Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 15 June 2022; 9:30am
Meeting Number: MOJDAP/181
Meeting Venue: City of Swan
312 Great Eastern Highway, Midland

1 Table of Contents

1. Opening of Meeting, Welcome and Acknowledgement 2
2. Apologies 2
3. Members on Leave of Absence 3
4. Noting of Minutes 3
5. Declaration of Due Consideration 3
6. Disclosure of Interests 3
7. Deputations and Presentations 3
8.1 Lot 134-137 (No.8) James Street and Lots 138-141 (No.79-81) Great Eastern Highway, Bellevue 4
9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval 9
Nil 9
10. State Administrative Tribunal Applications and Supreme Court Appeals ... 10
10.1 Lots 137 & 138 (238 & 230) Henley Street and Lots 136 & 3235 (26 & 34) Asturian Drive, Henley Brook 10
11. General Business 11
12. Meeting Closure 11

Mr Ian Birch
Presiding Member, JDAP

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)
Cr Rod Henderson (Local Government Member, City of Swan)
Cr Charlie Zannino (Local Government Member, City of Swan)

Officers in attendance

Mr Phillip Russell (City of Swan)

Minute Secretary

Ms Kathy Lamont (City of Swan)

Applicants and Submitters

Item 8.1
Mr Tony Watson (MW Urban)

Item 10.1
Mr Alex McGlue (Lavan)
Mr Mark Szabo (Burgess Design Group)
Abdullah Khan (Islamic College)

Members of the Public / Media

There were two members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33 am on 15 June 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011.*

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states *'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.',* the meeting would not be recorded.

2. Apologies

Mr Jason Hick (Third Specialist Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the DAP website.

5. Declaration of Due Consideration

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 10.1, received on 10 June 2022.

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 Rod Henderson and Cr Charlie Zannino, declared that they participated in prior Council meetings in relation to the application at items 8.1 and 10.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Henderson and Cr Zannino 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.

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 a Impartiality Interest, were permitted to participate in the discussion and voting on the items.

7. Deputations and Presentations

7.1 Mr Tony Watson (MW Urban) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 8.1.

7.2 Mr Alex McGlue (Lavan) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.

The presentation at Item 7.2 was heard prior to the application at Item 10.1.

8.1 Lot 134-137 (No.8) James Street and Lots 138-141 (No.79-81) Great Eastern Highway, Bellevue

Development Description:	Proposed Storage Facilities (Self-Storage)
Applicant:	MW Urban
Owner:	R Greenwood
Responsible Authority:	City of Swan
DAP File No:	DAP/22/02196

REPORT RECOMMENDATION

Moved by: Cr Charlie Zannino **Seconded by:** Ms Sheryl Chaffer

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02196 is appropriate for consideration as a "Storage" land use and compatible with the objectives of the zoning table in accordance with Clause 4.3 of the City of Swan Local Planning Scheme No.17;

2. **Approve** DAP Application reference DAP/22/02196 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 4.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

Conditions

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.

2. This approval is for 'Storage' as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City of Swan.

3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

4. Prior to occupation or use of the development, 10 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended). These bays are to be kept clear and fit for purpose at all times.

5. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.

6. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.

7. No fluid other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.

8. Suitable arrangements being made for the connection of the land to the comprehensive district drainage system at the landowner/developer's cost. The contribution amount is based on 3,606m^2 being the total site allotment area to the satisfaction of the City of Swan in accordance with the City of Swan Local Planning Policy POL-C-040 Midland District Drainage Development Reserve Fund. This fee is to contribute towards the upgrade and supply of an adequate drainage service within the area. Payment must be made prior to the issuance of a building permit or prior to any work commencing on the site (at the earliest instance).

9. An approved effluent disposal system must be installed prior to the occupation of any building the subject of this approval.

10. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.

11. The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.

12. Prior to the commencement of any site works, Lots 134 –141 on Plan 2421 shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development.

13. No direct vehicle access is permitted onto or from the Great Eastern Highway Road Reserve.

14. Any proposed illumination of signage must not exceed 300cd/m^2 (candela per square metre) between sunset and sunrise. (MRWA)

15. Signage must not flash, pulsate, or chase. (MRWA)

16. Signage must not contain fluorescent, reflective, or retro reflective colours or materials. (MRWA)

17. No earthworks are to encroach onto the Great Eastern Highway Road Reserve. (MRWA)

18. No stormwater drainage is to be discharged onto the Great Eastern Highway Road Reserve. (MRWA)

19. The ground levels on the Great Eastern Highway boundary are to be maintained as existing. (MRWA)

20. All crossovers must be built and maintained in accordance with the City's specifications.

21. Prior to occupation or use of the development, the redundant crossover(s) to Lot 136-137, must be removed and the verge, kerb and footpath (where relevant) reinstated to the specification and satisfaction of the City of Swan.

22. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:

    a) Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the 1% contribution amount. This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or

    b) Provision of Public Art on-site to a minimum value of the 1% contribution amount. The following is required for the provision of Public Art on site:

        i. The landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended.) The City of Swan may apply further conditions in regard to the 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 of Swan; and
        iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.

AMENDING MOTION 1

Moved by: Cr Charlie Zannino **Seconded by:** Ms Sheryl Chaffer

The following amendments were moved en bloc:

(i) That Condition No. 12 be amended to read as follows:

~~Prior to the commencement of any site works,~~ Lots 134 –141 on Plan 2421 shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development.

REASON: An application for lot amalgamation has already been lodged. The approval process for the amalgamation can proceed alongside the delivery of the development.

(ii) That preamble to Condition No. 22 be amended to read as follows:

*~~Prior to a building permit being issued,~~ **T**he landowner must contribute ~~a sum of 1% of the total development construction value toward~~ Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:*

REASON: The timing and value of the delivery of the public art is covered in parts a and b of the condition.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Cr Rod Henderson **Seconded by:** Ms Sheryl Chaffer

That Condition 22 (b) be amended to include a new dot point to read as follows:

> **The Applicant to seek quotes from suitably qualified artists from the City of Swan.**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The condition should be extended to ensure quotes are obtained from City of Swan artists, as per the City's policy.

REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02196 is appropriate for consideration as a "Storage" land use and compatible with the objectives of the zoning table in accordance with Clause 4.3 of the City of Swan Local Planning Scheme No.17;

2. **Approve** DAP Application reference DAP/22/02196 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 4.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

Conditions

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.

2. This approval is for 'Storage' as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City of Swan.

3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

4. Prior to occupation or use of the development, 10 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended). These bays are to be kept clear and fit for purpose at all times.

5. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.

6. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.

7. No fluid other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.

8. Suitable arrangements being made for the connection of the land to the comprehensive district drainage system at the landowner/developer's cost. The contribution amount is based on 3,606m2 being the total site allotment area to the satisfaction of the City of Swan in accordance with the City of Swan Local Planning Policy POL-C-040 Midland District Drainage Development Reserve Fund. This fee is to contribute towards the upgrade and supply of an adequate drainage service within the area. Payment must be made prior to the issuance of a building permit or prior to any work commencing on the site (at the earliest instance).

9. An approved effluent disposal system must be installed prior to the occupation of any building the subject of this approval.

10. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.

11. The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.

12. Prior to the commencement of any site works, Lots 134 –141 on Plan 2421 shall be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to practical completion of the development.

13. No direct vehicle access is permitted onto or from the Great Eastern Highway Road Reserve.

14. Any proposed illumination of signage must not exceed 300cd/m2 (candela per square metre) between sunset and sunrise. (MRWA)

15. Signage must not flash, pulsate, or chase. (MRWA)

16. Signage must not contain fluorescent, reflective, or retro reflective colours or materials. (MRWA)

17. No earthworks are to encroach onto the Great Eastern Highway Road Reserve. (MRWA)

18. No stormwater drainage is to be discharged onto the Great Eastern Highway Road Reserve. (MRWA)

19. The ground levels on the Great Eastern Highway boundary are to be maintained as existing. (MRWA)

20. All crossovers must be built and maintained in accordance with the City's specifications.

21. Prior to occupation or use of the development, the redundant crossover(s) to Lot 136-137, must be removed and the verge, kerb and footpath (where relevant) reinstated to the specification and satisfaction of the City of Swan.

22. The landowner must contribute Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:

    a) Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the 1% contribution amount. This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or

    b) Provision of Public Art on-site to a minimum value of the 1% contribution amount. The following is required for the provision of Public Art on site:

    i. The landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended.) The City of Swan may apply further conditions in regard to the 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 of Swan; and
    iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
    iv. The Applicant to seek quotes from suitably qualified artists from the City of Swan.

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

REASON: The proposal is consistent with the City's planning intent for the Bellevue East industrial area. As outlined in the Responsible Authority Report, the development generally satisfies prescribed planning requirements and where variations are proposed, performance standards for the area.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Lots 137 & 138 (238 & 230) Henley Street and Lots 136 & 3235 (26 & 34) Asturian Drive, Henley Brook

Development Description:	Proposed Educational Establishment
Summary of Modifications:	Amendment of Condition 25 re: Public Art.
Applicant:	Australian Islamic College (Perth) Inc
Owner:	Australian Islamic College (Perth) Inc
Responsible Authority:	City of Swan
DAP File No:	DAP/21/02047

RECOMMENDATION

Moved by: Ms Sheryl Chaffer **Seconded by:** Cr Charlie Zannino

The Metro-Outer JDAP pursuant to Section 31 of the State Administrative Tribunal Act 2004 resolve to:

Reconsider its decision dated 20 April 2022 and vary its decision for DAP Application reference DAP/21/02047 in accordance with cl.68 of Schedule 2 (deeded provisions) of the Planning and Development (Local Planning Scheme) Regulations 2015 and the provisions of cl. 20.3 of the City of swan LPS No. 17, by:

Modifying condition 25 to read:

> Prior to occupation, the landowner, or applicant on behalf of the landowner, must install and maintain thereafter public art, in accordance with the terms of the amended public art proposal and site plan dated 27 May 2022 (a copy of which is appended to the determination notice), and to the satisfaction of the City of Swan. Subject to the agreement of the City of Swan, the amended public art proposal may be delivered by the landowner, or applicant on behalf of the landowner, in stages.

The Recommendation was put and CARRIED.

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr John Syme
Cr Charlie Zannino

Against: Cr Henderson

REASON: It was considered that the public art proposal put to the panel following SAT mediation satisfied the requirements of the City's Local Planning Policy. Accordingly, by majority, the panel supported the SAT s31 reconsideration request to modify condition 25 of the development approval.

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

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 10:20 am.