



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 17 October 2022; 1:00pm
Meeting Number: MOJDAP/202
Meeting Venue: Electronic Means

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

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	3
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	5
8.1	Lot 9012 Anketell Road, Anketell.....	5
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	8
9.1	73 Kingsley Drive (Lot 667) and 22 Woodford Wells Way (Lot 666), Kingsley 8	
10.	State Administrative Tribunal Applications and Supreme Court Appeals	9
11.	General Business.....	9
12.	Meeting Closure	9



Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)

Item 8.1

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

Item 9.1

Cr Tom McLean (Local Government Member, City of Joondalup)
Cr Nige Jones (Local Government Member, City of Joondalup)

Officers in attendance

Item 8.1

Mr Jared Veenendaal (City of Kwinana)
Mr Paul Neilson (City of Kwinana)

Item 9.1

Ms Cathrine Temple (City of Joondalup)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Alessandro Stagno (Apex Planning)
Mr Rob Rowell (CPG Anketell Pty Ltd)
Ms Vivian Zhang (CPG Anketell Pty Ltd)

Item 9.1

Mr Trent Will (Taylor Burrell Barnett)

Members of the Public / Media

Nil.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 13:02pm on 17 October 2022 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

Ms Karen Hyde (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

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, Ms Karen Hyde, declared an Indirect Pecuniary Interest in item 9.1. Ms Hyde works as a consultant for Taylor Burrell Barnett, is salaried and not a shareholder. Ms Hyde therefore has an indirect pecuniary conflict of interests with any JDAP matter where Taylor Burrell Barnett is involved.

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 an Indirect Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.



In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Carol Adams and Cr Matthew Rowse, declared that they participated in a prior Council meeting in relation to the applications at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Adams and Cr Rowse acknowledged that they are not bound by any previous decision or resolution of the local government and undertake 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 have disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the items.

PROCEDURAL MOTION

Moved by: Mr Eugene Koltasz

Seconded by: Mr John Syme

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 the less complex Form 2 application from the City of Joondalup to be heard before the Form 1 application from the City of Kwinana

Cr Carol Adams and Cr Matthew Rowse (Local Government Members, City of Kwinana) left the panel at 13:06pm.

Cr Tom McLean and Cr Nige Jones (Local Government Members, City of Joondalup) joined the panel at 13:06pm.

7. Deputations and Presentations

- 7.1** Mr Trent Will (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 9.1.

The presentation at Item 7.1 was heard prior to the application at Item 9.1.

- 7.2** 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.

- 7.3** The City of Kwinana addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.2 – 7.3 were heard prior to the application at Item 8.1.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 9012 Anketell Road, Anketell

Development Description: Medical Clinic
Applicant: Alessandro Stagno - Apex Planning
Owner: CPG Anketell Pty Ltd
Responsible Authority: City of Kwinana
DAP File No: DAP/22/02266

REPORT RECOMMENDATION

Moved by: Cr Carol Adams

Seconded by: Cr Matthew Rowse

With the agreement of the mover and the seconder, the following amendment was made to Condition 6:

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. 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; 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.*

REASON: The Panel considered that it was appropriate and gave greater flexibility in the choice of Public Art if the proponent could submit their proposal prior to the commencement of works.

That the Metro-Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02193 and accompanying plans:

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.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



3. Prior to the lodgement of a building permit application, detailed drawings shall be submitted to the City of Kwinana detailing the design of the stormwater drainage system. The stormwater drainage system shall be designed, constructed, and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, May 2022) to the satisfaction of the City of Kwinana on advice from the Department of Water and Environmental Regulation.
4. Prior to the lodgement of a building permit application, a Landscaping Plan is to be submitted to the City of Kwinana for approval that includes the following:
 - a. Trees provided in the rear car parking area at a rate of 1 per 4 car bays
 - b. Trees within the two-metre landscaping strip adjacent to the Anketell Road reserve to be *Agonis Flexuosa* (or similar), to the satisfaction of the City of Kwinana.
5. Prior to the lodgement of a building permit application, details of lighting for the access and parking areas shall be submitted to and approved by the City of Kwinana. Pedestrian pathways, car parking areas and communal areas shall be suitably lit in accordance with the applicable Australian Standards to the satisfaction of the City of Kwinana.
6. 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; 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.
7. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
8. Prior to occupation of the development, the landowner/applicant shall contribute towards development infrastructure provisions pursuant to the City of Kwinana Local Planning Scheme No.2.
9. Prior to occupation of the development, vehicle and pedestrian access shall be provided via a public access easement to a gazetted road in accordance with the approved subdivision plan (WAPC reference: S158005) and constructed to the specifications and satisfaction of the City of Kwinana.
10. Prior to occupation of the development, the landowner shall register a public access easement in favour of the City of Kwinana over the land the subject of the development, pursuant to sections 195 and 196 of the Land Administration Act 1997, for the purpose of securing public access over the area depicted on the approved plans including driveways and parking areas. The deed of easement shall ensure that parking and unrestricted access on the Land 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.



11. Prior to occupation of the development, landscaping shall be installed on the site in accordance with the approved Landscaping Plans and maintained thereafter to the satisfaction of the City of Kwinana.
12. Prior to occupation of the development, all trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications and maintained thereafter to the satisfaction of 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. 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.
15. Operating hours for the development are limited to between 8am – 6pm, Monday to Saturday and 9am - 4pm on Sundays.
16. A minimum of 50% of each window facing Anketell Road is to be clear glazing to the satisfaction of the City of Kwinana.
17. 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

Advice Notes

1. In relation to Condition 8, access is to be provided as per the Traffic Impact Statement dated 31 August 2022, prepared by Carmeron Steel – specifically section 3.1.
2. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986* and Regulations, *Health (Miscellaneous Provisions) Act 1911* and associated Regulations, the *Environmental Protection (Noise) Regulations 1997* and the National Construction Code.
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.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that the proposal is consistent with the objectives of the local planning framework and will provide for a much-needed amenity to a fast-growing locality.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Cr Tom McLean and Cr Nige Jones (Local Government Members, City of Joondalup) left the panel at 13:09pm.

Cr Carol Adams and Cr Matthew Rowse (Local Government Members, City of Kwinana) joined the panel at 13:09pm.

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

9.1 73 Kingsley Drive (Lot 667) and 22 Woodford Wells Way (Lot 666), Kingsley

Development Description: Child Care Premises
Proposed Amendments: Amendment to condition 6 of the determination notice.
Applicant: Trent Will - Taylor Burrell Barnett
Owner: Perpetual Corporate Trust Limited of Angel Place & S L Reid
Responsible Authority: City of Joondalup
DAP File No: DAP/21/02016

REPORT RECOMMENDATION

Moved by: Cr Tom McLean

Seconded by: Cr Nige Jones

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02016 as detailed on the DAP Form 2 dated 15 July 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/21/02016 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*, to modify condition 6 of the approval dated 28 February 2022 for Child Care Premises at Lot 667 (73) Kingsley Drive and Lot 666 (22) Woodford Wells Way, Kingsley as follows:

Existing Condition 6

6. The hours of operation for the centre shall be between 7:00am to 6.00pm Monday to Friday, and 8:00am to 1:00pm Saturdays. Staff are permitted on site up to 30 minutes before and after these operating hours

To be replaced with New Condition 6

6. The hours of operation for the centre shall be between 7:00am to 6.30pm Monday to Friday, and 8:00am to 1:00pm Saturdays. Staff are permitted on site up to 30 minutes before and after these operating hours.



Additional condition

23. The lighting in the carpark shall meet AS1158.3.1:1999 – Public lighting and AS4282-1997 – Control of the obtrusive effects of outdoor lighting and operational prior to occupation of the development.

All other conditions and requirements detailed on the previous approval dated 28 February 2022 shall remain unless altered by this application.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The extension of opening hours until 6.30pm was considered appropriate by the Panel as it offers greater flexibility for parents and guardians to pick up children after work especially if they must attend after the previously approved 6.00pm closing time. In recognition of the later closing time a new condition was introduced to ensure that lighting in the car park was to Australian standards to control the obtrusive effects on neighbouring and nearby properties.

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02148 DR146/2022	City of Rockingham	Lot 53 (No 67) Folly Road, Baldivis	Proposed place of worship (Hindu Temple)	26/08/2022

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 13:18pm.