



**Metro Outer Joint Development Assessment Panel
Minutes**

Meeting Date and Time: Friday, 4 December 2020; 9:30am
Meeting Number: MOJDAP/53
Meeting Venue: Via Zoom

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

1 Table of Contents

1. Opening of Meeting, Welcome and Acknowledgement.....	2
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 27 & 28 (68 & 70) Readshaw Road, Duncraig	5
8.2 Lots 102 & 10 Hobbs Drive, Armadale	6
9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	10
Nil.....	10
10. State Administrative Tribunal Applications and Supreme Court Appeals ...	10
11. General Business.....	11
12. Meeting Closure	11



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

Cr Philippa Taylor (Local Government Member, City of Joondalup)
Cr Suzanne Thompson (Local Government Member, City of Joondalup)

Item 8.2

Cr Jeff Munn (Local Government Member, City of Armadale)
Mayor Ruth Butterfield (Local Government Member, City of Armadale)

Officers in attendance

Item 8.1

Ms Dale Page (City of Joondalup)
Mr Jonathan Creedon (City of Joondalup)
Mr Jeremy Thompson (City of Joondalup)

Item 8.2

Mr Christopher Valentine (City of Armadale)

Minute Secretary

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

Applicants and Submitters

Item 8.1

Ms Kate Byrne
Ms Zana Sheary (Paperbark Technologies)
Mr Finn Smith (Planning Solutions)
Mr Alessandro Stragno (Planning Solutions)
Mr Josh Racovelli (Goldsworthy Property)

Item 8.2

Mr Steve Robertson (Activate Projects)
Mr Adam Hicks (Total Project Management (WA))
Mr Sheldon Day (Total Project Management (WA))
Mr Ron Edenburg (Peter Hunt Architects)
Ms Meg Chute (Peter Hunt Architects)
Mr Andrew Baranowski (PlanE)

Members of the Public / Media

There were 6 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement



The Presiding Member declared the meeting open at 9:36 on 4 December 2020 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. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Caroline Wielinga (Local Government Member, City of Armadale)

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

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 2 December 2020 and 3 December 2020.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

PROCEDURAL MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Jason Hick

That the application at Item 8.2 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED (3/2).

For: Mr Ian Birch

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Ms Sheryl Chaffer
Mr Jason Hick

Against: Cr Suzanne Thompson
Cr Philippa Taylor

REASON: The panel felt that item 8.2 was a more straightforward application than 8.1 and felt it was appropriate to change the order of the meeting.

*Cr Suzanne Thompson and Cr Philippa Taylor left the meeting at 9:38am.
Cr Jeff Munn and Mayor Ruth Butterfield joined the meeting at 9:38am.*

7. Deputations and Presentations

7.1 Mr Steve Robertson (Activate Projects) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.2 The City of Armadale Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.2.

7.3 Ms Kate Byrne 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 Zana Sheary (Paperbark Technologies) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.5 Mr Alessandro Stagno (Planning Solutions) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.6 Mr Josh Racovelli (Goldsworthy Property) responded to questions from the panel in regards to the application at 8.1.

7.7 The City of Joondalup Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Items 7.3 - 7.7 were heard prior to the application at Item 8.1.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 27 & 28 (68 & 70) Readshaw Road, Duncraig

Development Description: Child Care Premises
Applicant: Planning Solutions
Owner: Lot 27: Mr G Fitzgerald & Mrs A M E Fitzgerald
Lot 28: Mrs J MacDonald
Responsible Authority: City of Joondalup
DAP File No: DAP/20/01852

REPORT RECOMMENDATION

Moved by: Cr Suzanne Thompson

Seconded by: Ms Sheryl Chaffer

That the Metro Outer JDAP resolves to:

1. **Refuse** DAP Application reference DAP/20/01852 and accompanying plans (dated 21 October 2020) 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. 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 Policy* as the proposed development is not located adjacent to non-residential uses and will have an undue impact on residential amenity.
2. 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.
3. The proposed development does not satisfy the matters to be considered under clause 67(p), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, inadequate provision has been made for the landscaping on the site and for the protection of trees on the land should be preserved.
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, appearance and landscaping of the development.

The mover, with the agreement of the seconder, withdrew the report recommendation motion.



PROCEDURAL MOTION

Moved by: Cr Philippa Taylor

Seconded by: Mr Jason Hick

That the consideration of DAP Application DAP/20/01852 be deferred until no later than 26 February 2021, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

1. To enable the applicant to submit revised plans that;
 - a) Adequately address the advice and recommendations of the Joondalup Design Reference Panel in relation to height, bulk, scale, orientation, appearance and landscaping of the development;
 - b) Enhance the compatibility of the development with the residential streetscape by reviewing the overall architectural response to the development and providing a more cohesive appearance to the building and roofline; and
 - c) Enhance the amenity of the streetscape by reviewing the landscaping response to the development where visible from the street, including considering retention of the large Eucalyptus tree along the corner truncation lot boundary.
2. To enable the responsible authority's design reference panel to review design changes.
3. To enable the responsible authority to prepare a revised RAR following receipt and assessment of the submitted revised plans referred to above.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To enable the applicant to prepare and submit revised plans that address the design and amenity issues identified in the RAR and the above Procedural Motion.

8.2 Lots 102 & 10 Hobbs Drive, Armadale

Development Description:	Dale Cottages proposed multiple dwellings (Aged Care Complex)
Applicant:	Activate Projects
Owner:	Dale Cottages Inc.
Responsible Authority:	City of Armadale
DAP File No:	DAP/20/01858

REPORT RECOMMENDATION

Moved by: Cr Jeff Munn

Seconded by: Mayor Ruth Butterfield

With the approval of the Mover and Seconder, the following amendments were made:

That condition 7 be amended to read as follows:

Prior to occupation, to meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the City:



- a) *Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;*
- b) *Relocate/remove any services/infrastructure as necessary;*
- c) *Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;*
- d) *Utilise brick paving or other high quality finish **including black asphalt. An Untreated concrete and black asphalt finishes are is not permitted;***
- e) *Mark all parking bays; and,*
- f) *Continuously maintain all such areas thereafter.*

REASON: In accordance with the applicants request to amend Condition 7d to include black asphalt. The City officers also agreed to the applicant's request.

That the Metro Outer JDAP resolves to:

Approve DAP Application reference DAP/20/01858 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 the City of Armadale Town Planning Scheme No. 4,

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 2 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. Prior to issue of a Building Permit, an acoustic assessment in accordance with *SPP 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning* shall be prepared and any noise mitigation measures recommended shall be incorporated into the building design at the Building Permit application stage.
4. External colours and material shall be in accordance with the approved development application unless otherwise agreed by the City and maintained to the satisfaction of the City.
5. Prior to occupation, a finalised landscape plan shall be submitted to and approved by the City. The landscape plan shall include:
 - a) Plant species (predominantly West Australian natives);
 - b) Numbers, location, container size;
 - c) Method of irrigation of the landscaped areas;
 - d) Landscaping and treatment of adjoining verge areas and streetscapes;
 - e) Any landscaping undertaken shall comply with the approved Landscape Plan
6. Prior to issue of a Building Permit, to meet drainage requirements the developer/owner shall, to the specifications and satisfaction of the City:
 - a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;
 - b) Show any drainage easements as may be required on the Certificate of Title in favour of the City;



- c) Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development; and
 - d) Pay a drainage levy in accordance with Clause 2.1 of Schedule 9A (Development Contribution Plan No.2) in Town Planning Scheme No.4.
7. Prior to occupation, to meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the City:
 - a) Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;
 - b) Relocate/remove any services/infrastructure as necessary;
 - c) Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;
 - d) Utilise brick paving or other high quality finish including black asphalt. An untreated concrete finish is not permitted;
 - e) Mark all parking bays; and,
 - f) Continuously maintain all such areas thereafter.
 8. A minimum of ten (10) 'End of trip bicycle facilities' shall be provided prior to occupation of the development in a location agreed to by the City and continuously maintained thereafter.
 9. Prior to the commencement of any site works, a dust management plan shall be prepared in accordance with Clause 43 of the City's *Environment, Animals and Nuisance Local Laws 2002*, submitted to the City's Health Department and approved by the City. The approved plan shall be implemented and all work shall be carried out in accordance with the approved plan thereafter.
 10. Prior to issue of a Building Permit a Lighting Plan showing lighting to pathways, car parking and communal areas shall be submitted to and approved by the City. All lighting shall be installed and operated as per approved plan prior to occupancy of the development.
 11. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the City prior to commencement of site works. Waste collection shall be carried out in accordance with the approved plan thereafter.
 12. Office uses shall be incidental and for use by Dale Cottages and facility staff only.
 13. The hairdressing salon shall be incidental and for use by Estate residents only.
 14. The cafe shall be incidental and for use by Estate residents and guests only.
 15. A Construction Management Plan is to be prepared and implemented by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
 - a) Public safety and site security;
 - b) Hours of operation;
 - c) Noise and vibration controls;
 - d) Stormwater, groundwater and sediment control;
 - e) Dust control;
 - f) Waste and material disposal;



- g) Traffic management plans for the various phases of the construction including any proposed road closures;
 - h) Parking arrangements for contractors and sub-contractors;
 - i) On-site delivery times and access arrangements;
 - j) The storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - k) Any other matters likely to impact upon the surrounding properties or road reserve.
16. In accordance with the requirements of Local Planning Policy PLN 3.12 - Percent for Public Art, prior to the occupancy of the development, the applicant and/or landowner is to either:
- a) make a monetary contribution to the City of Armadale Public Art Reserve Account equal to one per cent (1%) of the estimated total development cost; or,
 - b) install public art work on site to the value of one per cent (1%) of the total development cost and continuously maintain the public art work thereafter.

Advice Notes

- A. With regard to the condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (Screening and/or Grouped Dwellings), Landscaping Guidelines – Plants to Avoid, the City's Urban Forestry Strategy and Landscape Factsheet - Trees for Confined Spaces to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: www.armadale.wa.gov.au/planninginformation-sheet-forms-fees
- B. Development is to comply with the *Health (Public Buildings) Regulations 1992*.
- C. Development to comply with the *Environmental Protection (Noise) Regulations 1997*.
- D. With regard to part c) of the drainage Condition, the City advises that there are drainage pipes on this lot. Please liaise with the City's Technical Services before undertaking any works on site or lodging a Building Permit.
- E. With regard to part d) of the drainage Condition, the City advises that the current contribution rate at the date of this approval is \$2.94 per m² (no GST). Please liaise with the City's Subdivisions team regarding payment.
- F. Units built before 1990 may contain asbestos inside and outside the buildings, including in ceilings, bathrooms and laundries. Demolition should be undertaken in accordance with an asbestos management plan and shall comply with the *Health (Asbestos) Regulations 1992* for the safe disposal of any asbestos products.
- G. Any air-handling, water systems and cooling towers to be installed in this development are to be correctly installed, operated and maintained in order to protect the residents in from outbreaks of Legionnaires' disease and other airborne diseases originating from air-handling and water systems. Establishing a Legionella risk management system is recommended.
- H. All medical waste to be disposed of by an approved contractor and is not to be deposited in the City's rubbish receptacles.



- I. With regard to part b) of the condition relating to the City's PLN 3.12 – Percent for Public Art, the arts approval process is outlined under section 5 of the policy and the proponent will be required to lodge a Public Art Submission Form to the City's Community Services, which is available on the City's website:
<https://www.armadale.wa.gov.au/.../Percent for Public Art Submission Form.pdf>
- J. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.
- K. The City recommends the creation of a Masterplan for the Dale Cottages complex to guide future redevelopment.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: As outlined in the Responsible Authority Report, the Dale Cottages aged and dependent person's facility, has been in existence for over 60 years and this current development proposal, which forms part of the overall site, is an update and considered to be a worthy addition to this long standing facility. The development is not typical of an R40 area and these circumstances justify the proposed variations to the R Codes. It is further noted that the proposal is in keeping with the scale planned for the adjacent Strategic Regional Zone.

Cr Jeff Munn and Mayor Butterfield left the panel at 9:44am.

Cr Suzanne Thompson and Cr Philippa Taylor joined the panel at 9:44am.

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/19/01575 DR 256/2019	City of Armadale	Lot 9007 (76) Southampton Drive, Piara Waters	Lifestyle Village (Piara Waters Lifestyle Village)	10/12/2019
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 Stick Feed Grain Mill	8/09/2020



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01738 DR 225/2020	City of Kwinana	Lot 15 Mason Road, Kwinana	Proposed Lithium Plant	7/10/2020

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 11:36am.