



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 17 November 2023; 9:30am
Meeting Number: MOJDAP/286
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	3
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	4
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	5
8.1	Lot 78 Russell Road, Madeley.....	5
8.2a	Lots 5, 576, 804, 803, 807 Repton Street and Lot 801 Drumpellier Drive, Dayton 13	
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	23
	Nil	23
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	23
11.	General Business.....	24
12.	Meeting Closure	24

Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Sheryl Chaffer (A/Deputy Presiding Member)
Jason Hick (Third Specialist Member)

Item 8.1

Cr Vinh Nguyen (Local Government Member, City of Wanneroo)
Cr Paul Miles (Local Government Member, City of Wanneroo)

Item 8.2

Cr Charlie Zannino (Local Government Member, City of Swan)
Cr Rod Henderson (Local Government Member, City of Swan)

Officers in attendance

Item 8.1

Aaron Jones (City of Wanneroo)
Josh Coppola (City of Wanneroo)
Daniel Sheahan (City of Wanneroo)

Item 8.2

Jonathan Lendich (City of Swan)
Phil Russell (City of Swan)
Mario Carbone (Western Australian Planning Commission)
Andrew Cook (Western Australian Planning Commission)

Minute Secretary

Claire Ortlepp (DAP Secretariat)

Applicants and Submitters

Item 8.1

Steven DePiazzi (Urbanista Town Planning)
Trent Fleskens (Strategic Property Group)

Item 8.2

Kate Bainbridge (Urbis)
Karen Wright (Urbis)
Peter Hillman (Urbis)
James Galluccio (Wildtown Enterprises)
Stan Horsman (Wildtown Enterprises)
Lydia Perisic (Wildtown Enterprises)
Mark Baker (Meyer Shircore)

Eugene Koltasz
Presiding Member, Metro Outer JDAP



Members of the Public / Media

There were 3 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:35am on 17 November 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

Karen Hyde (Deputy Presiding Member)

3. Members on Leave of Absence

DAP Member, Karen Hyde has been granted leave of absence by the Director General for the period of 6 November 2023 to 24 November 2023 inclusive.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 14 November 2023.

All members declared that they had duly considered the documents.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



6. Disclosure of Interests

DAP Member, Eugene Koltasz, declared an impartiality interest in item 8.2. Mr Koltasz is a member of the Western Australian Planning Commission (WAPC). The WAPC is currently the landowner of lots 801 and 576 that are part of the subject site of the application, however these have been acquired by Wildtown Enterprises Pty Ltd and transfer of ownership will occur when the subdivision of the land is completed.

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, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1 Steven DePiazza (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.2 The City of Wanneroo 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 Kate Bainbridge & Karen Wright (Urbis) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.4 Mark Baker (Meyer Shircore) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.5 The City of Swan addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.
- 7.6 The Western Australian Planning Commission 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 - 7.6 were heard prior to the application at Item 8.2.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 78 Russell Road, Madeley

Development Description: Child Care Centre
Applicant: Steven DiPiazzi (Urbanista Town Planning)
Owner: SPG Capital Fund 13 Pty Ltd
Responsible Authority: City of Wanneroo
DAP File No: DAP/23/02528

REPORT RECOMMENDATION

Moved by: Cr Paul Miles

Seconded by: Sheryl Chaffer

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02528 and accompanying plans (and supporting documentation) 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 approved **Child Care Premises** must conform to the District Planning Scheme No. 2 definition which states:

“Child Care Premises: means 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 Care Services Act 2007 section 4* is provided;”

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

3. A maximum of **92 Children** and **15 Staff** are permitted within the **Child Care Premises** at any one time.
4. The hours of operation of the **Child Care Premises** is restricted to between the hours of **6:30am to 6:30pm Monday to Friday**.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



5. The internal layout shall be modified to ensure the cot room is provided with access to external light and ventilation to the satisfaction of the City, prior to the submission of a building permit.
6. The applicant/owner must ensure that all 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 and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
7. All signage is to be contained entirely within the allotment.
8. 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.
9. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
10. 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.
11. The development is to comply with the recommendations and assumptions of the Transport Impact Statement prepared by **Uloth & Associates** dated **26 June 2023**. The recommended works set out on page 3 must be completed prior to the commencement of the use.
12. Staff car parking spaces for the **15 parking bays** must be marked and clearly signposted as dedicated for staff use only, to the satisfaction of the City.
13. Planting and installation must be in accordance with the approved landscaping and reticulation plans (attached) and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
14. Detailed civil engineering drawings and specifications for works within the verge for the modification to the footpath and footpath and pram ramp connection, 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 development application, engineering drawings and specifications to the satisfaction of the City.
15. An onsite stormwater drainage system, 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 when application is made for a building permit and the system must be installed during the construction of the development.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



16. The development is to comply with the recommendations and assumptions of the Acoustic Report (Ref **31124-1-23188**) prepared by **Herring Storer Acoustics** dated **June 2023**, including but not limited to:
- a. The outdoor play area will not be used until after 7am;
 - b. Fencing must be installed in accordance with Figure 5.1 in Section 5 – Modelling;
 - c. The air conditioning condensing units located on the southern façade of the office / staff room, within the drying court and will be screened with louvres from neighbouring premises.
 - d. As the air conditioning has not been design at this stage, it is recommended that the design be reviewed / assessed to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* are achieved and mitigation measures are as required for the final design.
 - e. Parking restrictions are to be implemented as shown in Figure 5.2 in Section 5 – Modelling.

Recommended works must be completed prior to the commencement of the use and maintained thereafter to the satisfaction of the City.

17. The use of the outdoor play areas must only occur after 7:00am on days when the Child Care Premises operates.
18. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.
19. 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.
20. Future operations on the lot must be undertaken in accordance with the approved Waste Management Plan (Rev A) prepared by **Instant Waste Management** dated **16 June 2023** (attached).
21. The movement of trucks for delivery purposes must occur between 7am and 7pm, Monday to Saturday only.
22. 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.
23. Titles to be issued in accordance with the Western Australian Planning Commission subdivision approval Reference No. 163560 prior to the submission of a building permit.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



24. A Construction Management Plan must be submitted for approval prior to the submission of a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
- a) The delivery of and delivery times for materials and equipment to the site;
 - b) Storage of materials and the location and types of equipment on site;
 - c) Parking arrangements for contractors and sub-contractors;
 - d) The impact on traffic movement;
 - e) Construction times;
 - f) The relocation of public footpaths;
 - g) Measures to minimise impacts of noise and sand drift and dust from the site;
 - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
 - i) The relocation/disruption of any public transport infrastructure; and
 - j) Any other matter required by the City.

Advice Notes

1. 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.
2. 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.
3. In relation to condition 14 the works within the verge for the provision of a footpath connection to the proposed development is required. The works will include but not be limited to the provision of a footpath and pram ramp on the southern side of Russell Road and modification of the existing footpath on the northern side to provide for a pram ramp connection. The footpath should be appropriately located with sufficient separation distance to the existing verge trees.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



AMENDING MOTION 1

Moved by: Sheryl Chaffer

Seconded by: Eugene Koltasz

The following amendments were made en bloc:

- (i) That Condition No. 23 be amended to read as follows:

*Titles to be issued in accordance with the Western Australian Planning Commission subdivision approval Reference No. 163560 prior to ~~the submission of a building permit~~ **occupancy of the approved development.***

- (ii) That a new Condition No. 25 be added to read as follows:

The existing dwelling shall not be occupied until such time as it is provided with lawful vehicular access to and from Westbury Lane, to the satisfaction of the City.

The Amending Motion was put and CARRIED (4/1).

For: Eugene Koltasz
Sheryl Chaffer
Jason Hick
Cr Paul Miles

Against: Cr Vinh Nguyen

REASON: To avoid delays to the commencement of the development, whilst preventing the occupation of a non-compliant dwelling.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02528 and accompanying plans (and supporting documentation) 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.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



2. The use of the approved **Child Care Premises** must conform to the District Planning Scheme No. 2 definition which states:

“Child Care Premises: means premises where –

- (c) 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*
- (d) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;”*

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

3. A maximum of **92 Children** and **15 Staff** are permitted within the **Child Care Premises** at any one time.
4. The hours of operation of the **Child Care Premises** is restricted to between the hours of **6:30am to 6:30pm Monday to Friday**.
5. The internal layout shall be modified to ensure the cot room is provided with access to external light and ventilation to the satisfaction of the City, prior to the submission of a building permit.
6. The applicant/owner must ensure that all 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 and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
7. All signage is to be contained entirely within the allotment.
8. 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.
9. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
10. 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.
11. The development is to comply with the recommendations and assumptions of the Transport Impact Statement prepared by **Uloth & Associates** dated **26 June 2023**. The recommended works set out on page 3 must be completed prior to the commencement of the use.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



12. Staff car parking spaces for the **15 parking bays** must be marked and clearly signposted as dedicated for staff use only, to the satisfaction of the City.
13. Planting and installation must be in accordance with the approved landscaping and reticulation plans (attached) and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
14. Detailed civil engineering drawings and specifications for works within the verge for the modification to the footpath and footpath and pram ramp connection, 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 development application, engineering drawings and specifications to the satisfaction of the City.
15. An onsite stormwater drainage system, 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 when application is made for a building permit and the system must be installed during the construction of the development.
16. The development is to comply with the recommendations and assumptions of the Acoustic Report (Ref **31124-1-23188**) prepared by **Herring Storer Acoustics** dated **June 2023**, including but not limited to:
 - a. The outdoor play area will not be used until after 7am;
 - b. Fencing must be installed in accordance with Figure 5.1 in Section 5 – Modelling;
 - c. The air conditioning condensing units located on the southern façade of the office / staff room, within the drying court and will be screened with louvres from neighbouring premises.
 - d. As the air conditioning has not been design at this stage, it is recommended that the design be reviewed / assessed to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* are achieved and mitigation measures are as required for the final design.
 - e. Parking restrictions are to be implemented as shown in Figure 5.2 in Section 5 – Modelling.

Recommended works must be completed prior to the commencement of the use and maintained thereafter to the satisfaction of the City.

17. The use of the outdoor play areas must only occur after 7:00am on days when the Child Care Premises operates.
18. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



19. 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.
20. Future operations on the lot must be undertaken in accordance with the approved Waste Management Plan (Rev A) prepared by **Instant Waste Management** dated **16 June 2023** (attached).
21. The movement of trucks for delivery purposes must occur between 7am and 7pm, Monday to Saturday only.
22. 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.
23. Titles to be issued in accordance with the Western Australian Planning Commission subdivision approval Reference No. 163560 prior to occupancy of the approved development.
24. A Construction Management Plan must be submitted for approval prior to the submission of a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
 - k) The delivery of and delivery times for materials and equipment to the site;
 - l) Storage of materials and the location and types of equipment on site;
 - m) Parking arrangements for contractors and sub-contractors;
 - n) The impact on traffic movement;
 - o) Construction times;
 - p) The relocation of public footpaths;
 - q) Measures to minimise impacts of noise and sand drift and dust from the site;
 - r) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
 - s) The relocation/disruption of any public transport infrastructure; and
 - t) Any other matter required by the City.
25. The existing dwelling shall not be occupied until such time as it is provided with lawful vehicular access to and from Westbury Lane, to the satisfaction of the City.

Advice Notes

1. 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.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



2. 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.
3. In relation to condition 14 the works within the verge for the provision of a footpath connection to the proposed development is required. The works will include but not be limited to the provision of a footpath and pram ramp on the southern side of Russell Road and modification of the existing footpath on the northern side to provide for a pram ramp connection. The footpath should be appropriately located with sufficient separation distance to the existing verge trees.

The Report Recommendation (as amended) was put and CARRIED (4/1).

For: Eugene Koltasz
Sheryl Chaffer
Jason Hick
Cr Paul Miles

Against: Cr Vinh Nguyen

REASON: The majority of the Panel considered that the proposed Child Care Premises was consistent with the Planning Framework for the locality and the site in particular. The use is considered appropriate for the location and has been designed to be compatible with the surrounding residential development and the adjacent commercial centre.

The assessment of the proposed design by the Council's Design Review process has resulted in a more appropriate development that addresses the amenity concerns raised during the public consultation process. Appropriate conditions imposed in the approval will ensure compliance with further amenity issues such as internal layout, traffic and parking, noise and landscaping.

Cr Vinh Nguyen and Cr Paul Miles (Local Government Member, City of Wanneroo) left the panel at 10:03am.

Cr Charlie Zannino and Cr Rod Henderson (Local Government Member, City of Swan) joined the panel at 10:03am.

8.2a Lots 5, 576, 804, 803, 807 Repton Street and Lot 801 Drumpellier Drive, Dayton

Development Description:	Proposed Dayton Commercial Centre
Applicant:	Kate Bainbridge (Urbis)
Owner:	Western Australian Planning Commission & Wildtown Enterprises
Responsible Authority:	City of Swan
DAP File No:	DAP/23/02483

Eugene Koltasz
Presiding Member, Metro Outer JDAP



REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

That the Metro Outer Joint Development Assessment Panel resolves to:

Refuse DAP Application reference DAP/23/02483 and Accompanying Plans in accordance with clause 68 of Schedule No.2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of clause 10.3 of the City of Swan Local Planning Scheme No.17. Pursuant to clause 26 of the Metropolitan Region Scheme, this application is deemed to be a refusal under clause 24(1) of the Metropolitan Region Scheme, for the following reason:

Reason

The application is not considered to fulfil the Design Principles of State Planning Policy 7 – Design of the Built Environment nor the objectives for development in a General Commercial zone as set out in the City of Swan Local Planning Scheme No.17 where the development has failed to provide sufficient commercial frontage to Repton Street, sufficient provision for pedestrian access and sufficient complimentary landscaping.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Cr Charlie Zannino

Seconded by: Sheryl Chaffer

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02483 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No. 17, subject to the following conditions:

Conditions

1. This approval is for the land uses of 'Shop', 'Showroom', 'Convenience Store', 'Restaurant', 'Fast Food Outlet' and 'Motor Vehicle Repair' as defined in the City of Swan Local Planning Scheme No.17, and associated development as shown on the approved plans.
2. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



3. Prior to the occupation of the development, the landowner is to construct a dual-lane roundabout at the intersection of the access road with Drumpellier Drive. The roundabout is to be constructed to Main Roads WA requirements and at the applicant/landowner's cost.
4. Prior to the occupation of the development, the new road from Drumpellier Drive connecting to Repton Street must be ceded and gazetted as a public / declared road (minimum 20m road reserve). The road is to be constructed to Main Roads requirements and at the applicant/landowners cost.
5. Prior to the occupation of the development, a Service Vehicle Management Plan must be submitted to, and approved by the City of Swan to ensure that service vehicles seeking to access the development from the new northern access road approach the site via Isoodon Street and Repton Street, rather than via Drumpellier Drive.
6. Prior to the lodgement of a building permit for the development, the landowner/applicant is required to make a cost contribution in accordance with the Development Contribution Plan for Dayton.
7. Prior to the occupation of the development, the landowner must contribute an amount equal to 1% of the total development construction cost toward the provision of Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, by either:
 - a) payment to the City of a cash-in-lieu amount equal to 1% of the construction cost (currently estimated to be \$191,500). This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to a building permit being issued for the approved development, whichever occurs first; or,
 - b) the provision of Public Art onsite to a minimum value equal to 1% of the construction cost (currently estimated to be \$191,500). The following is required for the provision of Public Art onsite:
 - i. the landowner or applicant must seek approval from the City for a specific Public Art work, including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City may apply conditions on the proposed Public Art;
 - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City; and,
 - iii. the Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



8. Prior to a building permit being issued, the applicant/landowner is to submit a Bushfire Risk Management Plan to the satisfaction of City of Swan on advice from the Department of Fire and Emergency Services.

Once approved, the development shall operate in accordance with the requirements set out in the approved Bushfire Risk Management Plan in perpetuity for the life of the development.

9. A minimum of 312 vehicle parking bays must be provided on the site. The design of vehicle parking and access must comply with AS 2890.1 (as amended) to the satisfaction of the City. Accessible parking bays must comply with AS 2890.6 (as amended).
10. Provision must be made for access and facilities for use of people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
11. Prior to occupation or use of the development, bicycle parking and end-of-trip facilities designed in accordance with the Australian Standard AS 2890.3 must be installed onsite at a minimum rate of 5% of all on-site vehicle parking bays, or as otherwise approved by the City.
12. Vehicle parking, access and circulation areas shown on the approved plans must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, and must be legally accessible at all times for use by visitors to the property.
13. Crossovers must be built and maintained in accordance with the City's specifications.
14. Prior to the lodgement of a building permit for the development, a detailed landscaping plan for the subject site and/or road verge(s) must be submitted to, and approved by, the City of Swan, and must include the location, number, species, planting density and size of new trees and vegetation to be planted onsite and within the abutting road reserve where relevant. The detailed landscaping plan is to be generally consistent with the approved plans including stormwater drainage.
15. All landscaping must be completed in accordance with the approved landscaping plan prior to the occupation of any building, and all landscaping shall be maintained onsite to the satisfaction of the City of Swan.
16. The landowner/applicant shall make good any damage to the existing verge vegetation within the Drumpellier Drive Road reserve.
17. Stormwater drainage to be designed for 10 year storm with detention storage and controlled outflow to the City's system. Major storm to be fully contained on site. Stormwater discharge shall not be discharged into the Drumpellier Drive Reserve or the future widened road reservation.
18. No fluid other than uncontaminated stormwater shall enter the local drainage system.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



19. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping all wastes.
20. Standardised vapour recovery system as required under the Australian Standards and state regulations shall be incorporated into the development.
21. Any proposed illumination of the signs must not exceed 300cd.m² (candela per square metre) between sunset and sunrise.
22. The signs must not flash, pulsate or chase.
23. The devices must not contain fluorescent, reflective or retro reflective colours or materials.
24. External lighting shall comply with the requirements of the Australian Standard AS 4282.
25. All areas used for storage of goods must be screened from view from any public street to the satisfaction of the City of Swan.
26. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the City of Swan before the development is occupied or used.
27. The development shall be connected to a reticulated sewer system.
28. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner directed by the City in the event that sand is blown or drifts from the site.
29. No works are permitted within the Drumpellier Drive Road Reservation, unless Main Roads has issued a Working on Roads Permit.
30. The landowner/developer is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the landowner/developer prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the landowner/developer's expense.
31. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
32. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City of Swan.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



AMENDING MOTION 1

Moved by: Sheryl Chaffer

Seconded by: Cr Charlie Zannino

That a new Condition No. 33 be added to read as follows:

That the proponents provide appropriate screening of the street front of the covered supermarket pick up area facing Repton Street, to reduce the visual impact of queueing vehicles, taking into account visual amenity and security surveillance and incorporating CPTED principles, to the satisfaction of the City of Swan.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To address visual amenity concerns of vehicles queueing and being loaded, raised as a result of the break in the façade of the Repton Street frontage.

ALTERNATE MOTION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02483 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No. 17, subject to the following conditions:

Conditions

1. This approval is for the land uses of 'Shop', 'Showroom', 'Convenience Store', 'Restaurant', 'Fast Food Outlet' and 'Motor Vehicle Repair' as defined in the City of Swan Local Planning Scheme No.17, and associated development as shown on the approved plans.
2. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development.
3. Prior to the occupation of the development, the landowner is to construct a dual-lane roundabout at the intersection of the access road with Drumpellier Drive. The roundabout is to be constructed to Main Roads WA requirements and at the applicant/landowner's cost.
4. Prior to the occupation of the development, the new road from Drumpellier Drive connecting to Repton Street must be ceded and gazetted as a public / declared road (minimum 20m road reserve). The road is to be constructed to Main Roads requirements and at the applicant/landowners cost.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



5. Prior to the occupation of the development, a Service Vehicle Management Plan must be submitted to, and approved by the City of Swan to ensure that service vehicles seeking to access the development from the new northern access road approach the site via Isoodon Street and Repton Street, rather than via Drumpellier Drive.
6. Prior to the lodgement of a building permit for the development, the landowner/applicant is required to make a cost contribution in accordance with the Development Contribution Plan for Dayton.
7. Prior to the occupation of the development, the landowner must contribute an amount equal to 1% of the total development construction cost toward the provision of Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, by either:
 - c) payment to the City of a cash-in-lieu amount equal to 1% of the construction cost (currently estimated to be \$191,500). This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to a building permit being issued for the approved development, whichever occurs first; or,
 - d) the provision of Public Art onsite to a minimum value equal to 1% of the construction cost (currently estimated to be \$191,500). The following is required for the provision of Public Art onsite:
 - i. the landowner or applicant must seek approval from the City for a specific Public Art work, including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City may apply conditions on the proposed Public Art;
 - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City; and,
 - iii. the Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.
8. Prior to a building permit being issued, the applicant/landowner is to submit a Bushfire Risk Management Plan to the satisfaction of City of Swan on advice from the Department of Fire and Emergency Services.

Once approved, the development shall operate in accordance with the requirements set out in the approved Bushfire Risk Management Plan in perpetuity for the life of the development.

9. A minimum of 312 vehicle parking bays must be provided on the site. The design of vehicle parking and access must comply with AS 2890.1 (as amended) to the satisfaction of the City. Accessible parking bays must comply with AS 2890.6 (as amended).

Eugene Koltasz
Presiding Member, Metro Outer JDAP



10. Provision must be made for access and facilities for use of people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
11. Prior to occupation or use of the development, bicycle parking and end-of-trip facilities designed in accordance with the Australian Standard AS 2890.3 must be installed onsite at a minimum rate of 5% of all on-site vehicle parking bays, or as otherwise approved by the City.
12. Vehicle parking, access and circulation areas shown on the approved plans must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, and must be legally accessible at all times for use by visitors to the property.
13. Crossovers must be built and maintained in accordance with the City's specifications.
14. Prior to the lodgement of a building permit for the development, a detailed landscaping plan for the subject site and/or road verge(s) must be submitted to, and approved by, the City of Swan, and must include the location, number, species, planting density and size of new trees and vegetation to be planted onsite and within the abutting road reserve where relevant. The detailed landscaping plan is to be generally consistent with the approved plans including stormwater drainage.
15. All landscaping must be completed in accordance with the approved landscaping plan prior to the occupation of any building, and all landscaping shall be maintained onsite to the satisfaction of the City of Swan.
16. The landowner/applicant shall make good any damage to the existing verge vegetation within the Drumpellier Drive Road reserve.
17. Stormwater drainage to be designed for 10 year storm with detention storage and controlled outflow to the City's system. Major storm to be fully contained on site. Stormwater discharge shall not be discharged into the Drumpellier Drive Reserve or the future widened road reservation.
18. No fluid other than uncontaminated stormwater shall enter the local drainage system.
19. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping all wastes.
20. Standardised vapour recovery system as required under the Australian Standards and state regulations shall be incorporated into the development.
21. Any proposed illumination of the signs must not exceed 300cd.m² (candela per square metre) between sunset and sunrise.
22. The signs must not flash, pulsate or chase.
23. The devices must not contain fluorescent, reflective or retro reflective colours or materials.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



24. External lighting shall comply with the requirements of the Australian Standard AS 4282.
25. All areas used for storage of goods must be screened from view from any public street to the satisfaction of the City of Swan.
26. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the City of Swan before the development is occupied or used.
27. The development shall be connected to a reticulated sewer system.
28. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner directed by the City in the event that sand is blown or drifts from the site.
29. No works are permitted within the Drumpellier Drive Road Reservation, unless Main Roads has issued a Working on Roads Permit.
30. The landowner/developer is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the landowner/developer prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the landowner/developer's expense.
31. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
32. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City of Swan.
33. That the proponents provide appropriate screening of the street front of the covered supermarket pick up area facing Repton Street, to reduce the visual impact of queueing vehicles, taking into account visual amenity and security surveillance and incorporating CPTED principles, to the satisfaction of the City of Swan.

The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel was of the opinion that the proposed development was appropriate and in keeping with the Planning Framework for the locality as enunciated in the City of Swan Local Planning Scheme No. 17 and the Dayton Commercial Centre Structure Plan No 3.

There was concern raised regarding the compliance of the development against State Planning Policy 7.0 – Design of the Built Environment with the relationship of the buildings to the adjacent 3 streets. The Panel considered that these concerns have been addressed in the design of the development and in particular the completion of the Repton main street component.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



The Panel was concerned at the gap in the building facade along Repton Street created by the covered Supermarket pick-up area and imposed an additional condition to have that area appropriately screened to the Council's satisfaction.

Other issues including bushfire risk, traffic and access, odour, noise and light emission and signage have been adequately addressed or conditioned to ensure compliance with relevant standards of development and amenity concerns.

8.2b Lots 5, 576, 804, 803, 807 Repton Street and Lot 801 Drumpellier Drive, Dayton

Development Description:	Proposed Dayton Commercial Centre
Applicant:	Kate Bainbridge (Urbis)
Owner:	Western Australian Planning Commission & Wildtown Enterprises
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/23/02483

REPORT RECOMMENDATION

Moved by: Cr Charlie Zannino

Seconded by: Sheryl Chaffer

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02483 and accompanying plans (Attachment 1) in accordance with clause 30 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. 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.
2. Prior to the occupation of the development, the roundabout at the intersection of Drumpellier Drive/the new road is to be constructed. The roundabout is to be constructed to Main Roads WA requirements and at the applicant/landowner's cost.
3. Prior to the occupation of the development, the new road from Drumpellier Drive connecting to Repton Street must be ceded and gazetted as a public/declared road (minimum 20m road reserve). The road is to be constructed to Main Roads WA requirements and at the applicant/landowner's cost.
4. Stormwater shall not be discharged to the Drumpellier Drive Road Reserve.
5. No works are permitted within the Drumpellier Drive Road Reservation unless Main Roads has issued a working on Roads Permit.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



6. Anti-graffiti coating to be applied to the western face of the screen wall along the Drumpellier Drive road reserve to the specifications of the local government and the satisfaction of the Western Australian Planning Commission.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that the proposed development was compliant with the requirements of the Perth Metropolitan Region Scheme.

Conditions imposed will address the requirements for the construction of the Drumpellier Drive and new street roundabout.

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 -

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
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
DR98/2023 DAP/22/02379	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023

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

Eugene Koltasz
Presiding Member, Metro Outer 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 11:03am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP