



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 25 June 2021; 9:00am
Meeting Number: MOJDAP/99
Meeting Venue: via Zoom

This DAP meeting was conducted by electronic means 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)
Ms Diana Goldswain (A/Third Specialist Member)
Cr Suzanne Thompson (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

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

Minute Secretary

Ms Megan Ventriss (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Murray Casselton (element)
Ms Kate Bainbridge (element)
Mr David O'Brien (Taylor Robinson Chaney Broderick)
Mr Darren Levey (Uloth and Associates)
Ms Cassie Rodwell (Wallace PM)
Mr Rhys Bosman (Wallace PM)
Mr Matt Bruce (Wallace PM)
Mr Alex McGlue (Lavan)
Mr Andrew Zeller (Coles)
Ms Kelsie Davies (Kelsie Davies Landscape Architecture)
Mr Julius Skinner (Thomson Geer Law)

Members of the Public / Media

There were 3 members of the public in attendance.

Ms Tyler Brown from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:11am on 25 June 2021 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*.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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

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

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 24 June 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

7.1 Mr Alex McGlue (Lavan) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Murray Casselton (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.3 Mr Darren Levey (Uloth and Associates) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.



- 7.4 Mr David O'Brien (Taylor Robinson Chaney Broderick) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Andrew Zeller (Coles Property Group) & Ms Kelsie Davies (Kelsie Davies Landscape Architect) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 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.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 1 (16) Sunlander Drive, Currambine

Development Description:	Proposed Commercial Development
Applicant:	Element WA
Owner:	Southern Cross Care (WA) Inc.
Responsible Authority:	City of Joondalup
DAP File No:	DAP/20/01921

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Ms Sheryl Chaffer

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP20/01921 and accompanying plans (Attachment 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Joondalup *Local Planning Scheme No. 3* and pursuant to clause 24(1) and 26 of the *Metropolitan Region Scheme*, subject to the following conditions:

Conditions:

1. This decision constitutes planning approval only and is valid for a period of four 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.
2. This approval only relates to the shopping centre development and associated works as indicated on the approved plans. Development shall be undertaken 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.
3. 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.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



4. A gate is to be provided to the Connolly Drive service area to screen view of, and restrict access to the loading dock outside of approved delivery hours.
5. A schedule of colours and materials for all exterior parts to the development including a detailed design of the service area screen, service area gate and 'click and collect' screen 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.
6. Any proposed building plant and equipment, 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 shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.
7. 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 Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
8. Bicycle parking facilities providing a minimum of four (4) bicycle parking spaces 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 area(s) shall be provided to the City for approval prior to the commencement of development.
9. Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of both sites and the adjoining road verge(s), and shall:
 - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - Include shade trees within the Connolly Drive verge;
 - Show spot levels and/or contours of the site;
 - Be based on water sensitive urban design principles;
 - Outline what works are required within the subject site and adjacent verges to ensure compliance with AS3959;
 - Be based on Designing out Crime principles; and,
 - Show all irrigation design details.



10. Landscaping and reticulation within the subject site and the adjacent verge areas shall be established and thereafter maintained by and at the cost of, the landowner/applicant in accordance with the approved landscaping plans, Australian Standards (including AS3959) and best trade practice prior to the development first being occupied to the satisfaction of the City.
11. A Waste Management Plan, indicating the method of rubbish collection, shall be submitted to and approved by the City prior to the commencement of development. All waste collection shall be in accordance with the approved Waste Management Plan.
12. A Delivery Management Plan, indicating the timing of deliveries, shall be submitted prior to the commencement of development and approved by the City prior to the development first being occupied. Delivery management shall then be undertaken in accordance with the approved plan.
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 how any lighting, including lighting associated with any signage, has been designed and managed to minimise the impact on any surrounding residential development. Lighting shall be maintained in accordance with the Lighting Plan to the satisfaction of the City.
14. Prior to construction commencing, a detailed acoustic assessment on the chosen mechanical plant equipment which demonstrates compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997* (to the specification of the City), shall be submitted to and approved by the City. Matters to be addressed include:
 - Type and specification of selected mechanical plant and equipment;
 - Screening of mechanical plant and equipment; and
 - Delivery and waste vehicle operation on site.

The development shall be constructed and thereafter operated in accordance with the approved detailed acoustic assessment, to the satisfaction of the City.
15. An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24 hour duration, is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is to demonstrate collection of all on-site stormwater and is to be approved by the City prior to the commencement of construction.
16. The retail floorspace net lettable area of the development shall not exceed 3,600 square metres.
17. Signage is to be established and thereafter maintained to a high standard to the satisfaction of the City and shall:
 - not include fluorescent, reflective or retro reflective colours; and,
 - use low illumination that does not flash, pulsate or chase.



18. The development shall at all times comply with the requirements and recommendations of the Bushfire Management Plan prepared by Green Start Consulting and dated 27 October 2020.
19. A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City of Joondalup for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner'.
20. All development shall be contained within the property boundaries.

Advice Notes

1. Further to condition 14, City of Joondalup *Local Planning Scheme No. 3* defines 'net lettable area' as:

the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas:
 - (a) *stairs, toilets, cleaners' cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;*
 - (b) *lobbies between lifts facing other lifts serving the same floor;*
 - (c) *areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;*
 - (d) *areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.'*
2. Any existing footpath and kerbing shall be retained and protected during construction of the development and shall not be removed or altered for the purposes of a vehicle crossover. Should the footpath/kerb be damaged during the construction of the development, it shall be reinstated to the satisfaction of the City.
3. 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 <http://www.joondalup.wa.gov.au/Live/Streetscapes/StreetVergeGuidelines.aspx>.
4. In regard to condition 3, the Construction Management Plan shall be prepared using the City's Construction Management Plan template which can be provided upon request.
5. All lighting to the centre is to be designed to minimise light spillage onto the surrounding residential properties and be in accordance with the requirements of Australian Standard AS1158.
6. Food storage, preparation, display and sale to be in accordance with the Food Act 2008.



7. Bin storage areas are required to have a graded floor connected to sewer and a hose cock for water supply.
8. The development shall comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*.
9. The owner/applicant is advised that the subject site has been identified as being within a bushfire prone area as designated by the Fire and Emergency Services (FES) Commissioner. As a result:
 - Condition 17 is required in accordance with clause 6.10 of State Planning Policy 3.7 – Planning for Bushfire Prone Areas (SPP3.7); and,
 - A Bushfire Attack Level (BAL) Assessment and/or additional construction methods may be required as part of the Building Permit.

In the event that the land is cleared or no longer identified as being located within a designated bushfire prone area, condition 18 will no longer apply.

Further information about the designated bushfire prone areas and SPP3.7 can be found on the Department of Fire and Emergency Services (DFES) website: <https://www.dfes.wa.gov.au/> and the Department of Planning website: <http://www.planning.wa.gov.au/>

The Report Recommendation was put and CARRIED (4/1).

For: Mr Ian Birch
Ms Sheryl Chaffer
Ms Diana Goldswain
Cr Philippa Taylor

Against: Cr Suzanne Thompson

REASON: In accordance with the Responsible Authority Report and additional information requested, the Panel in majority agreed that the development proposal was acceptable in its locational context and was consistent with the relevant statutory planning framework. It was noted that the site had been zoned specifically for a development of the type and scale proposed and the supermarket, liquor store and café were all 'P' permitted uses.

The application had been through an extensive consultation and review process by the City's Design Review Panel, resulting in changes to the site layout, access options and measures to address streetscape, landscape and amenity issues.

The (JDAP) Panel took particular consideration of State Planning Policy 4.2 to determine that the proposal was acceptable within the local neighbourhood centre and that it did not contravene the policy requirements relating to floor space limitations in the centre.

The application adequately responded to the reasons for the JDAP's previous deferral of the application and conditions applied to the approval address key site amenity, floor space and environmental risk management issues.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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/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 Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021

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 10:54am.