



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 20 February 2023; 9:30am
Meeting Number: MOJDAP/230
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.....	5
8. Form 1 – Responsible Authority Reports – DAP Applications.....	5
8.1 8 Elcar Lane, Joondalup	5
8.2 Lot 141 & Lot 22 Talbot Road, Hazelmere	7
9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	11
9.1 Lot 1001, (No.25) Peverett Lane, Lot 200 & 210 Thomas Road Oakford ...	11
10. State Administrative Tribunal Applications and Supreme Court Appeals ...	12
11. General Business.....	12
12. Meeting Closure	12

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

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

Item 8.2

Cr Rod Henderson (Local Government Member, City of Swan)
Cr Charlie Zannino (Local Government Member, City of Swan)

Item 9.1

Cr Michelle Rich (Local Government Member, Shire of Serpentine Jarrahdale)
Cr Lauren Strange (Local Government Member, Shire of Serpentine Jarrahdale)

Officers in attendance

Item 8.1

Ms Cathrine Temple (City of Joondalup)

Item 8.2

Mr Phil Russell (City of Swan)

Item 9.1

Mr Ashwin Nair (Shire of Serpentine Jarrahdale)

Minute Secretary

Mr Stephen Haines (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr James McCallum (Taylor Burrell Barnett)
Mr Evan Logan (Emergen)
Mr Lou Di Virgilio (Lou Di Virgilio Designs)
Mr Tony Di Florio

Members of the Public / Media

There were 5 members of the public in attendance.

Ms Nadia Budihardjo from Perth Business News was in attendance.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 20 February 2023 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)

3. Members on Leave of Absence

DAP Member, Ms Karen Hyde has been granted leave of absence by the Director General for the period of 10 February 2023 to 24 February 2023 inclusive.

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 20 February 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Jason Hick, declared an Indirect Pecuniary Interest in item 8.2. Mr Hick works for Emerge, who provided supporting environmental consultancy works.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



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 Members, Cr Rod Henderson and Cr Charlie Zannino, declared that they 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 Henderson and Cr Zannino 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 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Lauren Strange and Cr Michelle Rich, declared that they participated in a prior Council meeting in relation to the application at item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Rich and Cr Strange 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 item.

PROCEDURAL MOTION

Moved by: Cr Tom McLean

Seconded by: Cr Nige Jones

That the applications at Items 9.1 and 8.2 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow items 9.1 and 9.2 to be dealt with expeditiously as Item 8.1 was likely to require the most amount of discussion.

Cr Tom McLean and Cr Nige Jones (Local Government Members, City of Joondalup) left the panel at 9:38am.

Cr Lauren Strange and Cr Michelle Rich (Local Government Members, Shire of Serpentine Jarrahdale) joined the panel at 9:38am.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



7. Deputations and Presentations

- 7.1 Mr James McCallum (Taylor Burrell Barnett) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Lou Di Virgilio – (Lou Di Virgilio Designs) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Tony Di Florio addressed the DAP against the recommendation for the application at Item 8.1.
- 7.4 Mr Evan Logan (Emergen) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 The Panel noted a written submission from Dr Leighton Jay (Sotica) in support of the recommendation for the application at Item 8.1.
- 7.6 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 Item 7.1 – 7.6 were heard prior to the application at Item 8.1.

- 7.7 The City of Swan addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentation at Item 7.7 was heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 8 Elcar Lane, Joondalup

Development Description:	Two Storey Mixed Used Development
Applicant:	Taylor Burrell Barnett
Owner:	Mr A Botros
Responsible Authority:	City of Joondalup
DAP File No:	DAP/22/02346

REPORT RECOMMENDATION

Moved by: Cr Tom McLean

Seconded by: Cr Nige Jones

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



That the Metro-Outer JDAP resolves to:

1. **Refuse** DAP Application reference DAP/22/02346 and accompanying plans (dated 16 January 2023) 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 Clause 67(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not meet the element objectives of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments due to the following:
 - Element 2.2 Building height: the height of the development does not respond to the desired future scale and character of the street and local area which is set out in the Joondalup Activity Centre Plan as being a minimum roof height of 13.5 metres and maximum roof height of 45 metres.
 - Element 2.4 Side and rear setbacks: the boundary setbacks do not provide for adequate separation between the upper floor balconies and neighbouring properties.
 - Element 3.5 Visual Privacy: the screening to the upper level apartments will have a negative impact on the liveability of internal and external spaces by way of reduced solar access, ventilation and outlook.
 - Element 4.1 Solar and daylight access: private open space for various units will receive limited direct sunlight in winter with existing concrete walls obstructing sunlight to spaces with north western orientation.
 - Element 4.2 Natural ventilation: the lower level apartments do not have satisfactory natural ventilation, relying on openings to car parking areas.
 - Element 4.4 Private open space and balconies: the siting, orientation and design of the balconies makes them reliant on the use of screening which does not enhance the liveability or amenity for residents.
 - Element 4.12 Landscape design: the location and design of the landscaping will not provide visual appeal or an attractive outlook for residential units.
2. In accordance with Clause 67(m and n) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with the development on adjoining land and will lead to adverse impacts on future users due to the layout of the development comparable to existing adjoining buildings.
3. In accordance with Clause 67(h) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with the objectives of the Joondalup Activity Centre Plan due to the following:
 - The development is not of a scale that is anticipated by the Joondalup Activity Centre Plan nor does it facilitate the high density residential development within the city centre.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



REASON: While the panel is supportive of repurposing of buildings and sustainability development, in this instance there was concern that the dwellings created through the re-use of the building would lack liveability in terms of access to natural light, sunlight and ventilation.

8.2 Lot 141 & Lot 22 Talbot Road, Hazelmere

Development Description: Proposed Industrial Warehouse and Ancillary Uses
Applicant: Talbot Road Pty Ltd
Owner: Talbot Road Pty Ltd
Responsible Authority: City of Swan
DAP File No: DAP/22/02329

REPORT RECOMMENDATION

Moved by: Cr Rod Henderson

Seconded by: Cr Charlie Zannino

With the agreement of the mover and seconder, the following change was made:

That Condition No. 12 a. be amended to read as follows:

*The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density, **for the purpose of ensuring they are of a safe distance from buildings;***

REASON: There was concern that the proposed large trees at the entrance to the development would become a nuisance in the long term with the shedding of seedpods and leaves, and that such trees would be better placed in the rear of the development where there is less movement.

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/22/02329 and Accompanying Plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 26 of the Metropolitan Region Scheme and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

Conditions

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
2. This approval is for a 'Warehouse' as defined under the City of Swan's Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lots.
4. Prior to occupation or use of the development, 127 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
5. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
6. Prior to a building permit being issued, an easement in gross in favour of the City of Swan for the purpose of reciprocal access shall be provided on the title of Lot 141 and Lot 22 Talbot Road, Hazelmere. The easement will be located on the boundary as shown on the approved plans. The applicant shall pay all costs associated with preparing all documentation and lodgement of the easement on the title.
7. Heavy Vehicles associated with the development proposal are restricted to a maximum length of 27.5m, until such time as the local road network has undergone widening and upgrades, and approval is gained from Main Roads WA to upgrade the Restricted Access Vehicle route to RAV7.
8. The Development shall be connected to reticulated sewer or otherwise provided with an onsite effluent disposal system approved by the Department of Health to accommodate a daily volume of wastewater not exceeding 540 litres per 2,000m² of site area.
9. Stormwater is to be contained onsite to the satisfaction of the City of Swan.
10. Prior to a building permit being issued, detailed stormwater management plans, generally in accordance with the approved site plan for onsite drainage, including details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
11. No fluid other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



12. Prior to a building permit being issued, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to, the satisfaction of the City of Swan, and must include the following:
 - a. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density, for the purpose of ensuring they are of a safe distance from buildings;
 - b. Any lawns to be established;
 - c. Any existing vegetation and/or landscaped areas to be retained;
 - d. Any verge treatments;
 - e. Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties.
13. All landscaping must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan.
14. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of development.
15. Wash down bays where petrol, other hydrocarbons or similar matter is likely to be discharged must be constructed in accordance with Water Corporation guidelines. In particular bays should be bunded and graded to trap all waste which then passes through an approved petrol and oil separator before being discharged to sewer. External wash down bays greater than 20m² are to be roofed.
16. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping all wastes.
17. Where sewer is not available treated liquid wastes shall be disposed of onsite in a manner outlined in the Department of Water's Water Quality Protection Note WQPN 68 (Mechanical Equipment Washdown) dated March 2006.
18. All crossovers must be built and maintained in accordance with the City of Swan's specifications.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



19. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, by either:
 - a. Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$150,000). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b. Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$150,000). The following is required for the provision of Public Art on-site:
 - i. the landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;
 - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
 - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
20. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
21. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
22. This approval does not constitute approval for signage on the premises.
23. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
24. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Swan.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is considered to be appropriate in this locality and the conditions adequately ensure that the development addressed any concerns raised.

Cr Charlie Zannino and Cr Rod Henderson (Local Government Members, City of Swan) left the panel at 9:49am.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Mr Jason Hick (Third Specialist Member), Cr Tom McLean and Cr Nige Jones (Local Government Members, City of Joondalup) joined the panel at 9:49am.

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

9.1 Lot 1001, (No.25) Peverett Lane, Lot 200 & 210 Thomas Road Oakford

Development Description: Development of a 29.7MW Solar Farm
Proposed Amendments: Extension of time which approval must be substantially commenced
Applicant: Harley Dykstra Pty Ltd
Owner: Electricity Network Corporation/ Scarlet Brook Pty Ltd
Responsible Authority: Shire of Serpentine Jarrahdale
DAP File No: DAP/16/01067

REPORT RECOMMENDATION

Moved by: Cr Lauren Strange

Seconded by: Cr Michelle Rich

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/16/01067 as detailed on the DAP Form 2 dated 19 December 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/16/01067 and accompanying plans 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 Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Solar Farm ('Use Not Listed') at Lot 200 Thomas Road, Lot 1001 Peverett Lane and Lot 210 Abernethy Road, Oakford, subject to the following conditions:
 1. *The development hereby approved must be substantially commenced by 7 June 2023*

All other conditions and requirements detailed on the previous approval dated 7 December 2016 shall remain unless altered by this application.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is considered to be appropriate for the locality and it is important that it is completed within the approved timeframe, The extension of time for substantial commencement was therefore supported.

Mr Jason Hick (Third Specialist Member), Cr Michelle Rich and Cr Lauren Strange (Local Government Members, Shire of Serpentine Jarrahdale) left the panel at 9:41am.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Cr Charlie Zannino and Cr Rod Henderson (Local Government Members, City of Swan) joined the panel at 9:41am.

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/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022
DAP/21/02036 DR236/2022	City of Swan	Lot 97 (31) & 817 (47) Lakes Road, Hazelmere	Proposed Construction of a Logistics Depot with Ancillary Office Area	23/12/2022

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 10:39am.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP