



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 22 April 2022; 9:30am
Meeting Number: MOJDAP/167
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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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Justin Page (A/Third Specialist Member)
Cr Vinh Nguyen (Local Government Member, City of Wanneroo)
Cr Frank Cvitan (Local Government Member, City of Wanneroo)

Officers in attendance

Mr Josh Coppola (City of Wanneroo)
Mr Nick De Vicchi (City of Wanneroo)
Ms Sue Wesley (City of Wanneroo)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Jordan Ennis (Ennis Advisory)
Mr Regan Harray (7eleven)
Mr Paul Davidson (Vend Property)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 22 April 2022 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.

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

Mr Ian Birch
Presiding Member, Metro Outer JDAP



2. Apologies

Mr Jason Hick (Third Specialist 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, Mr Justin Page, declared an Impartiality Interest in item 9.1. Mr Page was part of the project consultant team who acted on behalf of MGP Baldivis Pty Ltd of which 7-Eleven was a prospective tenant for a proposed service station at Lot 1 Fifty Road, Baldivis. The proposed service station (as part of the wider local centre development located at the corner of Fifty Rd/Baldivis Rd) was approved by the City of Rockingham under delegated officer authority on 13 August 2021. Mr Page's previous involvement with the proposed service station at Lot 1 Fifty Road, Baldivis will not affect his ability to be impartial in the determination of the application.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Jordan Ennis (Ennis Advisory) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

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

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil



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

9.1 Lot 9001 (35) Kilrush Turn, Ridgewood

Development Description: Service Station – Amendment to previous Approval
Proposed Amendments: Additional Signage and amendments to conditions
Applicant: Ennis Advisory
Owner: Silverspark Pty Ltd Atf The SilverSpark Unit Trust
Responsible Authority: City of Wanneroo
DAP File No: DAP/21/01940

REPORT RECOMMENDATION

Moved by: Cr Vinh Nguyen

Seconded by: Cr Frank Cvitan

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01940 as detailed on the DAP Form 2 dated 17 February 2022 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/21/01940 in accordance with Clause 77 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, for the proposed minor amendment to the approved Service Station at Lot 9001 (35) Kilrush Turn, Ridgewood, in accordance with the accompanying plans (Plans 1 to 10, Revision 17 dated 07-02-2022), and subject to the following modifications to the conditions contained within the approval determined by the Metro Outer Joint Development Assessment Panel on 17 September 2021:
 1. To delete and replace Condition 5 with the following:

The development is to be implemented in accordance with the recommendations of the Environmental Noise Assessment, dated 3 February 2021 completed by Lloyd George Acoustics and the Memorandum dated 11 January 2022 completed by Lloyd George Acoustics, allowing additional refrigerated deliveries to occur between the hours of 10.00pm and 7.00am within the two northernmost bays only. The development shall be maintained thereafter to the satisfaction of the City.
 2. To include the following as additional conditions of development approval:
 20. Signage shall be erected at both the north-easternmost bays and the loading area advising delivery drivers that only the north-easternmost bays shall be used to receive deliveries between the hours of 10:00pm and 7:00am.
 21. An 8m high pylon sign located in the vicinity of the Connolly Drive and Lukin Drive intersection (as shown on the accompanying plans dated 07-02-2022) does not form part of this approval.



AMENDING MOTION

Moved by: Mr Justin Page

Seconded by: Ms Sheryl Chaffer

The following amendments were made en bloc;

- (i) To delete and replace Condition No.12 with the following:

*The 10 metre price board pylon sign, as illustrated on Site Plan Revision 17 dated 7 February 2022, shall be reduced to a maximum height of **eight** metres.*

- (ii) That Condition No. 21 be amended to read as follows:

The An 8m high pylon sign located in the vicinity of the Connolly Drive and Lukin Drive intersection (as shown on the accompanying plans dated 07-02-2022) ~~does not form part of this approval~~ is approved as a multi-tenant sign and the service station is permitted to only utilise a portion of the pylon sign and the remainder of the sign is to be reserved for future tenancies on the site.

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

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Justin Page

Against: Cr Vihn Nguyen
Cr Frank Cvitan

REASON: By majority, panel members considered that approval of the pylon sign at eight metres would not have an adverse impact on the streetscape, having regard for the overall length of site frontage, and it would make the advertising of fuel pricing more visible for drivers thus enabling greater reaction time for subsequent decision making, which can potentially improve traffic safety. At the greater height, it also offers potential to inform drivers on Lukin Drive of other businesses intended to be located on the site.

The proposed pylon sign forms part of the first stage of development, being associated with the service station. The planning framework supports an eight metre high pylon sign where it is used as a multi-tenant sign. The Panel was informed by the Applicant who advised that discussions had occurred with future prospective tenants regarding use of the proposed multi-tenant sign. The proposed sign provides for two blank panels where future tenants can located their signage as part of future stage(s) of development. The multi-tenant sign will potentially reduce the need for a proliferation of signage across the site.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01940 as detailed on the DAP Form 2 dated 17 February 2022 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/21/01940 in accordance with Clause 77 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, for the proposed minor amendment to the approved Service Station at Lot 9001 (35) Kilrush Turn, Ridgewood, in accordance with the accompanying plans (Plans 1 to 10, Revision 17 dated 07-02-2022), and subject to the following modifications to the conditions contained within the approval determined by the Metro Outer Joint Development Assessment Panel on 17 September 2021:
 1. To delete and replace Condition 5 with the following:

The development is to be implemented in accordance with the recommendations of the Environmental Noise Assessment, dated 3 February 2021 completed by Lloyd George Acoustics and the Memorandum dated 11 January 2022 completed by Lloyd George Acoustics, allowing additional refrigerated deliveries to occur between the hours of 10.00pm and 7.00am within the two northernmost bays only. The development shall be maintained thereafter to the satisfaction of the City.
 2. To delete and replace Condition No.12 with the following:

The 10 metre price board pylon sign, as illustrated on Site Plan Revision 17 dated 7 February 2022, shall be reduced to a maximum height of eight metres.
 3. To include the following as additional conditions of development approval:
 20. Signage shall be erected at both the north-easternmost bays and the loading area advising delivery drivers that only the north-easternmost bays shall be used to receive deliveries between the hours of 10:00pm and 7:00am.
 21. The 8m high pylon sign located in the vicinity of the Connolly Drive and Lukin Drive intersection (as shown on the accompanying plans dated 07-02-2022) is approved as a multi-tenant sign and the service station is permitted to only utilise a portion of the pylon sign and the remainder of the sign is to be reserved for future tenancies on the site.



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

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Justin Page

Against: Cr Vihn Nguyen
Cr Frank Cvitan

REASON: The Panel having considered the Responsible Authority Report and all materials and information presented, was satisfied with the RAR recommendation but with the amended conditions. In general the Panel was satisfied that all relevant planning considerations had been appropriately addressed.

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/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:07am.