



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 9 April 2020; 9:30am
Meeting Number: MNWJDAP/284
Meeting Venue: Via electronic means

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	3
8.	Form 1 – Responsible Authority Reports – DAP Applications	4
8.1	950 (LOT 1000), WANNEROO ROAD, WANNEROO	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval.....	10
9.1	205 (LOT 4005) BUTLER BOULEVARD, BUTLER	10
10.	State Administrative Tribunal Applications and Supreme Court Appeals.....	13
11.	General Business	13
12.	Meeting Closure.....	13



Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Frank Cvitan (Local Government Member, City of Wanneroo)
Cr Jacqui Huntley (Local Government Member, City of Wanneroo)

Officers in attendance

Mr Greg Bowering (City of Wanneroo)
Ms Mel Sun (City of Wanneroo)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Mr Phillip Goodwin (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Nathan Stewart (Rowe Group)
Mr Ben Lourey (Charter Hall)

Item 9.1

Mr Simon Burnell (CLE Town Planning & Design)
Mr Upi Patel (Jeevan Shath Butler Pty Ltd)
Mr Lindsay Allen (DMG Australia)

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 9:29am on 9 April 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.



The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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.

The Presiding Member announced that the Metro North-West JDAP is currently undertaking a trial of revised templates to promote greater consistency and transparency of information published on the DAP website. During this time, changes to the content contained within the Agendas, Minutes and Responsible Authority Reports may be observed.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil

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

Nil

7. Deputations and Presentations

7.1 Mr Simon Burnell (CLE Town Planning + Design) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.2 Mr Lindsay Allen (DMG Australia) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

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

The presentations at Item 7.1 – 7.3 were heard prior to the application at Item 9.1.



7.4 Mr Nathan Stewart (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel

7.5 City of Wanneroo officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentations at Items 7.4 - 7.5 were heard prior to the application at Item 8.1.

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Cr Frank Cvitan

That the application at Item 9.1 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: The panel deemed it appropriate to allow the amendment application at Item 9.1 to be determined prior to the new application at Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 950 (LOT 1000), WANNEROO ROAD, WANNEROO

Development Description:	Child Care Centre
Applicant:	Rowe Group
Owner:	Bieson Pty Ltd
Responsible Authority:	City of Wanneroo
DAP File No:	DAP/19/01681

REPORT RECOMMENDATION

Moved by: Ms Karen Hyde

Seconded by: Ms Sheryl Chaffer

That the Metro North-West JDAP resolves to:

- Approve** DAP Application reference DAP/19/01681 and accompanying plans (included in **Attachment 3**) 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's District Planning Scheme No. 2, subject to the following conditions:

Conditions

- 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.
- 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. The use of the premises is to be Child Care Centre as defined in the City of Wanneroo's District Planning Scheme No. 2 as follows:

“Child Care Centre: means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.”
4. A maximum of **86 children** and **14 staff** are permitted within the Child Care Centre premises at any one time.
5. The hours of operation of the Child Care Centre shall be between the hours of **7:00am to 7:00pm Monday to Friday (excluding public holidays)**.
6. The Child Care Centre is to comply with the recommendations of the Sonas Child Care Centre – Wanneroo Acoustic Report prepared by Wood & Grieve Engineers dated 14 February 2020. Recommended works shall be completed prior to the commencement of the use.
7. Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and shall be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
8. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
9. All illuminated signage shall have any boxing or casing in which it is enclosed constructed of incombustible materials, shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
10. Detailed landscaping and reticulation plans for the subject site, including landscaping to assist in screening the car parking areas from Wanneroo Road, plant species, densities and mulch details, shall be lodged for approval by the City prior to commencement of any development. Planting and installation shall be 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.
11. 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 shall be submitted for approval when application is made for a building licence and the system shall be installed during the construction of the development.
12. All storage areas, external fixtures and building plant, including air conditioning units and water tanks shall 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.



13. The proposed bin storage areas are to be enclosed and screened from their immediate surrounds and any adjacent public street or road by a wall not less than 1.8 metres high constructed in brick, masonry or other approved materials.
14. Prior to the commencement of development, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.
15. All waste shall be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
16. A waste management plan shall be submitted to the City for approval prior to commencement of development. The plan is to detail how waste will be managed to minimise disruption in the area and shall include:
 - a. Waste output;
 - b. Number and size of bins; and
 - c. Collection dates, times and location.

All future waste management operations on the lot shall be undertaken in accordance with an approved waste management plan.

17. A construction management plan shall be submitted for approval when application is made for a building licence. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
 - a. The delivery times for materials and equipment to the site;
 - b. Storage of materials and the location and type of equipment on site;
 - c. Adequate measures shall be undertaken during construction to minimise any adverse impacts caused by sand drift and dust from the site.
 - d. Parking arrangements for contractors and sub-contractors;
 - e. Construction times;
 - f. Measures to minimise noise impacts on surrounding residents; and
 - g. 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.

AMENDING MOTION 1

Moved by: Ms Karen Hyde

Seconded by: Mr Fred Zuideveld

The following amendments were made en bloc:

- (i) That condition no. 2 be amended to read as follows:

This decision constitutes planning approval only and is valid for a period of 2 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 provide flexibility for the substantial commencement during the Covid-19 situation when various steps towards securing permits and additional approvals may take more time than usual

(ii) That condition no. 13 be amended to read as follows:

*The proposed bin storage areas are to be enclosed and screened from their immediate surrounds and any adjacent public street or road by a wall not less than 1.8 metres high constructed in brick, masonry, **metal** or other approved materials **which reflect colours and materials of the development.***

REASON: To allow flexibility for the material selection provided that the selection is in keeping with the built form design

(iii) That a new condition no. 18 be added to read as follows:

Glazing fronting onto Wanneroo Road is to remain unobstructed at all times to ensure visual surveillance of Wanneroo Road

REASON: To ensure the glazed portion of the development fronting Wanneroo Road provides surveillance to Wanneroo Road and enhances the sense of an active street front interface.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01681 and accompanying plans (included in **Attachment 3**) 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's 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. This decision constitutes planning approval only and is valid for a period of 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 use of the premises is to be Child Care Centre as defined in the City of Wanneroo's District Planning Scheme No. 2 as follows:

*“**Child Care Centre:** means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.”*

4. A maximum of **86 children** and **14 staff** are permitted within the Child Care Centre premises at any one time.
5. The hours of operation of the Child Care Centre shall be between the hours of **7:00am to 7:00pm Monday to Friday (excluding public holidays)**.
6. The Child Care Centre is to comply with the recommendations of the Sonas Child Care Centre – Wanneroo Acoustic Report prepared by Wood & Grieve Engineers dated 14 February 2020. Recommended works shall be completed prior to the commencement of the use.
7. Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and shall be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
8. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
9. All illuminated signage shall have any boxing or casing in which it is enclosed constructed of incombustible materials, shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
10. Detailed landscaping and reticulation plans for the subject site, including landscaping to assist in screening the car parking areas from Wanneroo Road, plant species, densities and mulch details, shall be lodged for approval by the City prior to commencement of any development. Planting and installation shall be 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.
11. 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 shall be submitted for approval when application is made for a building licence and the system shall be installed during the construction of the development.
12. All storage areas, external fixtures and building plant, including air conditioning units and water tanks shall 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.



13. The proposed bin storage areas are to be enclosed and screened from their immediate surrounds and any adjacent public street or road by a wall not less than 1.8 metres high constructed in brick, masonry, metal or other approved materials which reflect colours and materials of the development.
14. Prior to the commencement of development, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.
15. All waste shall be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
16. A waste management plan shall be submitted to the City for approval prior to commencement of development. The plan is to detail how waste will be managed to minimise disruption in the area and shall include:
 - a. Waste output;
 - b. Number and size of bins; and
 - c. Collection dates, times and location.All future waste management operations on the lot shall be undertaken in accordance with an approved waste management plan.
17. A construction management plan shall be submitted for approval when application is made for a building licence. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
 - a. The delivery times for materials and equipment to the site;
 - b. Storage of materials and the location and type of equipment on site;
 - c. Adequate measures shall be undertaken during construction to minimise any adverse impacts caused by sand drift and dust from the site.
 - d. Parking arrangements for contractors and sub-contractors;
 - e. Construction times;
 - f. Measures to minimise noise impacts on surrounding residents; and
 - g. 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.
18. Glazing fronting onto Wanneroo Road is to remain unobstructed at all times to ensure visual surveillance of Wanneroo Road

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

REASON: The majority of the panel were of the opinion that the development was an appropriate use, form and layout for the location and would support the functions of an activity centre. The panel amended the conditional approval to provide the appropriate level of flexibility to support the development and construction commencement.



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

9.1 205 (LOT 4005) BUTLER BOULEVARD, BUTLER

Development Description: 67 Multiple Dwellings and 8 Commercial Tenancies
Proposed Amendments: Extension of Time, Amendments to Multiple Dwellings and Reduction to Seven Commercial Tenancies
Applicant: CLE Town Planning
Owner: Jeevan Saath Butler Pty Ltd
Responsible Authority: City of Wanneroo
DAP File No: DAP/17/01208

REPORT RECOMMENDATION

Moved by: Cr Frank Cvitan

Seconded by: Ms Karen Hyde

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01208 as detailed on the DAP Form 2 dated 19 September 2019 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/17/01208 and accompanying plans (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's District Planning Scheme No. 2, for the proposed amendments to the approved 67 Multiple Dwellings and 7 Commercial Tenancies at Lot 4005 (205) Butler Boulevard, Butler, subject to the following conditions:

Amended Conditions

1. Commercial units 1-7 may be used for the following uses as defined in the City of Wanneroo's District Planning Scheme No.2 :
 - Bakery;
 - Beauty Parlour;
 - Hairdresser;
 - Lunch Bar;
 - Restaurant;
 - Shop; and
 - Take Away Food Outlet.
2. Detailed landscaping and reticulation plans for the subject site including plant species, densities and mulch/soil details, and verge landscaping on Caistor Way shall be lodged for approval by the City prior to commencement of any development. Planting and installation shall be 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. The glazing of commercial units 1-7 is to remain unobstructed at all times to ensure visual surveillance of Butler Boulevard.



New Conditions

14. This decision constitutes planning approval only and is valid for a period of 5 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.

Delete Advice Note

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without further approval of the local government having first been sought and obtained.

All other conditions and requirements detailed on the previous approval dated 27 September 2017 shall remain unless altered by this application.

AMENDING MOTION 1

Moved by: Mr Fred Zuideveld

Seconded by: Ms Karen Hyde

That a new condition no. 15 be added to read as follows:

Apartments 216 and 316 shall be reoriented to enable access to natural light and ventilation to secondary bedrooms to the satisfaction of the City of Wanneroo.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To ensure improved access to natural light and ventilation to units 216 and 316 in line with the requirements for acceptable outcomes set out in SPP7.3 and Design WA, but without substantially changing the internal and external design and presentation of the development.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01208 as detailed on the DAP Form 2 dated 19 September 2019 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/17/01208 and accompanying plans (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's District Planning Scheme No. 2, for the proposed amendments to the approved 67 Multiple Dwellings and 7 Commercial Tenancies at Lot 4005 (205) Butler Boulevard, Butler, subject to the following conditions:



Amended Conditions

1. Commercial units 1-7 may be used for the following uses as defined in the City of Wanneroo's District Planning Scheme No.2 :
 - Bakery;
 - Beauty Parlour;
 - Hairdresser;
 - Lunch Bar;
 - Restaurant;
 - Shop; and
 - Take Away Food Outlet.
2. Detailed landscaping and reticulation plans for the subject site including plant species, densities and mulch/soil details, and verge landscaping on Caistor Way shall be lodged for approval by the City prior to commencement of any development. Planting and installation shall be 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. The glazing of commercial units 1-7 is to remain unobstructed at all times to ensure visual surveillance of Butler Boulevard.

New Conditions

14. This decision constitutes planning approval only and is valid for a period of 5 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.
15. Apartments 216 and 316 shall be reoriented to enable access to natural light and ventilation to secondary bedrooms to the satisfaction of the City of Wanneroo.

Delete Advice Note

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without further approval of the local government having first been sought and obtained.

All other conditions and requirements detailed on the previous approval dated 27 September 2017 shall remain unless altered by this application.

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

REASON: The panel were supportive of the development and the amended conditions as it represented a well resolved development which would support diverse residential and commercial accommodation needs in the location. The request for an extended commencement date was felt to be reasonable in the current Covi-19 situation when various steps towards securing permits and additional approvals may take more time than usual.



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/19/01557 DR159/2019	City of Joondalup	Lot 104 & 105 (8 & 10) Brechin Court, Duncraig	3 Levels, 16 Apartments, Multiple Dwellings	01/08/2019

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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 10:51am.