



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 9 January 2024; 9:30am
Meeting Number: MOJDAP/291
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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Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Sheryl Chaffer (A/Deputy Presiding Member)
Neema Premji (A/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 9.1

Mayor Margaret Thomas (Local Government Member, City of Kalamunda)
Cr Lisa Cooper (Local Government Member, City of Kalamunda)

Officers in attendance

Item 8.1

Chris Parlane (City of Rockingham)
David Banovic (City of Rockingham)
Mike Ross (City of Rockingham)
Danny Sriono (City of Rockingham)
Emma Lambert (City of Rockingham)

Item 9.1

Cardia Mariani (City of Kalamunda)
Regan Travers (City of Kalamunda)
Andrew Cook (Western Australian Planning Commission)

Minute Secretary

Claire Ortlepp (DAP Secretariat)

Applicants and Submitters

Item 8.1

Ross Underwood (Planning Solutions)
Jozef Ewing (Planning Solutions)
Rhys Kelly (Fabric Property)
Behnam Bordbar (Transcore)
Matthew Moyle (Lloyd George Acoustics)

Item 9.1

Rachel Bridges (Department of Finance)

Eugene Koltasz
Presiding Member, Metro Outer JDAP



Members of the Public / Media

There were 5 members of the public in attendance.

Kasey Gratton from Sound Telegraph was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 9 January 2024 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

Karen Hyde (Deputy Presiding Member)
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.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Mark Jones and Cr Lorna Buchan, declared that they had 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 Jones and Cr Buchan 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.

DAP Member, Jason Hick, declared a pecuniary interest in item 8.1. Jason Hick is an employee and Director of Emerge Environmental Services Pty Ltd (T/A Emerge Associates). Emerge Associates were engaged to support the application and Jason was personally involved with this.

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 indirect pecuniary interest is not permitted to participate in the discussion and voting on the items.

DAP Member, Eugene Koltasz, declared an impartial interest in item 9.1. Mr Koltasz is a member of the Western Australian Planning Commission, which is the Responsible Authority for this application.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Francesca Lefante, determined that the member listed above, who had disclosed an impartiality interest is permitted to participate in the discussion and voting on the items.

PROCEDURAL MOTION

Moved by: Eugene Koltasz

Seconded by: Sheryl Chaffer

That the application at Item 9.1 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the less complex Item 9.1 to be heard first.

Cr Lorna Buchan & Cr Mark Jones (Local Government Member, City of Rockingham) left the panel at 9:35am.

Mayor Margaret Thomas & Cr Lisa Cooper (Local Government Member, City of Kalamunda) joined the panel at 9:35am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



7. Deputations and Presentations

- 7.1 Ross Underwood (Planning Solutions) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Rhys Kelly (Fabric Property) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Benham Bordbar (Transcore) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Matthew Moyle (Lloyd George Acoustics) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.5 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 Item 7.1 – 7.5 were heard prior to the application at Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 100 (No.434) Safety Bay Road, Safety Bay

Development Description:	Proposed Mixed Commercial Development
Applicant:	Ross Underwood (Planning Solutions)
Owner:	Braykell Two Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/23/02551

REPORT RECOMMENDATION

Moved by: Cr Mark Jones

Seconded by: Cr Lorna Buchan

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

- i) That the preamble be amended to read as follows:

The Metro Outer Joint Development Assessment Panel resolves to defer the Development Application for a Mixed Commercial Development on Lot 100 Safety Bay Road, Safety Bay for up to 90 days (until 8 April 2024), in accordance with the reasons listed below.

REASON: To specify a timeframe for deferral of the application.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



The Metro Outer Joint Development Assessment Panel resolves to defer the Development Application for a Mixed Commercial Development on Lot 100 Safety Bay Road, Safety Bay for up to 90 days (until 8 April 2024), in accordance with the reasons listed below.

Reason

1. Revised plans should be provided and robust justification to demonstrate the provision of an appropriate level of car parking for the development.
2. The Application should be amended to demonstrate how the Child Care Premises and Tavern will comply with the *Environmental Protection (Noise) Regulations 1997*, in the context of existing and future residential development.
3. The Application should be amended to provide an active 'main street' frontage along Malibu Road in accordance with Local Planning Policy No.3.3.23 Waikiki Hotel Site - Urban Design Guidelines.
4. The Transport Impact Assessment should be amended to address outstanding matters as raised throughout the Report.
5. The Application should be amended to consider a pedestrian crossing between the development and the Foreshore Reserve.

AMENDING MOTION

Moved by: Cr Mark Jones

Seconded by: Cr Lorna Buchan

That Reason 1 be amended to read as follows:

*Revised plans should be provided and robust justification to demonstrate the provision of an appropriate level of car parking for the development, **including a Parking Management Plan, to be submitted to the satisfaction of the City of Rockingham.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To enable the assessment of the operation of the parking within the proposed development, given the current determined shortfall.

REPORT RECOMMENDATION (AS AMENDED)

The Metro Outer Joint Development Assessment Panel resolves to defer the Development Application for a Mixed Commercial Development on Lot 100 Safety Bay Road, Safety Bay for up to 90 days (until 8 April 2024), in accordance with the reasons listed below.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



Reason

1. Revised plans should be provided and robust justification to demonstrate the provision of an appropriate level of car parking for the development, including a Parking Management Plan, to be submitted to the satisfaction of the City of Rockingham.
2. The Application should be amended to demonstrate how the Child Care Premises and Tavern will comply with the *Environmental Protection (Noise) Regulations 1997*, in the context of existing and future residential development.
3. The Application should be amended to provide an active 'main street' frontage along Malibu Road in accordance with Local Planning Policy No.3.3.23 Waikiki Hotel Site - Urban Design Guidelines.
4. The Transport Impact Assessment should be amended to address outstanding matters as raised throughout the Report.
5. The Application should be amended to consider a pedestrian crossing between the development and the Foreshore Reserve.

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

REASON: Whilst the Panel was of the view that the proposed development was appropriate from a land use point of view, it was not satisfied that sufficient justification had been submitted to have the panel approve it, given the shortfall of parking that was identified and being sought by the proponents.

The Panel also considered further discussion was required between the City and proponents, to address the issues of the main street frontage along Malibu Road and the proposed pedestrian crossing on Safety Bay Road between the development and the Foreshore Reserve.

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

9.1 No.3 (Lot 500) Salix Way, Forrestfield

Development Description:	Forrestfield Police Station
Proposed Amendments:	Minor modification to the boundary wall height on south/south western boundary
Applicant:	Sandra McLeish (Department of Finance)
Owner:	State of Western Australia
Responsible Authority:	Department of Finance
DAP File No:	DAP/23/02458

Eugene Koltasz
Presiding Member, Metro Outer JDAP



REPORT RECOMMENDATION

Moved by: Mayor Margaret Thomas

Seconded by: Neema Premji

That the Metro Outer JDAP resolves to:

Approve DAP Application reference DAP/23/02458 and accompanying plans date stamped 17 November 2023 in accordance with Clause 30(1) of the Metropolitan Region Scheme, subject to the same conditions and advice notes as previously approved.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that the proposed amendments to the approved plans were appropriate for safety and operational reasons and were therefore justified. The amendments had no impact on the overall amenity of the development on the locality and were therefore supported.

Mayor Margaret Thomas and Cr Lisa Cooper (Local Government Member, City of Kalamunda) left the panel at 9:38am.

Cr Lorna Buchan and Cr Mark Jones (Local Government Member, City of Rockingham) joined the panel at 9:38am.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

10. Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR98/2023 DAP/22/02379	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023

Eugene Koltasz
Presiding Member, Metro Outer JDAP



The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

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 11:24am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP