



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 24 April 2020; 9:30am
Meeting Number: MNWJDAP/287
Meeting Venue: *via electronic means*

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Attendance

DAP Members

Ms Sheryl Chaffer (A/Presiding Member)
Ms Kym Petani (A/Deputy Presiding Member)
Mr Fred Zuideveld (Third Specialist Member)
Cr Suzanne Thompson (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

Item 8.1

Mr Chris Leigh (City of Joondalup)
Mr Jeremy Thompson (City of Joondalup)

Item 8.2

Mr Matt Selby (Western Australian Planning Commission)
Ms Elisabeth Tamouridou (Western Australian Planning Commission)
Ms Caroline Hatherly (Western Australian Planning Commission)

Minute Secretary

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

Applicants and Submitters

Mr Lex Barnett (Taylor Burrell Barnett)
Mr Clint Doak (M P Rogers & Associates PL)
Ms Shae Hatch (UDLA)
Mr Jermayne Fabling (Stantec)
Mr Darryl Patterson (Arup)
Mr Carl Williams (DevelopmentWA)
Ms Claire Boland (Taylor Burrell Barnett)
Ms Karen Hyde (Taylor Burrell Barnett)
Ms Carli O'Brien (Strategen)

Members of the Public / Media

Ms Tyler Brown from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:32am on 24 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 A/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 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.

2. Apologies

Ms Karen Hyde (Presiding 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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Karen Hyde, declared a Direct Pecuniary and Impartiality Interest in items 8.1 & 8.2. Taylor Burrell Barnett, Ms Hyde's employer are the applicant for these applications for construction of the Ocean Reef Marina breakwaters on behalf of development WA.

DAP Member, Cr Philippa Taylor, declared an Impartiality Interest in items 8.1 & 8.2. Cr Taylor is a member of the Ocean Reef Sea Sports Club (ORSSC) whose clubrooms are on the subject site. Cr Taylor is also a member of the Joondalup RSL who use the ORSSC facilities.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the A/Presiding Member determined that the member listed above, who had disclosed a Direct Pecuniary Interest was not permitted to participate in the discussion and voting on the items. The A/Presiding Member also determined that the member listed above, who disclosed an Impartiality Interest was permitted to participate in the discussion and voting on the items.



7. Deputations and Presentations

- 7.1 Mr Lex Barnett (Taylor Burrell Barnett), Mr Clint Doak (M P Rogers & Associates PL) and Ms Shae Hatch (UDLA) addressed the DAP in support of the recommendation for the application at Item 8.1 & 8.2 and responded to questions from the panel.
- 7.2 City of Joondalup officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.3 WAPC officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Ocean Reef Foreshore Reserve, Ocean Reef

Development Description:	Ocean Reef Marina Breakwaters
Applicant:	Taylor Burrell Barnett on behalf of Development WA
Owner:	City of Joondalup
Responsible Authority:	City of Joondalup
DAP File No:	DAP/20/01756

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Cr Suzanne Thompson

That the Metro North-West Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/01756 is appropriate for consideration as a 'use not listed (breakwater development)' under the *City of Joondalup Local Planning Scheme No. 3*.
2. **Approve** DAP Application reference DAP/20/01756 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Metropolitan Region Scheme* and the *City of Joondalup Local Planning Scheme No.3* 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 two 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. This approval relates to the portion of works within the area zoned 'Urban' under the *Metropolitan Region Scheme* and development within this area shall be 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 lots.



4. A dilapidation report shall be undertaken for the construction vehicle routes to the west of Marmion Avenue within the City of Joondalup local government area and shall be submitted to and approved by the City prior to commencement of development. Following the completion of works, any rectification works shall be undertaken as required by the City.
5. Details of modifications to the principal shared paths and footpaths connections shall be submitted to and approved by the City prior to commencement of development. Modifications shall be implemented in accordance with the approved details, to the satisfaction of the City.
6. A Construction Management Plan shall be submitted to, and approved, by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - all forward works for the site;
 - the delivery and storage of materials and equipment to the site;
 - the parking arrangements for the contractors and subcontractors;
 - the protection of vegetation outside the development area;
 - the management of dust;
 - the management of noise;
 - construction signage;
 - potential conflict points between pedestrians and construction traffic;
 - communication with surrounding residents prior to commencement of works and during construction;

Works shall be undertaken in accordance with the approved Construction Management Plan.

7. All works shall be contained within the development footprint, as indicated on the approved plans.

Advice Notes

1. In regard to condition 5, the modifications to the principal shared paths and footpath connections shall reflect Option 1, as outlined in the Transport Assessment Report.

AMENDING MOTION 1

Moved by: Ms Sheryl Chaffer

Seconded by: Ms Kym Petani

That condition no. 2 be amended to read as follows:

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

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide consistency over the two applications



AMENDING MOTION 2

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Fred Zuideveld

The following amendments were made en bloc:

- (i) That condition no. 4 be amended to read as follows:

*A dilapidation report shall be undertaken for the **heavy** construction vehicle routes to the west of Marmion Avenue within the City of Joondalup local government area and shall be submitted to and approved by the City prior to commencement of development. Following the completion of works, any rectification works shall be undertaken as required by the City.*

REASON: The condition relates specifically to the trucks used for the transport of breakwater material.

- (ii) That a new advice note no. 2 be added to read as follows:

In relation to condition 4, the definition of a heavy vehicle is one that is within classes 3 to 12 of the Austroads Vehicle Classification system.

REASON: To provide clarity of what is defined as a heavy vehicle.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Mr Fred Zuideveld

Seconded by: Ms Sheryl Chaffer

That a new condition no. 8 be added to read as follows:

Upon completion of the works, the land used for stockpiling shall be reinstated to a clean state, to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To require the land used for stockpiling to be left in a safe and tidy condition when works are completed.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/01756 is appropriate for consideration as a 'use not listed (breakwater development)' under the *City of Joondalup Local Planning Scheme No. 3*.
2. **Approve** DAP Application reference DAP/20/01756 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Metropolitan Region Scheme* and the *City of Joondalup Local Planning Scheme No.3* 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 three 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. This approval relates to the portion of works within the area zoned 'Urban' under the *Metropolitan Region Scheme* and development within this area shall be 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 lots.
4. A dilapidation report shall be undertaken for the heavy construction vehicle routes to the west of Marmion Avenue within the City of Joondalup local government area and shall be submitted to and approved by the City prior to commencement of development. Following the completion of works, any rectification works shall be undertaken as required by the City.
5. Details of modifications to the principal shared paths and footpaths connections shall be submitted to and approved by the City prior to commencement of development. Modifications shall be implemented in accordance with the approved details, to the satisfaction of the City.
6. A Construction Management Plan shall be submitted to, and approved, by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - all forward works for the site;
 - the delivery and storage of materials and equipment to the site;
 - the parking arrangements for the contractors and subcontractors;
 - the protection of vegetation outside the development area;
 - the management of dust;
 - the management of noise;
 - construction signage;
 - potential conflict points between pedestrians and construction traffic;
 - communication with surrounding residents prior to commencement of works and during construction;

Works shall be undertaken in accordance with the approved Construction Management Plan.

7. All works shall be contained within the development footprint, as indicated on the approved plans.
8. Upon completion of the works, the land used for stockpiling shall be reinstated to a clean state to the satisfaction of the City.



Advice Notes

1. In regard to condition 5, the modifications to the principal shared paths and footpath connections shall reflect Option 1, as outlined in the Transport Assessment Report.
2. In relation to condition 4, the definition of a heavy vehicle is one that is within classes 3 to 12 of the Austroads Vehicle Classification system.

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

REASON: The development is consistent with the current and future planning framework and adequate measures to mitigate environmental, amenity and construction impacts are applied in the conditional approval.

8.2 Ocean Reef Marina - portions of Lots 15446, 555, 10518, 10098, and 503

Development Description:	Ocean Reef Marina Breakwaters
Applicant:	Taylor Burrell Barnett on behalf of Development WA
Owner:	Development WA, City of Joondalup, Water Corporation
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/20/01755

REPORT RECOMMENDATION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Philippa Taylor

That the Metro North-West Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/01755 is appropriate for consideration under the Parks and Recreation and Waterways reservation of the Metropolitan Region Scheme.
2. **Approve** DAP Application reference DAP/20/01755 and accompanying plans date-stamped **28 February 2020** by the Department of Planning Lands and Heritage (Attachment 1), pursuant to clause 30(1) of the Metropolitan Region Scheme subject to the following conditions and advice notes:

Conditions:

1. The development approval is valid for five years from the date of the approval and shall be substantially commenced within a three year period, if not the approval shall lapse and be of no further effect.
2. A Detailed Design Report for the breakwater structures is to be submitted, approved, and works undertaken in accordance with the approved Detailed Design Report, to the specification of the Department of Transport- Maritime Business Unit and to the satisfaction of the Western Australian Planning Commission.



3. The principal shared path and its associated intersections with other parts of the shared path network shall be rerouted by the applicant at their cost. Plans shall be prepared, endorsed and implemented prior to the development being executed by the proponent to the specification of the City of Joondalup and satisfaction of the Western Australian Planning Commission.
4. A Construction Management Plan shall be prepared, submitted and endorsed prior to the commencement of development and then implemented, to the specification of the City of Joondalup and to the satisfaction of the Western Australian Planning Commission.
5. All works are to be contained within the development footprint, as indicated on the approved plans.

Advice Notes

1. In regard to the Detailed Design Report, the applicant is advised to liaise with the Department of Transport, Maritime Business Unit, regarding the design criteria of the breakwater structures, including but not limited to armour sizes, crest level, filter layer and core material design. The Detailed Design Report shall include:
 - (a) detailed calculations in accordance with the agreed design standards.
 - (b) all information as necessary in support of the final design.
 - (c) final reports of numerical and physical modelling.
 - (d) construction drawings.
2. The applicant is advised that the Construction Management Plan shall detail how it is proposed to manage:
 - (a) all forward works for the site;
 - (b) the delivery and storage of materials and equipment to the site;
 - (c) the parking arrangements for the contractors and subcontractors;
 - (d) the protection of vegetation outside the development area;
 - (e) the management of dust and noise;
 - (f) construction signage;
 - (g) potential conflict points between pedestrians and construction traffic; and
 - (h) communication with surrounding residents prior to commencement of works and during construction.
3. The applicant is advised that this is a development approval under the Metropolitan Region Scheme. It is not an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licences required under any other law, and to commence and carry out development in accordance with all the relevant laws. Conditions under Ministerial Statement 1107 under Section 45 of the *Environmental Protection Act 1986* remain a requirement of the Office of the Environmental Protection Authority.



AMENDING MOTION 1

Moved by: Ms Sheryl Chaffer

Seconded by: Ms Kym Petani

That condition no. 1 be amended to read as follows:

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

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: For consistency between both approvals

AMENDING MOTION 2

Moved by: Mr Fred Zuideveld

Seconded by: Ms Kym Petani

That advice note no. 2 be amended to read as follows:

The applicant is advised that the Construction Management Plan shall detail how it is proposed to manage:

- (a) *all forward works for the site;*
- (b) *the delivery and storage of materials and equipment to the site;*
- (c) *the parking arrangements for the contractors and subcontractors;*
- (d) *the protection of vegetation outside the development area;*
- (e) *the management of dust and noise;*
- (f) *construction signage;*
- (g) *potential conflict points between pedestrians and construction traffic; and*
- (h) *communication with surrounding residents prior to commencement of works and during construction- and*
- (i) ***continued public access to the existing boat harbour during construction.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that public access to the existing boat harbour is maintained throughout the construction period.



REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/20/01755 is appropriate for consideration under the Parks and Recreation and Waterways reservation of the Metropolitan Region Scheme.
2. **Approve** DAP Application reference DAP/20/01755 and accompanying plans date-stamped **28 February 2020** by the Department of Planning Lands and Heritage (Attachment 1), pursuant to clause 30(1) of the Metropolitan Region Scheme subject to the following conditions and advice notes:

Conditions:

1. This decision constitutes planning approval only and is valid for a period of three 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. A Detailed Design Report for the breakwater structures is to be submitted, approved, and works undertaken in accordance with the approved Detailed Design Report, to the specification of the Department of Transport- Maritime Business Unit and to the satisfaction of the Western Australian Planning Commission.
3. The principal shared path and its associated intersections with other parts of the shared path network shall be rerouted by the applicant at their cost. Plans shall be prepared, endorsed and implemented prior to the development being executed by the proponent to the specification of the City of Joondalup and satisfaction of the Western Australian Planning Commission.
4. A Construction Management Plan shall be prepared, submitted and endorsed prior to the commencement of development and then implemented, to the specification of the City of Joondalup and to the satisfaction of the Western Australian Planning Commission.
5. All works are to be contained within the development footprint, as indicated on the approved plans.

Advice Notes

1. In regard to the Detailed Design Report, the applicant is advised to liaise with the Department of Transport, Maritime Business Unit, regarding the design criteria of the breakwater structures, including but not limited to armour sizes, crest level, filter layer and core material design. The Detailed Design Report shall include:
 - (a) detailed calculations in accordance with the agreed design standards.
 - (b) all information as necessary in support of the final design.
 - (c) final reports of numerical and physical modelling.
 - (d) construction drawings.



2. The applicant is advised that the Construction Management Plan shall detail how it is proposed to manage:
 - (a) all forward works for the site;
 - (b) the delivery and storage of materials and equipment to the site;
 - (c) the parking arrangements for the contractors and subcontractors;
 - (d) the protection of vegetation outside the development area;
 - (e) the management of dust and noise;
 - (f) construction signage;
 - (g) potential conflict points between pedestrians and construction traffic;
 - (h) communication with surrounding residents prior to commencement of works and during construction; and
 - (i) continued public access to the existing boat harbour during construction

3. The applicant is advised that this is a development approval under the Metropolitan Region Scheme. It is not an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licences required under any other law, and to commence and carry out development in accordance with all the relevant laws. Conditions under Ministerial Statement 1107 under Section 45 of the *Environmental Protection Act 1986* remain a requirement of the Office of the Environmental Protection Authority.

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

REASON: The development is consistent with the planning framework for the development and the locality and the panel was satisfied that appropriate management measures can be implemented through the applied conditions and advice of the approval.

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

Nil

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 10:54am.