



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 23 January 2024; 1:00pm
Meeting Number: MOJDAP/294
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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Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Lindsay Baxter (A/Deputy Presiding Member)
Diana Goldswain (A/Third Specialist Member)
Cr Vinh Nguyen (Local Government Member, City of Wanneroo)
Cr Paul Miles (Local Government Member, City of Wanneroo)

Officers in attendance

Aaron Jones (City of Wanneroo)
Nick de Vecchis (City of Wanneroo)
Sue Wesley (City of Wanneroo)

Minute Secretary

Claire Ortlepp (DAP Secretariat)

Applicants and Submitters

Oliver Beards (Planning Solutions)
Josh Watson (Planning Solutions)
Matthew Elliott (Accord Property)
Matt Davies (Accord Property)

Members of the Public / Media

There were 3 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:02pm on 23 January 2024 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.

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This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Karen Hyde (Deputy Presiding Member)
Jason Hick (Third Specialist Member)

3. Members on Leave of Absence

DAP Member, Jason Hick, has been granted leave of absence by the Director General for the period of 10 January 2024 to 26 January 2024 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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Members, Cr Vinh Nguyen and Cr Paul Miles, declared an impartiality interest in item 8.1. The City of Wanneroo, which the councillors represent, is a part owner of the land for this application.

DAP Member, Cr Paul Miles, declared an impartiality interest in item 8.1. Cr Miles is the chairperson of the Mindarie Regional Council, which is the owner of the Tamala Park Landfill adjacent to the subject site.

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 Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

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8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 341 (53) Rathmines Street, Clarkson

Development Description: Proposed Child Care Premises
Applicant: Oliver Beards (Planning Solutions)
Owner: Catalina Regional Council
Responsible Authority: City of Wanneroo
DAP File No: DAP/23/02567

REPORT RECOMMENDATION

Moved by: Cr Paul Miles

Seconded by: Lindsay Baxter

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02567 and accompanying plans provided in **Attachment 1** 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 Wanneroo District Planning Scheme No. 2, 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. The use of the approved **Child Care Premises** must conform to the District Planning Scheme No. 2 definition which states:

“Child Care Premises: means premises where –

- a) an education and care service as defined in the *Education and Care Services National Law (Western Australia) section 5(1)*, other than a family day care service as defined in that section, is provided; or
- b) a child care service as defined in the *Child Care Services Act 2007 section 4* is provided;”

A change of use from that outlined above may require further development approval of the City.

3. A maximum of **116 Children** and **22 Staff** are permitted within the **Child Care Premises** at any one time.
4. The hours of operation of the **Child Care Premises** is restricted to between the hours of **6:30am to 6:30pm Monday to Friday**.
5. All signage is to be contained entirely within the allotment.

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6. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
7. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
8. Prior to the granting of an occupancy permit, the applicant must install signage and pavement markings in accordance with the Austroads requirements to enforce the proposed vehicular access arrangement to and from Rathmines Street to the satisfaction of the City of Wanneroo.
9. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
10. Staff car parking spaces for the **22 parking bays** must be marked and clearly line marked as dedicated for staff use only, to the satisfaction of the City.
11. **Parking spaces 32 and 33** must be marked and clearly signposted as dedicated for small car use only, to the satisfaction of the City.
12. A revised detailed landscaping plan is to be provided for the subject site and adjacent verges which shall include a minimum of 8% soft landscaping on site. The landscaping plan shall detail the plant species, densities, mulch details, planting locations, and shade trees, and shall be lodged for approval by the City prior to lodging a building permit. Planting and landscaping must then be undertaken in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
13. Detailed civil engineering drawings and specifications for works within the verge for the footpath and pram ramp, must be lodged for approval to the City prior to commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications to the satisfaction of the City.
14. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted for approval when application is made for a building permit and the system must be installed during the construction of the development.
15. The development is to comply with the recommendations and assumptions of the Noise Assessment (Ref: 23027891-01A) prepared by Lloyd George Acoustics dated 20 September 2023.
16. The use of the outdoor play area must only occur after 7:00am on days when the Child Care Premises operates.

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17. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.
18. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
19. All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier. Prior to the occupancy of the development, a revised Waste Management Plan must be provided and approved, and thereafter implemented to the satisfaction of the City.
20. The movement of trucks for delivery purposes must occur between 7:00am and 7:00pm, Monday to Saturday only.
21. A revised northern elevation drawing shall be submitted to the City and approved prior to an application for a building permit being made. The revised elevation shall incorporate a hipped roof so as to minimise the appearance of building bulk. Alternatively, amended plans are to be submitted demonstrating that the future northern boundary is a minimum of three metres from the northern elevation of the Child Care Premises building.
22. A revised uniform fencing design shall be submitted to the City for the Aviator Boulevard and Connolly Drive lot boundaries and approved prior to an application for a building permit being made. The revised fencing design must also satisfy the acoustic performance requirements as detailed in the Acoustic report prepared by Llyod George Acoustics dated 20 September 2023.
23. Any graffiti applied to the external surfaces of the building shall be removed within seven (7) days of it being applied, to the satisfaction of the City of Wanneroo.
24. A Construction Management Plan must be submitted for approval when an application is made for a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
 - a) The delivery of and delivery times for materials and equipment to the site;
 - b) Storage of materials and the location and types of equipment on site;
 - c) Parking arrangements for contractors and sub-contractors;
 - d) The impact on traffic movement;
 - e) Construction times;
 - f) The relocation of public footpaths;
 - g) Measures to minimise impacts of noise and sand drift and dust from the site;
 - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;

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- i) Communication strategy for properties impacted by the construction of the development;
- j) The relocation/disruption of any public transport infrastructure; and
- k) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of 4 (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. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to on-going compliance.

AMENDING MOTION 1

Moved by: Cr Paul Miles

Seconded by: Lindsay Baxter

That Condition No. 3 be amended to read as follows:

A maximum of 116 Children ~~and 22 Staff~~ are permitted within the Child Care Premises at any one time.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel recognised that at non-peak times, there may be some additional staff to take care of changeover of shifts and for staff training purposes.

AMENDING MOTION 2

Moved by: Cr Paul Miles

Seconded by: Lindsay Baxter

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

A revised detailed landscaping plan is to be provided for the subject site and adjacent verges ~~which shall include a minimum of 8% soft landscaping on site.~~ The landscaping plan shall detail the plant species, densities, mulch details, planting locations, and shade trees, and shall be lodged for approval by the City prior to lodging a building permit. Planting and landscaping must then be undertaken in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.

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The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel was satisfied that the 8% policy requirement could be met with some additional landscaping in the children's play area.

AMENDING MOTION 3

Moved by: Cr Paul Miles

Seconded by: Cr Vinh Nguyen

That Condition No. 17 be amended to read as follows:

Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied, to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel was satisfied that the additional lighting was required and could be met following discussions with Council staff to provide security lighting for the staff and clients of the child care premises.

AMENDING MOTION 4

Moved by: Lindsay Baxter

Seconded by: Diana Goldswain

That Condition No. 22 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that the fencing proposed on top of the significant retaining walls was appropriate and would break up the expanse of masonry in the retaining wall. The mix of timber and open palisade fencing is considered a good mix and complementary to the limestone in the wall.

AMENDING MOTION 5

Moved by: Lindsay Baxter

Seconded by: Cr Paul Miles

The following amendments were made en bloc;

- i. That Condition No. 2 be deleted and the remaining conditions be renumbered accordingly.
- ii. That a new Advice Note No. 3 be added to read as follows:

The use of the approved Child Care Premises must conform to the District Planning Scheme No. 2 definition which states:

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- a) *an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- b) *a child care service as defined in the Child Care Services Act 2007 section 4 is provided;”*

A change of use from that outlined above may require further development approval of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel felt that the former Condition 2 was better suited to an Advice Note.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

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4. All signage is to be contained entirely within the allotment.
5. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
6. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.

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7. Prior to the granting of an occupancy permit, the applicant must install signage and pavement markings in accordance with the Austroads requirements to enforce the proposed vehicular access arrangement to and from Rathmines Street to the satisfaction of the City of Wanneroo.
8. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
9. Staff car parking spaces for the **22 parking bays** must be marked and clearly line marked as dedicated for staff use only, to the satisfaction of the City.
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16. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied, to the satisfaction of the City.
17. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.

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18. All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier. Prior to the occupancy of the development, a revised Waste Management Plan must be provided and approved, and thereafter implemented to the satisfaction of the City.
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 - d) The impact on traffic movement;
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 - g) Measures to minimise impacts of noise and sand drift and dust from the site;
 - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
 - i) Communication strategy for properties impacted by the construction of the development;
 - j) The relocation/disruption of any public transport infrastructure; and
 - k) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development.

Advice Notes

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2. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to on-going compliance.
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- b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;"

A change of use from that outlined above may require further development approval of the City.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel was satisfied that the Proposed Childcare Premises is an appropriate use for the site and generally conforms with the provisions of the City of Wanneroo District Planning Scheme No. 2 and Agreed Structure Plan No. 79 – Tamala Park.

The proposal has been designed to be compatible with the surrounding residential character of the locality and conditions imposed on issues associated with parking, traffic, noise and landscaping will ameliorate any negative impacts on amenity.

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
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022

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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	575 (Lot 218) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

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 1:58pm.

Eugene Koltasz
Presiding Member, Metro Outer JDAP