



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 29th May 2023; 11:00am
Meeting Number: MOJDAP/251
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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Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Lindsay Baxter (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1a & 8.1b

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

Item 8.2

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

Officers in attendance

Item 8.1a

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

Item 8.1b

Ms Lucy Lefroy (Western Australian Planning Commission)
Mr Cale Luxton (Western Australian Planning Commission)

Item 8.2

Ms Cathrine Temple (City of Joondalup)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Item 8.1a & 8.1b

Mr Josh Watson (Planning Solutions)
Ms Melanie Cox (Planning Solutions)
Mr Dom Watson (Synergy)
Ms Emma Jones (Synergy)
Mr Anle Tieu (Synergy)

Item 8.2

Mr Christian Hartfield (Silver Thomas Hanley Architects)
Mr Basil Vogas (Silver Thomas Hanley Architects)

Members of the Public / Media

Mr Christopher Tan from Perth Now and Ms Claire Tyrrell from Business News were 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 11:02am on 29 May 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

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 Member, Cr Matthew Rowse and Mayor Carol Adams, declared that they participated in a prior Council meeting in relation to the application at item 8.1. 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.

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 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 Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1.

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

The presentation at Items 7.1 – 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Christian Hartfield (Silver Thomas Hanley Architects) 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 Joondalup addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1a Lot 22 Weston Street, Naval Base

Development Description:	Battery Energy Storage System - Stage 2
Applicant:	Planning Solutions
Owner:	Electricity Generation & Retail Corporation
Responsible Authority:	City of Kwinana
DAP File No:	DAP/22/02441

REPORT RECOMMENDATION

Moved by: Mayor Carol Adams
Baxter

Seconded by: Ms Lindsay

With the agreement of the mover and the seconder, the following changes were made:

That Condition No. 1 be amended to read as follows:

~~*Prior to the lodgement of a Building Permit, detailed plans for the proposed Noise Wall located on the Weston Street boundary (as indicated on the approved plans) must be submitted to the City of Kwinana for approval. The approved Noise Wall is to be constructed prior to occupation or use of the development and thereafter maintained in accordance with the approved plans to the satisfaction of the City of Kwinana.*~~

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Prior to the lodgement of a Building Permit:

- a) detailed plans for the proposed noise wall located on the Weston Street boundary as per the recommendations of the Environment Noise Report prepared by GHD (3 April 2023); or***
b) details of alternative recommendations(s) in any updated Environmental Noise Assessment, which may or may not require the proposed noise wall.

Either the approved noise wall is to be constructed or the approved alternative measure are to be implemented, prior to the operation of the development and thereafter maintained in accordance with the approved plans to the satisfaction of the City of Kwinana.

REASON: The applicant is in the process of investigating the types of battery system and there may be systems which do not generate significant noise or where the noise can largely be contained on site. The condition as re-phrased allows flexibility to determine whether a noise wall is warranted to the satisfaction of the City of Kwinana.

That Condition No. 4 be amended to read as follows:

Prior to ~~occupation or use~~ the operation 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.

REASON: It was accepted that the proposed development is not of a type which is "occupied" or "inhabitable". Accordingly, the word "operation" better reflects the nature of the development and compliance with the condition can be achieved.

That the Metro-Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02441 and accompanying plans (Attachments 2 to 8 inclusive) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 5.1 of the City of Kwinana Local Planning Scheme No. 2, subject to the following conditions:

Conditions

1. Prior to the lodgement of a Building Permit:
 - a) detailed plans for the proposed noise wall located on the Weston Street boundary as per the recommendations of the Environment Noise Report prepared by GHD (3 April 2023); or
 - b) details of alternative recommendations(s) in any updated Environmental Noise Assessment, which may or may not require the proposed noise wall.

Either the approved noise wall is to be constructed or the approved alternative measure are to be implemented, prior to the operation of the development and thereafter maintained in accordance with the approved plans to the satisfaction of the City of Kwinana.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



2. Prior to the commencement of works, a Construction Management Plan is to be submitted to and approved by the City of Kwinana, addressing but not limited to:
 - a) hours of demolition/construction;
 - b) temporary fencing;
 - c) traffic management including a Traffic Management Plan addressing site access and egress and parking arrangements for staff and contractors;
 - d) management of vibration and dust;
 - e) management of construction noise and other site generated noise.
3. Prior to the commencement of works, a detailed Drainage and Stormwater Management Plan that demonstrates the onsite retention of stormwater drainage is to be submitted to the City of Kwinana for approval. The approved Drainage and Stormwater Management Plan must be implemented onsite thereafter to the satisfaction of the City of Kwinana.
4. Prior to the operation 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.
5. The proponent shall implement dust control measures for the duration of site and construction works and for the ongoing operation of the development to the satisfaction of the City of Kwinana.

Advice Notes

- i. 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.
- ii. In relation to the Drainage and Stormwater Management Plan, the applicant is advised that there is limited drainage infrastructure within the Weston Street reserve and/or other local roads surrounding the catchment. Therefore, the stormwater system is to be designed to cater for 1:100 ARI (1%AEP) critical storm events.
- iii. The applicant is advised that this approval is not a building permit, which constitutes a separate legislative requirement. Prior to any building work commencing on site, a building permit or building permit exemption must be obtained from the City of Kwinana. Significant penalties apply under the *Building Act 2011* for any failure to comply with this requirement.
- iv. The applicant is advised that the site is classified as '*Contaminated - Remediation Required*' under the *Contaminated Sites Act 2003*. A suitable occupational health safety and environmental management plan should be developed that reflects all known and potential contamination exposure risks associated with all site activities. The applicant is advised to contact the Department of Water and Environment Regulation for further information.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



- v. The applicant is advised that the premises is required to comply with the *Environmental Protection (Noise) Regulations 1997* and *Environmental Protection (Unauthorised Discharges) Regulations 2004* irrespective of whether the premises is prescribed or not.
- vi. The City of Kwinana's Coastal Adaptation Plan (CAP) identifies the subject site as located in Coastal Management Unit 10 – Naval Base. The applicant is hereby referred to the CAP for its consideration in respect to mitigating any future risk to proposed and/or existing infrastructure.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed development complies with the strategic and statutory intent for the land and is a significant and important adjunct infrastructure for the Kwinana Power Station.

8.1b Lot 22 Weston Street, Naval Base

Development Description:	Battery Energy Storage System - Stage 2
Applicant:	Planning Solutions
Owner:	Electricity Generation & Retail Corporation
Responsible Authority:	City of Kwinana
DAP File No:	DAP/22/02441

REPORT RECOMMENDATION

Moved by: Ms Lindsay Baxter

Seconded by: Mayor Carol Adams

That the Metropolitan Outer Joint Development Assessment Panel resolve to approve Development Assessment Panel application reference DAP/23/02441 and the accompanying plans (**Attachments 1**), pursuant to clause 30(1) of the Metropolitan Region Scheme, and subject to the following conditions:

Conditions

1. The development is to be carried out generally in accordance with the plans date stamped 17 April 2023 (attached) by the Department of Planning, Lands and Heritage subject to any modifications as required by the conditions of approval.
2. This decision constitutes planning approval only. If the subject development is not substantially commenced within four years of this approval being granted, the approval shall lapse and be of no further effect.

Advice

1. This decision constitutes planning approval under the Metropolitan Region Scheme only. It is the applicant's responsibility to comply with all other applicable legislation and obtain all required approvals, licences and permits prior to commencement of this development.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



2. The site is classified as “contaminated - remediation required” under the Contaminated Sites Act 2003. A suitable occupational health safety and environmental management plan should be developed that reflects all known and potential contamination exposure risks associated with site activities.
3. Anyone proposing to carry out construction or excavation works within 15 metres of Critical Asset Infrastructure must contact ‘Before You Dig Australia’ (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed development complies with the strategic and statutory intent for the land and is a significant and important adjunct infrastructure for the Kwinana Power Station. In addition, the proposal complies with the intent of the Clause 32, as gazetted, for development within the Kwinana Industrial Area.

Mayor Carol Adams and Cr Matthew Rowse (Local Government Members, City of Kwinana) left the panel at 11:17am.

Cr Nige Jones and Cr Tom McLean (Local Government Members, City of Joondalup) joined the panel at 11:17am.

8.2 60 (Lot 500 Shenton Avenue, Joondalup)

Development Description:	Hospital (Addition to Existing Private Hospital)
Applicant:	Silver Thomas Hanley Architects
Owner:	Department of Health
Responsible Authority:	City of Joondalup
DAP File No:	DAP/23/02434

REPORT RECOMMENDATION

Moved by: Cr Tom McLean

Seconded by: Cr Nige Jones

That the Metro-Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02434 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*, 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.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



2. This approval relates to the Hospital additions and associated works only, and development shall be in accordance with the approved plans, any other supporting information and conditions of approval. It does not relate to any other development on the lot.
3. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
4. All development shall be contained within the property boundaries.
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 detailed Landscaping Plan shall be submitted to, and approved by, the City prior to the commencement of development. The Landscaping Plan is to indicate the proposed landscaping treatment(s) in the subject site and the adjoining road verge(s), and shall:
 - a. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - b. Provide all details relating to paving, treatment of verges and tree planting in the car park. Planting/landscaping within the verge is to be suitably landscaped to discourage the verge from being used as verge parking;
 - 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. Be based on water sensitive urban design principles to the satisfaction of the City;
 - f. Be based on Designing out Crime principles to the satisfaction of the City; and
 - g. Show all irrigation design details.
7. Landscaping and reticulation shall be established in accordance with the approved Landscaping Plan and relevant Australian Standards prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
8. A full schedule of colours and materials for all exterior parts of the development is to be submitted to and approved by the City prior to the commencement of development. The external surface of the development, including roofing, shall be finished in materials and colours that have low reflective characteristics. 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.
9. 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.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



10. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking areas shall be provided to the City for approval prior to the commencement of development.
11. Any proposed building plant and equipment, including 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, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.
12. The development shall at all times comply with the requirements and recommendations of the Bushfire Management Plan prepared by Entire Fire Management dated - 17 May 2023.

Advice Notes

1. Any existing infrastructure/assets within the road reserve (e.g. footpath, kerbing and street trees) 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.
2. The Construction Management Plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
3. 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.
4. In relation to the car parking bays, driveways and access points condition, it is recommended that:
 - The radius on the key intersections within the parking area be reviewed to improve turning movements and traffic flow.
 - The overall parking and access on site be reviewed to assist in preventing queuing and traffic flow issues into and out of the hospital site.
5. The applicant has an obligation to ensure that all noise emissions associated with plant and equipment comply with the Environmental Protection (Noise) Regulations 1997.

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

REASON: The Panel considered that the proposed development adequately addressed the relevant provisions of the City of Joondalup Local Planning Scheme No 3 and the Joondalup Activity Centre Plan.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



The Panel also considered that the plans for the proposed development demonstrated that the new building extension is well integrated with the existing buildings in terms of its height, location, provision of landscaping and overall appearance.

The development provides appropriate setbacks from the street, and the overall parking provision is also considered appropriate.

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/22/02346 DR47/2023	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development	17/03/2022
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
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
DAP/22/02394 DR69/2023	City of Mandurah	Lot 9124 Cobaki Brace, Lakelands	Proposed Bulky Goods Showroom	28/04/2023

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 11:26am.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP