



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 31 August 2020; 9.30am
Meeting Number: MOJDAP/33
Meeting Venue: Via electronic means

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

Officers in attendance

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

Minute Secretary

Mr Phil Goodwin (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Finn Smith (Planning Solutions)
Mr Alessandro Stagno (Planning Solutions)
Mr Michael Stevens (Luxem Group)

Item 9.1

Mr Reegan Cake (Dynamic Planning)
Mr Neil Teo (Dynamic Planning)
Mr Julius Skinner (Thomson Geer Lawyers)
Mr Richard Jackson (RMW Group)

Members of the Public / Media

There were 20 members of the public in attendance.

Ms Tyler Brown from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.33am on 31 August 2020 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 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.

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 Alessandro Stagno (Planning Solutions) addressed the DAP for the recommendation for the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 8.1.

- 7.2 Ms Nannette Brammer addressed the DAP against the recommendation for the application at Item 9.1.

- 7.3 Ms Shailee Desai addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.

- 7.4 Mr Neil Teo (Dynamic Planning and Developments), Mr Julius Skinner (Thomson Geer Lawyers) and Mr Richard Jackson (RMW Group) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.

- 7.5 The City of Joondalup officers responded to questions from the panel.

The presentation at Item 7.2 – 7.5 was heard prior to the application at Item 9.1.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 208 and 207 (122 and 124) Coolibah Drive, Greenwood

Development Description: New Child Care Premises
Applicant: Planning Solutions
Owner: Lot 208: Kevin Robert Trill and Leanne Doreen Trill
Lot 207: Jennifer Greathead and Curtis Daniel Aspden
Responsible Authority: City of Joondalup
DAP File No: DAP/20/01803

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Ms Sheryl Chaffer

With the agreement of the mover and seconder the following amendments were made to the report recommendation;

(i) That Condition 5 be amended to read as follows:

A Noise Management Plan, addressing the impact of noise on surrounding properties is to be submitted to, and approved by the City prior to occupation of the development. The Noise Management Plan is to incorporate all recommendations of the Noise Impact Assessment dated 18 June 2020 (Attachment 6) and incorporate, but not be limited to, the following noise mitigation measures:

- Of the three groups of children aged 2+ yrs, only up to two groups and a total of 55 children can participate in outdoor play at any one time.*
- outdoor play time shall be staggered and not consist of the entire morning and / or afternoon.*
- communication provided to parents to consider neighbours when dropping off and picking up children.*
- fixed hollow metal structures or equipment to be filled with sand or expanding foam.*

Reason: In accordance with the acoustic assessment and to ensure that the approval provides flexibility in allowing children to receive adequate outdoor play time.

That the Metro Outer Joint Development Assessment Panel resolves to:

- Approve** DAP Application reference DAP/20/01803 and accompanying plans (Attachment 2) in accordance with 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 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 approval relates to the Child Care Premises and associated works only and development 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 lot.
3. The lots included shall be amalgamated prior to occupancy certification.
4. The hours of operation for the centre shall be not more than between 7:00am to 6.30pm Monday to Friday. Child Care Centre staff shall not arrive at the centre before 6:30am and be off site by 7:00pm.
5. A Noise Management Plan, addressing the impact of noise on surrounding properties is to be submitted to, and approved by the City prior to occupation of the development. The Noise Management Plan is to incorporate all recommendations of the Noise Impact Assessment dated 18 June 2020 (Attachment 6) and incorporate, but not be limited to, the following noise mitigation measures:
 - Of the three groups of children aged 2+, only up to two groups and a total of 55 children can participate in outdoor play at any one time.
 - outdoor play time shall be staggered and not consist of the entire morning and / or afternoon.
 - communication provided to parents to consider neighbours when dropping off and picking up children.
 - fixed hollow metal structures or equipment to be filled with sand or expanding foam.

Operation of the Child Care Premises shall then be carried out in accordance with the approved Noise Management Plan.

6. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
7. The car parking bays shall be marked and permanently set aside as indicated on the approved plans, to the satisfaction of the City.
8. The bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City.
9. A full schedule of colours and materials for all exterior parts to the building is to be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule to the satisfaction of the City.



10. A Waste Management Plan indicating the method of rubbish collection is to be submitted prior to the commencement of development and approved by the City prior to the development first being occupied and thereafter implemented to the satisfaction of the City.
11. A Construction Management Plan being submitted and approved 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 of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for the contractors and subcontractors;
 - the management of dust during the construction process;
 - other matters likely to impact on the surrounding propertiesand works shall be undertaken in accordance with the approved Construction Management Plan.
12. Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - i. Provide landscaping that discourages the parking of vehicles within the verge;
 - ii. Provide landscaping screening adjacent to the front boundary, of a sufficient height and density to reduce the visibility of the access ramping from Coolibah Drive;
 - iii. Provide details of the play equipment and shade structures within the outdoor play area, incorporating minimum concrete or brick paved areas;
 - iv. Provide all details relating to paving and treatment of verges;
 - v. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - vi. Show spot levels and/or contours of the site;
 - vii. Be based on water sensitive urban design principles to the satisfaction of the City;
 - viii. Be based on Designing out Crime principles to the satisfaction of the City;
 - ix. Show all irrigation design details.
13. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
14. All external fixtures and utilities (e.g. air conditioning units, piping, ducting and water tanks) shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street or integrated with the building design. This includes placement of the air conditioning units within the basement car park as indicated on the approved plans. Details shall be submitted to and approved by the City prior to the commencement of development.



15. The signage shall:
 - not be illuminated;
 - not include fluorescent, reflective or retro reflective colours;
 - be established and thereafter maintained of a high standardto the satisfaction of the City.
16. All external walls of the proposed building shall be of a clean finish and shall at all times be free of vandalism, to the satisfaction of the City.
17. All stormwater shall be contained on-site and disposed of in a manner acceptable to the City.
18. Development shall be contained within the property boundaries.

Advice Notes

1. Further to condition 1, the City of Joondalup *Local Planning Scheme No. 3* defines 'Child Care Premises' as:

"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 Services Act 2007 section 4 is provided."*
2. The City encourages the applicant/owner to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
3. Any existing infrastructure/assets within the road reserve (e.g. footpath, kerbing and street trees) are to be retained and protected during construction of the development and are not to be removed or altered. Should any infrastructure or assets be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.
4. Bin store and wash down area to be provided with a hose cock and have a concrete floor graded to an industrial floor waste connected to sewer.
5. Laundry to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
6. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.



7. Development to be set up and run in compliance with the *Food Act 2008* and the *Australia New Zealand Food Standards Code*. Consideration should be given to having adequate number of sinks in the main kitchen including a dedicated food preparation sink. The applicant is encouraged to send detailed kitchen fit out plans to the City's Health Services for comment prior to lodging a certified building permit. For further information please contact Health & Environmental Services on 9400 4933.

AMENDING MOTION

Moved by: Cr Philippa Taylor

Seconded by: Cr Suzanne Thomson

That condition no. 7 be amended to read as follows:

*The car parking bays shall be marked and permanently set aside as indicated on the approved plans **except for the unmarked bays which are to be marked and set aside for visitors, to the satisfaction of the City.***

The Amending Motion was put and LOST (2/3).

For: Cr Philippa Taylor
Cr Suzanne Thompson

Against: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick

The Report Recommendation was put and CARRIED (3/2).

For: Ms Sheryl Chaffer
Mr Ian Birch
Mr Jason Hick

Against: Cr Philippa Taylor
Cr Suzanne Thompson

REASON: The panel in majority supported the proposed childcare premises as it is appropriately located on a local distributor road and is complementary to the range of other non-residential uses in the local area. Conditions have been applied to adequately address amenity and aesthetic considerations in the residential zone. The amendment to condition 5 was requested by the applicant. The City's officers accepted the applicant's supporting argument for the change put forward in their deputation.



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

9.1 Lot 649 (No. 98) O'Mara Boulevard, Iluka

| | |
|--------------------------|---|
| Development Description: | Commercial development |
| Proposed Amendments: | Change of use to tenancies 1 -3 to 'Tavern' |
| Applicant: | Dynamic Planning & Developments |
| Owner: | AGEM PG33 Pty Ltd att AGEM PG Trust. |
| Responsible Authority: | City of Joondalup |
| DAP File No: | DAP/18/01543 |

REPORT RECOMMENDATION

Moved by: Cr Suzanne Thompson

Seconded by: Mr Ian Birch

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 dated 28 May 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 date 28 May 2020 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* and the provisions of the City of Joondalup Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for the following reasons:

Reasons

1. The proposed change of use to 'Tavern' does not satisfy the matters to be considered under clause 67(a), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, the use will have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality and, therefore, does not meet the objectives under Table 2, 'Commercial' zone objectives of *Local Planning Scheme No. 3*.
2. The proposed change of use to 'Tavern' does not satisfy the matters to be considered under clause 67(h), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, the proposal does not meet the objectives under clause 6.1 of the Iluka Structure Plan as the proposal is considered to;
 - a) have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality; and
 - b) is not reflective of the local scale of the centre which is to primarily serve the needs of the local community.
3. The proposal does not satisfy the matters to be considered under clause 67(n), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes)*



Regulations 2015 as the proposal will detrimentally impact the amenity of the locality, specifically in relation to the character of the location and the social impacts of the development.

4. The proposal does not satisfy the matters to be considered under clause 67(m), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the scale of the 'Tavern' use is not compatible with the setting of the locality, being a local centre.

The Report Recommendation was put and LOST (2/3).

For: Ms Suzanne Thompson
Mr Ian Birch

Against: Ms Sheryl Chaffer
Mr Jason Hick
Ms Philippa Taylor

ALTERNATE MOTION

Moved by: Cr Philippa Taylor

Seconded by: Mr Jason Hick

With the agreement of the mover and seconder the following amendments were made to the alternate recommendation provided by the City's officers;

- (i) That a new Condition be added to read as follows:

An Operations Management Plan shall be submitted to and approved by the City prior to commencement of the use. The Operations Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the tavern use.

REASON: To apply consolidated operational management measures and clearly define the activities within the premises, as stated in the application, to mitigate potential amenity issues for neighbouring residents

- (ii) That Condition 22 of JDAP decision dated 28 June 2019 be amended to read as follows:

The hours of operation shall be no more than:

- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
b) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
c) T1/T2/T3 (Tavern) 6am to 11pm Monday to **Sunday**. ~~Saturday and 10 am to 11pm on Sunday.~~

REASON: To align with opening hours of other uses at the centre. Panel members were mindful that the sale of liquor is not permitted before 10.00am.



1. **Accept** that the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 dated 28 May 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP application reference DAP/18/01543, 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* and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, for the proposed change of use to the approved commercial development at Lot 649 (98) O'Mara Boulevard, Iluka, subject to:

Amended Conditions of JDAP decision dated 13 May 2019

14. A detailed acoustic report shall be submitted to the City's satisfaction, prior to the Occupation of Tenancy 1, 2 and 3. The acoustic report shall demonstrate that the design of the building can ensure that all activities, including those occurring within the gymnasium and child care, and tavern comply with the Environmental Protection (Noise) Regulations 1997. The acoustic report shall also consider any impacts to the adjoining residential development to the north.

Additional Advice note of JDAP decision dated 13 May 2019

9. Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions, prohibition of music and any openings to the indoor area) and music to be of an ambient nature with live performances to be prohibited.

Amended Conditions of JDAP decision dated 28 June 2019

11. A Waste Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Waste Management Plan shall include, but not be limited to, the following;
 - Days, times and frequency of pick up;
 - Type and size of waste vehicle to be used;
 - Type and size of bins to be used; and
 - Method of rubbish collection.

All waste collection shall be in accordance with the approved Waste Management Plan.

12. A Delivery Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Delivery Management Plan shall include, but not be limited to, the following;
 - Restricting deliveries by semi-rigid vehicles of 12.5m or more in length to between hours of 7am to 7pm;
 - Instruction to drivers for the use of Burns Beach Road access only and not to use Calis Avenue or Mykonos View when approaching or accessing the site;



- Signage and wayfinding details to be installed on the property to direct delivery drivers to the Burns Beach Road vehicle access point; and
- Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.

The Delivery Management Plan shall include the revised Tavern land use.

21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
- Demonstrate safe access and egress including vehicular and pedestrian access;
 - Consideration of mirrors at the exit on Calis Avenue; and
 - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.

22. The hours of operation shall be no more than:
- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday.

Additional Advice note of JDAP decision dated 28 June 2019

10. Revised condition 11 is required to address the change of use of Tenancy 1, 2 and 3 including any additional waste required from the Tavern land use.
11. Revised condition 12 is required to address the change of use of Tenancy 1, 2 and 3 including any additional delivery requirements from the Tavern land use.
12. Revised condition 21 is required to address the change of use of Tenancy 1, 2 and 3 including the impacts of the Tavern use on vehicular and pedestrian access.

New Condition

23. An Operations Management Plan shall be submitted to and approved by the City prior to commencement of the use. The Operations Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the tavern use.

All other conditions and advice notes remain as per the decision of 13 May 2019.

The Alternate Motion was put and CARRIED (3/2).



For: Cr Philippa Taylor
Mr Jason Hick
Ms Sheryl Chaffer

Against: Mr Ian Birch
Cr Suzanne Thompson

REASON: The panel in majority supported the proposal as it does not substantially change the currently approved development, there are no changes to the built form or applicable development standards and the proposed use will contribute to the social amenity of the local area. Amended conditions are applied to the approval to comprehensively address potential amenity issues.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

| Current SAT Applications | | | | |
|-----------------------------|-----------------|--|--|-------------|
| File No. & SAT DR No. | LG Name | Property Location | Application Description | Date Lodged |
| DAP/19/01702 DR 049/2020 | City of Swan | Lot 11, 152 & 153 Talbot Road, Hazelmere | Industrial Warehouse and Ancillary Uses | 18/3/2020 |
| DAP/19/01708 DR 138/2020 | City of Kwinana | Lot 108 Kwinana Beach Road, Kwinana | Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals | 1/7/2020 |

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 12.11pm.