



## **Metro Outer Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Monday, 20 June 2022; 9:00am  
**Meeting Number:** MOJDAP/182  
**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)

#### *Item 8.1*

Cr Adrian Hill (Local Government Member, City of Joondalup)  
Cr Nige Jones (Local Government Member, City of Joondalup)

#### *Item 8.2*

Mayor Carol Adams (Local Government Member, City of Kwinana)  
Cr Matthew Rowse (Local Government Member, City of Kwinana)

### **Officers in attendance**

#### *Item 8.1*

Mr Tim Thornton (City of Joondalup)  
Mr Chris Leigh (City of Joondalup)  
Mr Graham Catchpole (City of Joondalup)

#### *Item 8.2*

Mr Jared Veenendaal (City of Kwinana)  
Mr Paul Neilson (City of Kwinana)  
Ms Asha Logan (City of Kwinana)

### **Minute Secretary**

Ms Ashlee Kelly (DAP Secretariat)  
Mr Stephen Haines (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Alex Watson (CLE Town Planning & Design)  
Mr Shaun Bain (KBH Group of Companies)

#### *Item 8.2*

Mr Alessandro Stagno (Apex Planning)  
Mr Stefan Piruk (OTB Developments)

### **Members of the Public / Media**

Ms Tyler Brown from PerthNow was in attendance.

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

The Presiding Member declared the meeting open at 9.01am on 20 June 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

  
Mr Ian Birch  
Presiding Member, Metro Outer JDAP



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 516 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**

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Matthew Rowse and Mayor Carol Adams, declared that he participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Rowse and Mayor Adams acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the item.



## 7. Deputations and Presentations

- 7.1 Mr Alex Watson (CLE Town Planning + Design) and Mr Shaun Bain (KBH Group of Companies) 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 panel in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.***

- 7.3 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.4 The City of Kwinana officers addressed the panel in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Item 7.2 – 7.3 were heard prior to the application at Item 8.2.***

## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 101 (No.43) Winton Road, Joondalup

Development Description: Warehouse/Storage (Self Storage Facility)  
Applicant: CLE Town Planning  
Owner: Shawn Bain & Nathan Hewitt  
Responsible Authority: City of Joondalup  
DAP File No: DAP/22/02190

### REPORT RECOMMENDATION

**Moved by:** Cr Nige Jones

**Seconded by:** Cr Adrian Hill

That the Metro-Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02190 and accompanying plans (Attachment 2 refers) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup Local Planning Scheme No. 3, subject to the following conditions:

### 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. This approval relates to the Warehouse/Storage (self-storage facility) 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.
4. 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.
5. 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.
6. A full schedule of colours and materials for all exterior parts to the development, including the patterned treatment of the eastern boundary wall, shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
7. 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 all details relating to paving and treatment of verges;
  - b. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - c. Show spot levels and/or contours of the site;
  - d. Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - e. Indicate the proposed species selection and plant densities;
  - 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.
8. 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.



9. 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.
10. Revised plans shall be submitted to replace staff bay 23 with landscaping. Details of the modifications shall be submitted to and approved by the City prior to commencement of development and shall be constructed to the satisfaction of the City prior to occupation of the development. Development shall be in accordance with these approved details.
11. The car parking bays, including the modifications identified in condition 10, driveways and/or access points/crossovers 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 and thereafter maintained to the satisfaction of the City.
12. Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, shall be located to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings to the satisfaction of the City. Details, including a roof plan, shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.
13. A Lighting Plan shall be submitted to the City for approval prior to the commencement of construction. The Lighting Plan shall include details on lighting to the car parking areas, spaces internal to the building, lighting associated with any signage and the access/egress points to the site to the satisfaction of the City. Lighting shall be installed and thereafter maintained in accordance with the approved Lighting Plan.
14. The signage shall:
  - use low illumination that does not flash, pulsate or chase;
  - not include fluorescent, reflective or retro reflective colours;
  - be established and thereafter maintained to a high standard to the satisfaction of the City.
15. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
16. All development shall be contained within the property boundaries.



## Advice Notes

1. Further to condition 3, the City of Joondalup *Local Planning Scheme No. 3* defines 'Warehouse/ Storage' as  
  
*"premises including indoor or outdoor facilities used for:*
  - a. the storage of goods, equipment, plant or materials; or*
  - b. the display or sale by wholesale of goods."*
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. The Construction Management Plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
5. 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.
6. The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at [www.joondalup.wa.gov.au/wp-content/uploads/2021/10/Street-Verge-Guidelines-2021.pdf](http://www.joondalup.wa.gov.au/wp-content/uploads/2021/10/Street-Verge-Guidelines-2021.pdf)

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

**REASON:** The proposed use is consistent with those planned for this part of the Joondalup Activity Centre. As outlined in the Responsible Authority Report, through the planning assessment and design review process, the submitted plans have been modified to satisfy scheme development standards or related performance measures where variations are sought. The RAR recommendation to approve the application, with conditions, is supported.

*Cr Nige Jones and Cr Adrian Hill (Local Government Members, City of Joondalup) left the panel at 9.15am.*

*Mayor Carol Adams and Cr Matthew Rowse (Local Government Members, City of Kwinana) joined the panel at 9.15am.*



## 8.2 Lot 501 (No.214) Bertram Road, Wellard

Development Description: Child Care Centre  
Applicant: Apex Planning  
Owner: Parcel Wellard Pty Ltd  
Responsible Authority: City of Kwinana  
DAP File No: DAP/22/02193

### REPORT RECOMMENDATION

**Moved by:** Mayor Carol Adams

**Seconded by:** Cr Matthew Rowse

*With the agreement of the mover and seconder the following amendment was made to the report recommendation:*

*That Condition No. 3a be amended to read as follows:*

*The requirements of Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:*

- a. ~~*Prior to the lodgement of a building permit application,*~~ **The owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5 the approved Public Art must be installed on site to the satisfaction of the City of Kwinana **prior to the use or occupation of the development, or****

That the Metro-Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02193 and accompanying plans:  
Drawing No: DA00 (Rev A) – Location Plan  
Drawing No: DA01 (Rev B) – Site Plan  
Drawing No: DA02 (Rev B) – Floor Plans  
Drawing No: DA03 (Rev B) – Elevation Plans  
Drawing No: DA04 (Rev B) - Perspectives  
in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Clause 6.1 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 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 requirements of Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - a. The owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5. Prior to the use or occupation of the development, the approved Public Art must be installed on site to the satisfaction of the City of Kwinana prior to the lodgement of a building permit application; or
  - b. Prior to the commencement of works, the owner/applicant shall provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana in lieu of installing Public Art on site to the satisfaction of the City of Kwinana.
4. Prior to the lodgement of a building permit application, amended plans showing additional design features and materials on the north-eastern façade (facing Bertram Road) are to be submitted and approved to the satisfaction of the City of Kwinana.
5. Prior to the lodgement of a building permit application, 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.
6. Prior to the lodgement of a building permit application, detailed civil drawings for the Tamblyn Place widening and median extension are to be submitted to the City of Kwinana for review and approval. Construction works in accordance with the approved civil drawings are to be completed prior to occupation of the development, at the landowner's cost to the satisfaction of the City of Kwinana.
7. Prior to the lodgement of a building permit application, a Waste Management Plan (WMP) shall be submitted to the City of Kwinana for approval. The WMP shall detail the storage, collection and disposal locations and methods of waste and recyclable materials and be implemented to the satisfaction of the City of Kwinana.
8. Prior to the lodgement of a building permit application, a detailed Landscaping Plan is required to be submitted to the City of Kwinana for approval. The approved landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.
9. Prior to the lodgement of a building permit application, detailed civil drawings for the crossovers, footpaths/shared paths and car parking embayment's, as generally depicted on the approved plans, are to be submitted to the City of Kwinana for review and approval. Construction works in accordance with the approved civil drawings are to be completed prior to occupation of the development, at the landowner's cost to the satisfaction of the City of Kwinana.
10. Prior to the lodgement of a building permit application, the applicant/landowner is to submit a revised plan of subdivision to the Western Australian Planning Commission showing the subject Child Care Centre site as a single lot on a separate certificate of title.



11. Prior to occupation of the development, the new internal road and intersection connection between the development site and Bertram Road, as generally depicted on the approved plans, is to be constructed and gazetted in accordance with the approved subdivision (WAPC Reference: 159997) or other applicable subdivision approval, to the satisfaction of the City of Kwinana.
12. Prior to occupation of the development, the landowner shall register an emergency access way easement in favour of the City of Kwinana over the subject land, pursuant to sections 195 and 196 of the *Land Administration Act 1997*, for the purpose of securing a temporary public emergency access way to Tamblyn Place in accordance with the approved plans. The deed of easement shall ensure that unrestricted access remains available for use for the public. The easement shall be prepared and registered by the City's solicitors at the cost of the landowner on terms satisfactory to the City of Kwinana.
13. Prior to occupation of the development, vehicle parking bays are to be constructed in accordance with AS2890, clearly marked on the ground and drained to the satisfaction of the City of Kwinana.
14. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
15. The recommendations in the Environmental Noise Assessment prepared by Lloyd George Acoustics (dated 11 February 2022) shall be implemented in the design, construction and ongoing operation of the development at all times, including but not limited to:
  - a. no outdoor children's play prior to 7am;
  - b. fencing constructed and maintained to the minimum specifications; and,
  - c. the siting, screening and/or operation of mechanical plant to minimise off-site noise impacts;to the satisfaction of the City of Kwinana. Any building or design requirements are to be shown as part of the building permit application.
16. Prior to occupation of the development, the subject site is to be connected to a suitable sewerage service, to the satisfaction of the City of Kwinana in consultation with the Water Corporation.
17. All fencing within the street setback areas shall be visually permeable above 1.2 metres above natural ground level, measured from the street side of the fence as per Clause 5.2.4 of the Residential Design Codes and maintained thereafter to the satisfaction of the City of Kwinana.
18. Operating hours for the Childcare Centre are limited to between 6:30am to 6:30pm, Monday to Friday.



## Advice Notes

1. In relation to the requirement for a detailed Landscaping Plan, the applicant is advised that the Landscaping Plan should include:
  - i. the proposed species of plants to be used;
  - ii. the proposed densities of plants to be used;
  - iii. the anticipated height of each plant at maturity;
  - iv. the spacing of each species;
  - v. the location of existing vegetation; and,
  - vi. the proposed reticulation layout.
2. The 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 application.
3. The applicant is advised that the proposal 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* and *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
4. 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.
5. 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.
6. The applicant is advised that under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. You are advised to contact the Department of Water and Environment Regulation for further information, prior to commencing works on site.

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

**REASON:** The proposed Child Care Centre is suitably located and will add an important community service within this developing residential area. As outlined in the Responsible Authority Report, the development has been assessed as satisfying relevant planning requirements and performance standards where discretion is sought. Supporting technical reports concerning traffic impact, provision for onsite parking, noise management and bushfire protection have been reviewed and generally accepted by City officers as capable of satisfying related regulatory standards. Measures to mitigate against amenity impacts on existing and future residents are suitably covered in the proposal, together with appropriate conditions of approval.



**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 -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022

**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 9.37am.