



## **Metro Outer Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Wednesday, 4 May 2022; 1:00pm  
**Meeting Number:** MOJDAP/170  
**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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**Mr Ian Birch**  
Presiding Member, JDAP



## **Attendance**

### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr John Syme (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 Greg Bowering (City of Wanneroo)  
Mr Nick de Vecchis (City of Wanneroo)  
Ms Sue Wesley (City of Wanneroo)  
Mr Josh Coppola (City of Wanneroo)

### **Minute Secretary**

Ms Zoe Hendry (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

### **Applicants and Submitters**

Ms Megan Gammon (Urbis)  
Mr Craig Wallace (Lavan)  
Mr Philip Griffiths (Griffiths Architects)  
Mr Michael Jorgensen (Brown Falconer)  
Mr Andrew Baranowski (Plan E)  
Ms Alicia Jones (Woolworths)  
Ms Anne-Maria Colman  
Ms Zakaya Benkendorf  
Mr Allan Shuttleton  
Ms Marchelle Miteff  
Mr Bruce Nicholl  
Mr Warren Schafer  
Ms Aline Benkendorf  
Ms Helen Michael  
Mr Christopher Baker

### **Members of the Public / Media**

There were 16 members of the public in attendance.

Ms Tyler Brown from Perth Now and Yanchep News Online from were in attendance.

#### **1. Opening of Meeting, Welcome and Acknowledgement**

The Presiding Member declared the meeting open at 1:10pm on 4 May 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

**Mr Ian Birch**  
Presiding Member, JDAP



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.

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

## **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**

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Vinh Nguyen and Cr Frank Cvitan, declared that they participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, they acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them which will be considered on its planning merits.

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 had disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the item.

**Mr Ian Birch**  
Presiding Member, JDAP



## 7. Deputations and Presentations

The Presiding Member announced that: in accordance with DAP Standing Orders (clause 4.7.2) all presentations are limited to five minutes. Panel Members have been provided copies of the written details of submissions to this meeting.

- 7.1 Ms Anne-Maria Colman addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Ms Zakaya Benkendorf addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Allan Shuttleton addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Ms Marchelle Miteff addressed the DAP against the recommendation for the application at Item 8.1.
- 7.5 Mr Bruce Nicholl addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 Mr Warren Schafer addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.7 Ms Aline Benkendorf addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.8 Ms Helen Michael addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.9 Mr Craig Wallace (Lavan) addressed the DAP for the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.10 Ms Alicia Jones (Woolworths) responded to questions from the panel.
- 7.11 Mr Philip Griffiths (Griffiths Architects) addressed the DAP for the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.12 Mr Michael Jorgenson (Brown Falconer) and Mr Andrew Baranowski (Plan E) addressed the DAP for the recommendation for the application at Item 8.1
- 7.13 Ms Megan Gammon (Urbis) addressed the DAP for the recommendation for the application at Item 8.1
- 7.14 Mr Christopher Baker addressed the DAP against the recommendation for the application at Item 8.1
- 7.15 Mr Greg Bowering (City of Wanneroo) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

**Mr Ian Birch**  
Presiding Member, JDAP



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 9702 (No.10) Enterprise Avenue, Two Rocks

Development Description: Proposed Shop, Liquor Store, Restaurant and Office  
Applicant: Woolworths C/O Urbis  
Owner: Fini Group Pty Ltd  
Responsible Authority: City of Wanneroo  
DAP File No: DAP/21/02117

### PROCEDURAL MOTION

**Moved by:** Cr Vinh Nguyen

**Seconded by:** Cr Frank Cvitan

That the consideration of DAP Application DAP/21/02117 be deferred until 30 September 2022, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reason:

- Having regard for advice received from the Heritage Council of WA that the Sun City Precinct, Two Rocks has been identified as a place which is likely to be of state cultural heritage significance and is to be assessed as a matter of priority, to allow time for the assessment process to be completed.

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

For: Cr Vinh Nguyen  
Cr Frank Cvitan

Against: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr John Syme

### REPORT RECOMMENDATION

**Moved by:** Mr John Syme

**Seconded by:** Mr Ian Birch

1. **Approve** DAP Application reference DAP/21/02117 and accompanying plans (3353-02 Rev Y, 3353-03 Rev H and 3353-04 Rev F) and supporting technical documents 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, and the Metropolitan Region Scheme, subject to the following conditions as follows:

### 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.

**Mr Ian Birch**  
Presiding Member, JDAP



2. The use of the premises is to be **'Shop', 'Liquor Store', 'Restaurant'** and **'Office'** as defined by the City of Wanneroo's District Planning Scheme No. 2 as follows:

**Shop:** *means a premises where goods are kept exposed or offered for sale by retail. This interpretation excludes restricted premises but may include a bakery.*

**Liquor Store:** *means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Licensing Act 1988.*

**Restaurant:** *means any premises where the predominant use is the preparation of food for sale and consumption within the building or portion thereof. The expression may include the sale of food for consumption off the premises, where Council is of the opinion that it is incidental to the business. The term may include an outdoor eating area which shall be treated as being within the building of the Restaurant. The expression excludes Drive-Through Food Outlets.*

**Office:** *means any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on site, and does not include consulting rooms or medical centres.*

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

3. The development is to be implemented in accordance with the Bushfire Management Plan dated 6 October 2021 prepared by Bushfire Prone Planning.
4. The development is to comply at all times with the Herring Storer Acoustics Environmental Noise Assessment dated September 2021.
5. Detailed landscaping and reticulation plans for the subject site and adjacent road verges shall be lodged for approval by the City of Wanneroo prior to the commencement of works. Planting and installation shall be in accordance with the approved landscaping and reticulation plans prior to the occupation of the development, and thereafter maintained by the landowner to the City's satisfaction.
6. Detailed civil engineering drawings and specifications for works within the public road reserve (earthworks, parking, footpath, roads and drainage) shall be lodged for approval by the City of Wanneroo prior to commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications and Construction Management Plan to the satisfaction of the City of Wanneroo.
7. The applicant is to collaborate with the City of Wanneroo with respect to the implementation of heritage items as identified within the proposal including colours and material finishes of the building. Such items are to be implemented prior to occupation and thereafter maintained to the satisfaction of the City of Wanneroo.
8. A schedule of colours and materials is to be submitted to the City of Wanneroo for consideration prior to a building permit being lodged, and thereafter maintained to the satisfaction of the City of Wanneroo.

**Mr Ian Birch**  
Presiding Member, JDAP



9. The applicant/owner shall ensure that 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. Lighting shall be installed to pathways and car parking areas, be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to prevent overspill into nearby lots.
11. Parking areas, driveways and points of ingress and egress shall be designed in accordance with the Australian Standard for off-street car parking (AS2890) and shall be drained, sealed, marked and thereafter maintained to the satisfaction of the City of Wanneroo.
12. The proposed crossovers shall be designed and constructed in concrete in accordance with the commercial specifications of the City's Engineering Development Standards TS07-11 and WD11 to the satisfaction of the City of Wanneroo.
13. The parking areas and associated access depicted on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time.
14. Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on site. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided.
15. All piped and wired services, mechanical plant, equipment and service and storage areas are to be screened from public view to the satisfaction of the City of Wanneroo.
16. All refuse shall be stored within the designated bin enclosures and shall be collected from the site at the cost of the landowner between 7am and 7pm, Monday to Saturday.
17. 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.
18. A Construction Management Plan shall be provided to the City of Wanneroo detailing how the construction of the development will be managed in order to limit the impact on the users of the surrounding area. The plan will need to ensure that:
  - a) Adequate space is provided within the development site for the parking of construction vehicles and for the storage of building materials so as to minimise the need to utilise the surrounding road network;
  - b) Adequate provision is made for the parking of workers' vehicles;
  - c) Pedestrian and vehicular access around the site is maintained;
  - d) Undertake adequate measures during construction to minimise any adverse impacts caused by sand drift and dust from the site;

**Mr Ian Birch**  
Presiding Member, JDAP



- e) The delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
- f) The hours of construction are limited to ensure that there is no adverse impact on the amenity of the surrounding properties.

The Construction Management Plan is to be submitted to and approved by the City of Wanneroo prior to the commencement of any development.

### **Advice Notes**

1. This decision constitutes planning approval only and is valid for a period of four (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.
2. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
3. With regard to Condition 6, the engineering plans should also consider the requirement for the design and upgrading of the Lisford Avenue shoulder to allow for driver vehicle swept path movements. This may also include the requirement to modify the existing pedestrian footpath adjoining this location.
4. In regards to managing dust and sand drift in accordance with the Construction Management Plan condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'.
5. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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

For: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr John Syme

Against: Cr Vinh Nguyen  
Cr Frank Cvitan

**Mr Ian Birch**  
Presiding Member, JDAP



**REASON:** By majority, Panel members considered that the application should be determined and that the recommendation in the Responsible Authority Report to approve the application, with conditions, could be supported.

With respect to information provided to the Panel of an impending assessment of the Sun City Precinct, Two Rocks by Heritage Council WA, due regard was given to public submissions and professional heritage assessment provided by the applicant on this matter. It was noted that in the event that the precinct is included on the state heritage register, this does not preclude development. While the subject site is included as part of the broader Sun City Precinct, it is completely vacant, containing no significant elements that contribute to the place. The development proposal does, however, embrace the overall heritage values of the precinct, in particular, its low scale protecting views to and from, and engaging with, the significant King Neptune sculpture which sits roughly 50 metres to the north and approximately 10 metres above the subject site. Further, through a design review process with the City’s Design Review Panel, and subject to further refinement through proposed conditions of approval, materials and colours for the buildings reflect the general character of the precinct and heritage elements are carried through the landscaping.

With respect to the established planning framework adopted by the City for the Two Rocks Town Centre, as outlined in the RAR, the proposed uses and built form are assessed as being consistent with prescribed standards and objectives. An active ‘main street character for Azzurra Street is achieved, with assistance through the Design Review Panel assessment process. Supporting technical reports concerning traffic impact, provision for onsite parking, environmental noise, heritage, bushfire management and waste management have been reviewed and accepted by City officers as satisfying planning requirements and related regulatory standards. Conditions of approval reinforce development and operational requirements.

**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 -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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

**Mr Ian Birch**  
Presiding Member, JDAP



## **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 4:43pm.

A handwritten signature in black ink, appearing to read 'Ian Birch'.

**Mr Ian Birch**  
Presiding Member, JDAP