



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 16 August 2021; 9:30am
Meeting Number: MOJDAP/116
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)
Mr Jason Hick (Third Specialist Member)

Item 8.1

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

Item 8.2

Cr Rod Henderson (Local Government Member, City of Swan)
Cr Mel Congerton (Local Government Member, City of Swan)

Item 9.1

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

Officers in attendance

Item 8.1

Mr Chris Leigh (City of Joondalup)
Ms Amanda Lees (Department of Finance)
Mr Scott Jeffrey (Department of Finance)
Ms Stephanie Seddon (Department of Finance)
Mr Edward O'Connell (GHD)

Item 8.2

Mr Philip Russell (City of Swan)

Item 9.1

Ms Jacqueline Farmer (City of Armadale)
Mr Glen Windass (City of Armadale)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Tony D'Andrea (EIW Architects)

Item 8.2

Mr Alessandro Stagno (Apex Planning)
Mr Scott Ferguson (Jarra Properties)
Mr Stefan Piruk (Jarra Properties)

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Item 9.1

Mr Nik Hidding (Peter Webb and Associates)
Mr Marri Warpenius (Reverberate Consulting)

Members of the Public / Media

There was 1 member of the public in attendance.

Ms Tyler Brown (Perth Now Newspaper) was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 16 August 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*.

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 Suzanne Thompson (Local Government Member, City of Joondalup)
Cr Kevin Bailey (Local Government Member, City of Swan)

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

Panel members noted that the RAR for item 8.2 did not contain a concluding section. Mr Russell (City of Swan) acknowledged that this appeared to have not been included in the submitted report, however, he confirmed that there were no other issues that the panel needed to take into 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 Mel Congerton and Cr Rod Henderson, 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 Congerton and Cr Henderson 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.

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, are permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1 Ms Stephanie Seddon (Department of Finance) responded to questions from the panel in relation to item 8.1.
- 7.2 Mr Tony D'Andrea (EIW Architects) responded to questions from the panel in relation to item 8.1.
- 7.3 Mr Chris Leigh (City of Joondalup) responded to questions from the panel in relation to item 8.1.

The presentation at Items 7.1 – 7.3 were heard prior to the application at Item 8.1.

- 7.4 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.5 City of Swan Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.4 - 7.5 were heard prior to the application at Item 8.2.



- 7.6** Mr Nik Hidding (Peter Webb and Associates) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.7** Mr Marrti Warpenius (Reverberate Consulting) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.8** City of Armadale officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentations at Items 7.6 - 7.8 were heard prior to the application at Item 9.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 9634 (75) Lymburner Avenue, Hillarys

Development Description: Hillarys Primary School
Applicant: Stephanie Seddon, Department of Finance
Owner: Department of Education
Responsible Authority: Department of Finance, Statutory Planning and Asset Policy
DAP File No: DAP/21/02017

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Ms Sheryl Chaffer

That the Metro Outer Joint Development Assessment Panel resolves to:

- 1. Accept** that the DAP Application reference DAP/21/02017 is appropriate for consideration as a 'Public Primary School' land use and compatible with the objectives of the Metropolitan Region Scheme.
- 2. Approve** DAP Application reference DAP/21/02017 and accompanying plans (Hillarys Primary School Development Application', being drawing numbers DD1.01, DD1.06, DD1.07, DD2.01, DD3.01, DD4.01, DD5.01, DD6.01, DD6.02, DD7.01, DD7.02, DD7.03, , SP1, SP2, SP3, date stamped 8 June 2021, and A1.14, A1.15, date stamped 14 July 2021, prepared by EIW Architects, Civil Plans titled 'Hillarys Primary School', being drawing numbers CO.02A, CO.03A, CO.04A, CO.05A, CO.06A, CO.07A, CO.08A, CO.09A, CO.10A all date stamped 8 June 2021, all prepared by Pritchard Francis, accompanying landscape drawings titled 'Hillarys Primary School' being drawing numbers L00A, L01C, L02C, L03B, L04B, L05B, L06B, L07A, L08A, L09A, L10A, all date stamped 8 June 2021) in accordance with the provisions of Clause 24 of the Metropolitan Region Scheme, subject to the following conditions:

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Conditions

1. External colours and materials of the new buildings shall be sympathetic and of the same palette to the existing colours and materials of the existing buildings.
2. Prior to occupation of the development, the school is to prepare and implement a Traffic and Parking Management Plan consistent with the findings of the Hillarys Primary School Transport Impact Assessment prepared by Cardno (dated April 2021), in consultation with the City of Joondalup and to the satisfaction of the Western Australian Planning Commission. The Traffic and Parking Management Plan is to include a Kiss and Drive Operational Plan to ensure that the proposed Kiss and Drive facility is appropriately managed by staff or parent volunteers during peak drop-off and pick-up times.
3. Prior to the occupation of the school, a total of five (5) accessible parking bays are to be provided on-site to the satisfaction of the Western Australian Planning Commission.
4. All on-site car parking and associated vehicle access areas shown on the approved plans shall be constructed, drained, sealed, marked and sign-posted prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.
5. Landscaping, as specified in the approved landscaping plans, shall be installed prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.
6. All stormwater produced is to be disposed of on-site to the specification of the City of Joondalup and the satisfaction of the Western Australian Planning Commission.
7. Prior to the commencement of site works, a Construction Management Plan shall be prepared in consultation with the City of Joondalup and to the satisfaction of the Western Australian Planning Commission. The requirements of the Construction Management Plan shall be observed at all times during the construction process.
8. All piped and wired services, plant, equipment and storage areas are to be screened from public view, and in the case of roof mounted plant, screened or located so as to minimise visual impact, to the satisfaction of the Western Australian Planning Commission.
9. Prior to the commencement of site works, a Dust Management Plan shall be prepared in consultation with the City of Joondalup and to the satisfaction of the Western Australian Planning Commission. Once approved, the Dust Management Plan is to be implemented in its entirety.
10. Prior to the installation of any signage, a signage plan indicating the location and design of any proposed signage (including traffic directional signage) shall be prepared to the specification of the City of Joondalup and the satisfaction of the Western Australian Planning Commission.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



11. The access points for the proposed development shall be designed to connect seamlessly with abutting roads and public footpath infrastructure, to the specification of the City of Joondalup and the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. The playground shall comply with the requirements of *AS4685 – Playground Equipment and Surfacing*, and *AS4422 – Playground Surfacing; Specifications, Requirements and Test Method*. The applicant is encouraged to liaise with Kidsafe WA in this regard.
2. The school is reminded of its obligation to remain an active member in the Department of Transport's 'Your Move' program, which seeks to reduce car dependence and promote alternative modes of transport including walking, cycling and public transport, to the satisfaction of the Western Australian Planning Commission.
3. The applicant is reminded of its obligations under the *Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993)*.
4. The City of Joondalup has advised that 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 of Joondalup.
5. The applicant is specifically reminded of its obligation to comply with the Environmental Protection (Noise) Regulations 1997.
6. Noisy construction work outside the period 7.00 am to 7.00 pm Monday to Saturday, and at any time on Sundays and Public Holidays, is not permitted unless the written approval of the City of Joondalup has been sought and obtained.
7. The applicant is reminded of its obligations under the *Building Act 2011*.
8. All development must comply with the provisions of the Health Regulations, Building Code of Australia, Public Building Regulations and all other relevant Acts, Regulations and Local Laws. This includes the provision of access and facilities for people with disabilities in accordance with the Building Codes of Australia.

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

REASON: As demonstrated in the Responsible Authority Report the proposed upgrade to the existing primary school satisfies current planning standards, having regard for efficiency of access, general operational practise and protecting the amenity of nearby residents.

Cr Philippa Taylor (City of Joondalup) left the panel at 9:52am.

Cr Rod Henderson & Cr Mel Congerton (Local Government Members, City of Swan) joined the panel at 9:52am

Mr Ian Birch
Presiding Member, Metro Outer JDAP



8.2 Lot 9501 (7) Sam Rosa Place, Dayton

Development Description: Proposed Child Care Premises
Applicant: Mr Alessandro Stagno (Apex Planning)
Owner: Beverley & Michael Ainsworth and Michelle Matthews
Responsible Authority: City of Swan
DAP File No: DAP/21/02005

REPORT RECOMMENDATION

Moved by: Cr Mel Congerton

Seconded by: Mr Jason Hick

With the approval of the mover and seconder the following amendments were made:

- (i) That condition 2 be amended to read as follows;

*This decision constitutes planning approval only and is valid for a period of ~~two (2)~~ **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.*

REASON: To be in accordance with r.16.A(2)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

- (ii) That condition 13(e) be amended to read as follows;

*Include ~~shed~~ **shade** tree planting to visitor car parking bays.*

REASON: To correct typo identified in the condition.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02005 and accompanying plans (DA00/1, DA01/1, DA02/1, DA03/1 & Landscaping Plan) in accordance with Clause 26 of the Metropolitan Region Scheme, Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 4.3 of the City of Swan Local Planning Scheme No.17, 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 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.
3. The landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Swan Local Planning Scheme No.17.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



4. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.
5. 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 local government of a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$22,000). This must be paid to the local government prior to the date specified in an invoice issued by the local government, 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 (\$22,000). 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 for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City 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; and
 - iii. The approved Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.
6. The Child Care Premises hours of operation is limited to 6.30am to 6.30pm Monday to Friday.
7. The collection of waste shall not take place between 6.30am and 6.30pm Monday to Friday (Hours of operation).
8. The outdoor child play areas shall not be utilised until after 7.00am during the approved hours of operation of the facility.
9. The development is to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
10. The development shall operate in accordance with the Environmental Noise Assessment by Lloyd George Acoustics (Ref: 21046305-01) dated 17 May 2021 prepared for LWP Group and associated recommendation therein.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



11. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the City's Manager Health and Building Services before the development is occupied or used.
12. The development must be connected to the Water Corporation's sewer network.
13. Prior to a building permit being issued, a detailed landscaping plan for the subject site and/or the road verge(s) must be submitted to and approved by the City of Swan, and must include the following:
 - a. the location, number, size and species type of existing ground covers, shrubs and trees;
 - b. any existing landscape areas to be retained;
 - c. those areas to be updated, reticulated or irrigated;
 - d. verge treatments; and
 - e. Include shade tree planting to visitor car parking bays.
14. Prior to the occupation of the development, a parking management plan is to be submitted and approved by the local government, the plan needs to include signage to clearly delineate staff and visitor parking and the functionality of seven (7) tandem bays.
15. Prior to the occupation or use of the development, the bicycle bays are to be relocated from the pedestrian path and shown on a plan approved in writing by the local government.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed use is consistent with the planning for this developing area and will add an essential service for residents. As outlined in the Responsible Authority Report, the development satisfies planning requirements. Conditions of approval cover ongoing operational requirements and amenity issues concerning residential neighbours.

Cr Rod Henderson & Cr Mel Congerton (Local Government Members, City of Swan) left the panel at 10:09am

Cr Caroline Wielinga & Cr Jeff Munn (Local Government Members, City of Armadale) joined the panel at 10:10am.



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

9.1 Lot 60 (770) Brookton Highway, Roleystone

Development Description: Service Station (Minor Amendments)
Proposed Amendments: 1. Two (2) vehicle vacuum bays (located near Hawkstone Road crossover);
2. Minor internal modification of the Control Building and primary street setback variation;
3. Changes to front elevation treatment of Control Building;
4. Additional Pylon Sign abutting Brookton Highway;
5. Modified boundary fence height to 2.1m height;

Applicant: Peter Webb & Associates
Owner: OTR282 Pty Ltd
Responsible Authority: City of Armadale
DAP File No: DAP/19/01701

REPORT RECOMMENDATION

Moved by: Cr Jeff Munn

Seconded by: Ms Sheryl Chaffer

With the agreement of the mover and seconder the following amendment was made;

1. Add new condition 25 to read as follows;

Vacuum bays shall only be used during the following hours;

- ***7am – 10pm Monday to Saturday***
- ***9am – 10pm Sunday and Public Holidays***

REASON: To align with the acoustic assessment for noise impacts.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/19/01701 as detailed on the DAP Form 2 dated 14/04/2021 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/19/01701 and accompanying plans at 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 the City of Armadale Town Planning Scheme No. 4, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for the proposed minor amendment to the approved Service Station at Lot 60 – 770 Brookton Highway, Roleystone, subject to the following conditions:

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Amended Conditions

1. Amended Condition 7 to read as follows: Prior to occupation, the acoustic assessment report (submitted by Reverberate Consulting, dated 21/08/2020, attached) is to be revised to account for noise emissions from the proposed vacuum bays. Any subsequent changes to the recommended noise mitigation measures are to be consistent with maximum fence/wall heights permitted by the City of Armadale Local Law fencing. Noise mitigation measures recommended within the revised noise management plan, shall be completed and implemented to the satisfaction of the City.

New Conditions

25. Vacuum bays shall only be used during the following hours;
 - 7am – 10pm Monday to Saturday
 - 9am – 10pm Sunday and Public Holidays

Amended Advice Notes

N/A

New Advice Notes

N/A

All other conditions and requirements detailed on the previous approval dated 12/11/2020 shall remain unless altered by this application.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The addition of the vacuum bays and other alterations have been assessed as conforming to planning requirements for the site. The recommended amendment to condition 7 of the original approval and addition of new condition 25 account for acoustic assessment under the revised proposal.



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/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 10:32am.

Mr Ian Birch
Presiding Member, Metro Outer JDAP