



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 6 April 2023; 9:30am
Meeting Number: MOJDAP/238
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 Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Karen Hyde (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

Cr Lorna Buchan (Local Government Member, City of Rockingham)
Cr Mark Jones (Local Government Member, City of Rockingham)

Item 8.2 & 8.3

Cr Frank Cvitan (Local Government Member, City of Wanneroo)
Cr Vinh Nguyen (Local Government Member, City of Wanneroo)

Officers in attendance

Item 8.1

Mr Mike Ross (City of Rockingham)
Mr David Waller (City of Rockingham)

Item 8.2

Mr Greg Bowering (City of Wanneroo)
Miss Xin Xu (City of Wanneroo)

Item 8.3

Mr Greg Bowering (City of Wanneroo)
Mr Dawie Jansen van Rensburg (City of Wanneroo)

Minute Secretary

Mr Stephen Haimés (DAP Secretariat)

Applicants and Submitters

Item 8.1 & 8.2

Mr Alessandro Stagno (Apex Planning)
Mr Stefan Piruk (Jarrah Property)
Mr Scott Ferguson (Jarrah Property)

Item 8.3

Mr Ben Carter (Pinnacle Planning)

Members of the Public / Media

There were 4 members of the public in attendance.

Mr Christopher Tan from Perth Now was in attendance.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 6 April 2023 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.

This meeting was convened via electronic means (Zoom). 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

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Lorna Buchan and Cr Mark Jones, 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, Cr Buchan and Cr Jones acknowledged that they are not bound by any previous decision or resolution of the local government and undertake to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



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

7. Deputations and Presentations

7.1 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Rockingham addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Items 7.1 - 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 The City of Wanneroo addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 8.2.

7.5 Mr Ben Carter (Pinnacle Planning) addressed the DAP in support of the recommendation for the application at Item 8.3 and responded to questions from the panel.

7.6 The City of Wanneroo addressed the DAP in relation to the application at Item 8.3 and responded to questions from the panel.

The presentations at Items 7.5 - 7.6 were heard prior to the application at Item 8.3.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 1 (No.1) Rae Road & Lot 2 (No.172) Safety Bay Road, Shoalwater

| | |
|--------------------------|---|
| Development Description: | Proposed Child Care Premises |
| Applicant: | Apex Planning |
| Owner: | Cedarbay Investments Pty Ltd/ Southerly Ocean Pty Ltd |
| Responsible Authority: | City of Rockingham |
| DAP File No: | DAP/22/02383 |

REPORT RECOMMENDATION

Moved by: Cr Mark Jones

Seconded by: Cr Lorna Buchan

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



That the Metro Outer Joint Development Assessment Panel resolves to:

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Child Care Premises Lot 1 (No.1) Rae Road and Lot 2 (No.172) Safety Bay Road, Safety Bay) contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011 which **REQUESTS** that the Metro Outer Joint Development Assessment Panel defers consideration of the matter pending the receipt and assessment of a Needs Assessment as required by Planning Policy No.3.3.5 - Child Care Premises.

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

For: Cr Mark Jones
Cr Lorna Buchan

Against: Mr Eugene Koltasz
Ms Karen Hyde
Mr Jason Hick

ALTERNATE MOTION

Moved by: Mr Jason Hick

Seconded by: Ms Karen Hyde

That the Metro Outer Joint Development Assessment Panel resolves to:

APPROVE DAP Application reference DAP/22/02383 and the accompanying plans listed as follows:

- Site Location Plan, Job No. 0794, Drawing No. DA01, Revision A, dated 14 November 2022;
- Proposed Demolition Plan, Job No. 0794, Drawing No. DA02, Revision A, dated 14 November 2022;
- Site Plan, Job No. 0794, Drawing No. DA03, Revision A, dated 14 November 2022;
- First Floor Site Plan, Job No. 0794, Drawing No. DA12, Revision A, dated 14 November 2022;
- Site Survey Overlay Plan, Job No. 0794, Drawing No. DA04, Revision A, dated 14 November 2022;
- Landscaping Plan, Job No. 0794, Drawing No. DA05, Revision A, dated 14 November 2022;
- Proposed Ground Floor Plan, Job No. 0794, Drawing No. DA06, Revision A, dated 14 November 2022;
- Proposed First Floor Plan, Job No. 0794, Drawing No. DA07, Revision A, dated 14 November 2022;
- Elevations 1 & 2, Job No. 0794, Drawing No. DA08, Revision A, dated 14 November 2022;
- Elevations 3 & 4, Job No. 0794, Drawing No. DA09, Revision A, dated 14 November 2022;
- Fencing elevations (as amended) Job No. 0794, Drawing No. DA13, Revision A, dated 14 November 2022;

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Presiding Member, Metro Outer JDAP



- Perspectives 1-4, Job No. 0794, Drawing No. DA10, Revision A, dated 14 November 2022; and
- Perspectives 5-8, Job No. 0794, Drawing No. DA11, Revision A, dated 14 November 2022.

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, 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.
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. All development must be carried out in accordance with the approved plans (and drawings) as listed below including any amendments to those plans (and drawings) as shown in red:
 - Site Location Plan, Job No. 0794, Drawing No. DA01, Revision A, dated 14 November 2022;
 - Proposed Demolition Plan, Job No. 0794, Drawing No. DA02, Revision A, dated 14 November 2022;
 - Site Plan, Job No. 0794, Drawing No. DA03, Revision A, dated 14 November 2022;
 - First Floor Site Plan, Job No. 0794, Drawing No. DA12, Revision A, dated 14 November 2022;
 - Site Survey Overlay Plan, Job No. 0794, Drawing No. DA04, Revision A, dated 14 November 2022;
 - Landscaping Plan, Job No. 0794, Drawing No. DA05, Revision A, dated 14 November 2022;
 - Proposed Ground Floor Plan, Job No. 0794, Drawing No. DA06, Revision A, dated 14 November 2022;
 - Proposed First Floor Plan, Job No. 0794, Drawing No. DA07, Revision A, dated 14 November 2022;
 - Elevations 1 & 2, Job No. 0794, Drawing No. DA08, Revision A, dated 14 November 2022;
 - Elevations 3 & 4, Job No. 0794, Drawing No. DA07, Revision A, dated 14 November 2022;
 - Fencing elevations (as amended) Job No. 0794, Drawing No. DA13, Revision A, dated 14 November 2022;
 - Perspectives 1-4, Job No. 0794, Drawing No. DA11, Revision A, dated 14 November 2022; and
 - Perspectives 5-8, Job No. 0794, Drawing No. DA07, Revision A, dated 14 November 2022.

save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



4. No more than one hundred (100) children are to be accommodated at the Child Care Premises.
5. No more than fifteen (15) staff are permitted at the Child Care Premises at any time.
6. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am.
7. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
8. Prior to applying for a Building Permit a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
 - (i) A Dust, Noise and Vibration Management Plan;
 - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (iii) How any stockpiles on site/s are to be managed;
 - (iv) Construction waste disposal strategy and location of waste disposal bins;
 - (v) How materials and equipment will be delivered and removed from the site/s; and
 - (vi) Parking arrangements for contractors.All works must be carried out in accordance with the approved Construction Management Plan and maintained at all times, for duration of the development.
9. The crossover shall be designed and constructed in accordance with the City's Commercial Crossover Specifications.
10. Prior to the occupation of the development, the existing redundant crossovers must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City of Rockingham.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



11. The carpark must:
- (i) provide a minimum of 28 car parking spaces (inclusive of one accessible bay);
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A (Staff) and User Class 3 (Visitors) of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
 - (iii) provide one (1) accessible car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
 - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-2019, Control of the obtrusive effects of outdoor lighting, at all times.
 - (v) Parking bays exclusively used for staff parking are to be marked to the satisfaction of the City of Rockingham.
12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared for the Childcare Premises development and include the following detail to the satisfaction of the City of Rockingham:
- (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency and timing of bin collections of which are to be conducted outside of operating hours only.
- All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
13. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.


Mr Eugene Koltasz
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14. Prior to occupation of the development, the following Acoustic treatments, as identified in the Lloyd George Acoustics report dated 5 August 2022, must be installed:-
- (i) A 2.1m high double sheeted colourbond or brick fence/wall along the eastern boundary abutting No.3-5 Rae Road;
 - (ii) A 1.8m high double sheeted colourbond or brick fence/wall along the southern boundary and the 28m rear portion of the fence abutting No.174 Safety Bay Road;
 - (iii) A 2.1m high double sheeted colourbond or brick fence/wall along the 14m front portion of the fence abutting No.174 Safety Bay Road;
 - (iv) A 1.8m high 'Plexiglass' fence along the 13.2m northern a portion of boundary with the 8.53m truncation and 20.7m north western frontage being solid masonry; and
 - (v) The fences listed above having a minimum density of 8Kg/m³.
- The acoustic treatment must be maintained to satisfaction of the City of Rockingham for the duration of the development.
15. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*. The Final Acoustic Assessment must include the following information:
- (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness of noise sources; and
 - (iii) confirmation of the implementation of noise attenuation measures.
- Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.
16. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and include the following detail:
- (i) The location, number and type of proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Those areas to be reticulated or irrigated, acknowledging that groundwater source cannot be used for this site.
 - (iv) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (v) Shade trees at a rate of one (1) per four (4) car parking bays; and
 - (vi) Street trees to be provided along Safety Bay Road and Rae Road at a rate of one (1) tree per ten (10) metres
- The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



17. Prior to the issue of a Building Permit, exhaust facilities associated with the proposed kitchen area must be designed in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham.
The exhaust facilities must be installed prior to the occupation of the development and must be thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.
18. The applicant is responsible for protecting any existing City streetscape assets along Safety Bay Road and Rae Road during the course of construction. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the Manager Land and Development Infrastructure. It is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.
19. In accordance with the City of Rockingham Planning Policy – 3.3.14 – Bicycle Parking and End of Trip Facilities, one short-term bicycle parking spaces and two long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle Parking Facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
2. A Certified Building Permit must be obtained prior to any demolition or construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City's Health Services in this regard.
4. The development must comply with the *Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
7. The applicant is advised that in respect of Condition 7, a Stormwater Management Plan will require compliance with *Planning Policy 3.4.3 - Urban Water Management*. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan.

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

For: Mr Eugene Koltasz
Ms Karen Hyde
Mr Jason Hick

Against: Cr Mark Jones
Cr Lorna Buchan

REASON: The majority of the Panel considered that the proposed Child Care Premises is compatible with the surrounding context and Planning Framework for the locality. The siting of the building on the land, proposed acoustic walls and the location of the outdoor play area has mitigated potential noise impacts on adjoining residential properties.

The majority of the Panel did not consider that a needs assessment, to ascertain the impact of the proposal on other child care premises in the locality, was required from a Planning perspective.

Cr Mark Jones and Cr Lorna Buchan (Local Government Members, City of Rockingham) left the panel at 10:02am.

Cr Frank Cvitan and Cr Vinh Nguyen (Local Government Members, City of Wanneroo) joined the panel at 10:02am.

8.2 No.121 (Lot 2812) Exmouth Drive, Butler

| | |
|--------------------------|-------------------|
| Development Description: | Child Care Centre |
| Applicant: | Apex Planning |
| Owner: | Fabcot Pty Ltd |
| Responsible Authority: | City of Wanneroo |
| DAP File No: | DAP/22/02339 |

REPORT RECOMMENDATION

Moved by: Cr Frank Cvitan

Seconded by: Cr Vinh Nguyen

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02339 and the accompanying plans (DA01/5, DA02/5, DA03/5, DA04/5, DA05/5, DA06/5, DA07/5 and supporting 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, 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. 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."

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

3. A maximum of **92 children** are permitted on the premises at any one time.
4. The hours of operation of the Child Care Centre must be between the hours of **6:30am to 6:30pm Monday to Friday**.
5. The development is to comply with the recommendations and measures outlined in the Environmental Noise Emission Report provided by Lloyd George Acoustics dated 3 October 2022. Recommended works must be completed prior to the commencement of the use.
6. Detailed landscaping and reticulation plans for the subject site, including landscaping on adjoining verges, must be lodged for approval by the City prior to commencement of any development. Planting and landscaping must be in accordance with the approved landscaping and reticulation plan and completed prior to occupation, to the satisfaction of the City.
7. Parking must be managed in accordance with the Parking Management Plan (attached) to ensure staff and visitor parking is appropriately managed.
8. Stormwater and any other water run-off from buildings or paved areas must be collected and retained on site.
9. The applicant is to demonstrate that onsite stormwater storage can accommodate major storm event (1 in 100 ARI) as per the City's requirements prior to issuance of a building permit, to the satisfaction of the City.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



10. Detailed civil engineering drawings and specifications for works within the public road reserve (earthworks, parking, footpath, roads and drainage) must be lodged for approval to the City, prior to commencement of construction works. Construction works are to be undertaken in accordance with the approved engineering drawings and specifications to the satisfaction of the City.
11. All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
12. Detailed Waste Management Plan must be lodged for approval by the City prior to the occupation of the use. The plan is to detail how waste collection will be undertaken and managed to mitigate risks for both the private road, footpath users and waste contractors exposure to road traffic. The plan is to include, but is not limited to:
 - a) The frequency, duration, and location of waste collection;
 - b) Adequate measures be implemented during waste collection periods to minimise any adverse impacts associated with road traffic impacts on surrounding users;
 - c) Waste arrangements for contractors and sub-contractors;
 - d) Waste collection times;
 - e) Measures to minimise incorrect waste collection procedures; and
 - f) Any other matter required by the City.
13. All storage areas, external fixtures and building plant, including air conditioning units must 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.
14. Any illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights, fluorescent, reflective or retro reflective colours or materials and must not have such an intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
15. Any graffiti applied to the external surfaces of the building must be removed within seven (7) days of it being applied, to the satisfaction of the City.
16. The applicant must undertake adequate measures to minimise any impacts of dust and sand drift from the site, to the satisfaction of the City.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



17. A construction management plan must be submitted for approval to the City prior to an application for a building permit being made. The plan is to detail how construction of the development will be managed to minimise disruption to adjoining landowners. The plan will need to address the following:
- The delivery times for materials and equipment to the site;
 - Storage of materials and the location and type of equipment on site;
 - Adequate measures be implemented during construction to minimise any adverse impacts caused by sand drift and dust from the site;
 - Parking arrangements for contractors and sub-contractors;
 - Construction times;
 - Measures to minimise noise impacts on surrounding residents; and
 - 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.

Advice Notes

- This decision constitutes planning approval only and is valid for a period of four years (4) 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.
- In regards to the dust and sand drift 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*'.
- The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to on-going compliance.

The Report Recommendation was put and **CARRIED UNANIMOUSLY**.

REASON: The Panel considered that the proposed Child Care Centre use is appropriate and compatible with the existing surrounding uses in the Butler District Centre Activity Centre. Its location will encourage multi use trips with different modes of transport. The proposal is also supported with appropriate technical reports and the approval is conditioned appropriately.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



8.3 500 (Lot 9047) Maritime Drive, Jindalee

Development Description: Multiple Dwellings (33 Units), Holiday Accommodation (14 Units) and Restaurant
Applicant: Pinnacle Planning
Owner: Linc Group Jindalee Pty Ltd
Responsible Authority: City of Wanneroo
DAP File No: DAP/22/02391

REPORT RECOMMENDATION

Moved by: Cr Frank Cvitan

Seconded by: Cr Vinh Nguyen

With the agreement of the mover and seconder, the following change was made:

That Condition No. 11 be amended to read as follows:

*A minimum of ~~7-dwelling~~ **20% of units** must comply with the Silver Level requirements as defined in the Liveable Housing Design Guidelines and must be demonstrated at the building permit stage.*

REASON: To allow for flexibility in the final number of units during the detailed design process.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02391 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, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the development is not substantially commenced within the specified period, the approval will lapse and be of no further effect.
2. Development must not commence on the site until the proposed the lot with an area of 3081m² as shown on the Western Australian Planning Commission's subdivision approval 161714 is registered on a Deposited Plan and title has been issued.
3. Development must not commence on site prior to the site being provided gazetted road frontage to a constructed road to the southern boundary of the proposed lot with an area of 3081m² under the Western Australian Planning Commission's subdivision approval 161714.
4. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



5. Prior to the occupation of the development, bicycle racks for a minimum of five bicycles must be provided on-site at ground level for visitors to the satisfaction of the City.
6. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
7. A revised Landscaping Plan which depicts the bin location area shown on the approved Waste Management Plan as well as the planting of a minimum of two (2) large trees, must be lodged for approval by the City prior to lodging a building permit. Planting and installation must 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.
8. An onsite stormwater drainage system, which aligns with the bin location area sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted for approval prior to an application is being made for a building licence and the system must be installed during the construction of the development.
9. The development must comply with all assumptions and recommendations of the Acoustics Report (Ref 28867-3-21498) prepared by Herring Storer Acoustics dated February 2023. Recommended works must be completed prior to the commencement of the use.
10. An Environmental Noise Assessment from a qualified acoustic (noise) consultant must be submitted to the City following construction of the development to demonstrate that the development complies with the Environmental (Noise) Regulations 1997 prior to occupancy of the development and must also include an assessment of the impact of the lift on the residential apartments.
11. A minimum of 20% of units must comply with the Silver Level requirements as defined in the Liveable Housing Design Guidelines and must be demonstrated at the building permit stage.
12. Development is to be implemented in accordance with Sustainable Design Assessment Report (Ref 22-14101) prepared by Sustainability WA and dated 16 December 2022.
13. Lighting must be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
14. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must 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.

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15. Waste management must be undertaken in accordance with the approved Waste Management Plan dated 24 February 2023 prepared by Pinnacle Planning or as agreed by the City in writing.
16. A Construction Management Plan must be submitted and approved prior to the commencement of any development. The plan must detail how construction of the development will be managed to minimise disruption to adjoining landowners. The plan must address the following:
 - 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 be implemented during construction to minimise any
 - d) adverse impacts caused by sand drift and dust from the site;
 - e) Parking arrangements for contractors and sub-contractors;
 - f) Construction times;
 - g) Dilapidation reports;
 - h) Measures to minimise noise impacts on surrounding residents; and
 - i) Any other matter required by the City.
17. A short stay management plan is to be submitted to and approved by the City prior to lodging a building permit. The management plan shall include the following:
 - a) The maximum number of guests to be accommodated. This should also include information as to whether pets, or non-registered guests are permitted on the premises.
 - b) Details regarding the expected behaviour and obligations of guests, including the control of noise. This should include a complaints management procedure, which provides a contact telephone number for the owners/managing agents for the property. This number should also be made available for adjoining neighbours;
 - c) Details regarding check-in and check-out procedures;
 - d) Details regarding waste management. This should detail the expectations of guests with regards to general rubbish and bin collection; and
 - e) Any other matter considered relevant by the City.
18. A guest register of all persons occupying the short-term accommodation is required to be kept by the applicant/landowner and shall be made available for inspection by the City on request. This guest register shall include:
 - a) Name and address of every occupant staying within the premises; and
 - b) The date of arrival and date of departure of the occupants.

AMENDING MOTION 1

Moved by: Ms Karen Hyde

Seconded by: Cr Vinh Nguyen

That a new Advice Note No. 1 be added to read as follows:

In regard to conditions 7&13, the landscape and lighting plans to be designed to ensure appropriate safety and security (CPTED) particularly in all undercroft and recessed areas at the ground plane.

The Amending Motion was put and CARRIED UNANIMOUSLY.

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REASON: To ensure that the applicant and Council work towards a safe environment for residents, users and visitors to the proposed development.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02391 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, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the development is not substantially commenced within the specified period, the approval will lapse and be of no further effect.
2. Development must not commence on the site until the proposed the lot with an area of 3081m² as shown on the Western Australian Planning Commission's subdivision approval 161714 is registered on a Deposited Plan and title has been issued.
3. Development must not commence on site prior to the site being provided gazetted road frontage to a constructed road to the southern boundary of the proposed lot with an area of 3081m² under the Western Australian Planning Commission's subdivision approval 161714.
4. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
5. Prior to the occupation of the development, bicycle racks for a minimum of five bicycles must be provided on-site at ground level for visitors to the satisfaction of the City.
6. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
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8. An onsite stormwater drainage system, which aligns with the bin location area sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted for approval prior to an application is being made for a building licence and the system must be installed during the construction of the development.
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 - c) Details regarding check-in and check-out procedures;
 - d) Details regarding waste management. This should detail the expectations of guests with regards to general rubbish and bin collection; and
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 - a) Name and address of every occupant staying within the premises; and
 - b) The date of arrival and date of departure of the occupants.

Advice Note

1. In regard to conditions 7&13, the landscape and lighting plans to be designed to ensure appropriate safety and security (CPTED) particularly in all undercroft and recessed areas at the ground plane

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

REASON: The proposed development is generally consistent with the Planning framework for the locality and Scheme provisions for the site. The proposed bulk and scale of the development, at 3 levels, is considered appropriate for the site, being substantially below the maximum permitted 5 levels. The proposal was also reviewed and supported by the Councils Design Review Panel.

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

Nil.

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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/18/01543 DR 75/2022 | City of Joondalup | Lot 649 (98) O'Mara Boulevard, Iluka | Commercial development | 02/05/2022 |
| DAP/22/02159 DR163/2022 | Shire of Murray | No. 630 (Lot 137) Pinjarra Road, Furnissdale | Proposed Petrol Filling Station | 28/09/2022 |
| DAP/21/02036 DR236/2022 | City of Swan | Lot 97 (31) & 817 (47) Lakes Road, Hazelmere | Proposed Construction of a Logistics Depot with Ancillary Office Area | 23/12/2022 |

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 10:52am.

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP