Perth Now was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 2:03pm on 8 September 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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



1.1 Announcements by Presiding Member

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

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

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

DAP Member, Cr Philippa Taylor, declared an Impartiality Interest in item 8.1. Cr Taylor recognises the name of one of the presenters as they are both members of Mullaloo Surf Club.

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.



7. Deputations and Presentations

- 7.1 Ms Renata Patroni addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.2 Mr Andrew Jones addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Ms Jacqueline Ferreira addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Ms Alicia Watts addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.5 Mr Carlo Famiano (CF Town Planning & Development) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 Ms Sam Morrell (Keiki Early Learning) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.7 Ms Orielle Pearce (SPH Architecture) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.8 Mr Alessandro Stagno (Apex Planning) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.9 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 Lot 643 (20) Stanford Road and Lot 642 (104) Mullaloo Drive, Kallaroo

Development Description: Child Care Premises
Applicant: Apex Planning
Owner: Mrs Lynette Elliott (Lot 643); Ms Wendy Pearce & Mr Anthony McNamara (Lot 642)
Responsible Authority: City of Joondalup
DAP File No: DAP/21/02000

*Mr Ian Birch left the panel at 4:12pm.
Mr Ian Birch joined the panel at 4:15pm.*



REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Cr Suzanne Thompson

That the Metro Outer JDAP resolves to:

1. **Refuse** DAP Application reference DAP/21/02000 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*, 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 Planning Policy* as:
 - a. the proposed development is not located adjacent to non-residential uses;
 - 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 Stanford Road, for turning movements; and
 - c. there do not appear to be any exceptional circumstances which would warrant the use of the Access Road, in this instance being Stanford Road, for vehicle access.
2. The proposed development does not satisfy the matters to be considered under clause 67(g), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, the development does not comply with the City's *Child Care Premises Local Planning Policy* as the proposed development is not located adjacent to non-residential uses and will have an undue impact on residential amenity.
3. The proposed development does not satisfy the matters to be considered under clause 67(m), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the scale of the development is not compatible with the adjoining residential land.
4. The proposed development does not satisfy the matters to be considered under clause 67(zc), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposed development does not adequately consider the advice of the Joondalup Design Reference Panel in relation to height, bulk, scale, orientation and appearance of the development.

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

Mr Ian Birch
Presiding Member, Metro Outer JDAP



For: Mr Ian Birch
Cr Philippa Taylor
Cr Suzanne Thompson

Against: Ms Sheryl Chaffer
Mr Jason Hick

REASON: By majority, the panel accepted the assessment in the Responsible Authority Report and supported the recommendation that the application be refused.

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
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021

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 4:42pm.

A handwritten signature in cursive script, appearing to read 'Ian Birch'.

Mr Ian Birch
Presiding Member, Metro Outer JDAP