



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 5 December 2023; 9:30am  
**Meeting Number:** MOJDAP/288  
**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



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## **Attendance**

### **DAP Members**

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

#### *Item 8.1*

Cr Paige McNeil (Local Government Member, Shire of Mundaring)  
Cr Luke Ellery (Local Government Member, Shire of Mundaring)

#### *Item 8.2*

Cr Tricia Duggin (Local Government Member, Shire of Serpentine Jarrahdale)  
Cr Shaye Mack (Local Government Member, Shire of Serpentine Jarrahdale)

### **Officers in attendance**

#### *Item 8.1*

Adam Oliveri (Shire of Mundaring)  
Angus Money (Shire of Mundaring)

#### *Item 8.2*

Ryan Fleming (Shire of Serpentine Jarrahdale)  
Andrew Trosic (Shire of Serpentine Jarrahdale)

### **Minute Secretary**

Claire Ortlepp (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Nik Hidding (Hidding Urban Planning)  
Michael Abrusci (GAMA Capital)  
Geoff Harris (Herring Storer Acoustics)  
Olivier Mallié

#### *Item 8.2*

Daniel Lewis (element Advisory)  
David Read (element Advisory)  
Scott Lambie (Stantec)  
Derek Juan Swarts (Free Reformed School Association)  
Paul Speering

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

There were 7 members of the public in attendance.

Nadia Budihardjo from Business News was in attendance.

**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 5 December 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

Cr Trish Cook (Local Government Member, Shire of Mundaring)

## 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 an addendum to the responsible authority report was published in relation to Item 8.2, received on 30 November 2023.

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 Tricia Duggin & Cr Shaye Mack, declared that they had participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Duggin and Cr Mack 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.

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

## 7. Deputations and Presentations

- 7.1 Olivier Mallié addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.***

- 7.3 Paul Speering addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.4 Derek Juan Swarts (Free Reformed School Association) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.5 Scott Lambie (Stantec) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.6 David Read (element Advisory) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.7 The Shire of Serpentine Jarrahdale 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 - 7.7 were heard prior to the application at Item 8.2.***

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

### 8.1 Lot 2 (#1785) Keane Street East, Mt Helena

Development Description:	Child Care Premises
Applicant:	Nik Hidding (Hidding Urban Planning)
Owner:	Gregory Raymond Coleman
Responsible Authority:	Shire of Mundaring
DAP File No:	DAP/23/02553

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## REPORT RECOMMENDATION

**Moved by:** Cr Luke Ellery

**Seconded by:** Karen Hyde

*With the agreement of the mover and seconder, an amendment was made to Condition 20 as follows:*

*Prior to applying for a building permit, details of the **2.4m** masonry boundary wall for the northern elevation shall be provided to the satisfaction of the Shire. Prior to the commencement the use, the masonry wall shall be constructed and be finished to the satisfaction of the Shire.*

**REASON:** To specify a wall height which will assist in preserving the amenity for the adjacent landowner.

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02553 is appropriate for consideration as a "Child Care Premises" land use and compatible with the objectives of the zoning table in accordance with Clause 4.3 of the Shire of Mundaring Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/23/02553 and accompanying plans (Attachment 2) 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 Shire of Mundaring Local Planning Scheme No. 4, for the proposed Child Care Premises at Lot 2 (No.1785) Keane Street, Mount Helena, 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. This decision constitutes planning approval only and is valid for a period of four 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. The development shall comply with the approved plans (including any amendments marked in red) unless approval is granted by the Planning Service for any minor variation made necessary by detailed design.

Operation of the childcare centre to be limited to:

- (a) Maximum of 79 children
- (b) Operating hours limited to 6:30am – 6:30pm Monday to Friday
- (c) Outdoor playing times to be limited to be between 8:00am – 5:30pm
- (d) No amplified sound to be played in the outdoor play areas

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



4. The building shall be constructed in accordance with Australian Standard 3959-2018 (BAL-29) to the satisfaction of the Shire.
5. Prior to commencement of use or obtaining an occupancy permit, information is to be provided that demonstrates measures contained in Section 6; Table 6.1 of the bushfire management plan [v1.1] have been implemented and shall include a completed 'Certification by Bushfire Consultant' from the bushfire management plan.
6. The applicant / landowner shall ensure the site is managed pursuant to Section 6; Table 6.2 of the bushfire management plan [v1.1] at all times.
7. Before commencement of use or occupation of the building, all crossovers shall be located, installed and/or upgraded to Shire specifications with redundant crossover/s removed and the verge being reinstated to the satisfaction of the Shire.
8. Prior to applying for a building permit, engineering drawings and specifications for grading, draining, stabilising the site shall be submitted for approval of the Shire
9. Prior to applying for a building permit, engineering drawings and specifications detailing the construction and drainage of the car park and vehicle access shall be submitted to the satisfaction of the Shire. The carpark and vehicle access shall thereafter be constructed in accordance with the approved plans.
10. Prior to commencement of use or occupation, all car parking bays and manoeuvring/circulation areas shown on the approved plans shall be sealed/paved, surface marked in accordance with Australian Standard 2890 and to the satisfaction of the Shire.
11. Prior to commencement of use or occupation of any part of the development, all visitor/staff only car parking bays shown on the approved plans shall be surface marked "visitors only" / "staff only" and sign posted accordingly, and thereafter be maintained by the landowner(s) for the life of the development to the satisfaction of the Shire.
12. Prior to commencing site works, the landowner/applicant shall submit a construction management plan to the satisfaction of the Shire of Mundaring

The construction management plan shall detail:

- a) Measures to minimise nuisance to neighbours (including dust, noise, waste and vehicle parking); and
- b) Measures to minimise soil erosion and stormwater runoff from the site

during site works and construction. Works shall thereafter be completed in accordance with the approved construction management plan.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



13. Prior to commencing site works, the landowner/applicant shall submit a waste management plan to the satisfaction of the Shire.

The waste management plan shall detail:

- a) The enclosure for the storage and cleaning of bins;
  - b) How rubbish will be stored and disposed of; and
  - c) How and when service vehicles will collect rubbish from the site.
14. Prior to applying for a building permit, a lighting plan prepared by a suitably qualified consultant/engineer shall be submitted to the Shire for approval. The plan shall include measures to minimise light spill onto adjoining residential land and have due regard to Australian Standard 4282 (as amended). Lighting and lighting infrastructure shall thereafter be established and maintained in accordance with the approved lighting plan, to the satisfaction of the Shire.
15. The mitigation measures, including operational measures recommended in the Noise Management Plan shall be implemented and thereafter be complied with by the landowner(s) in perpetuity, to the satisfaction of the Shire of Mundaring.
16. The landowner(s) shall either:
- (i) Provide public art on the subject site, with a minimum value of \$20,000 [Option 1]; OR
  - (ii) Pay \$20,000, which equates to 1% of the construction cost for the overall development, in lieu of providing public art on the subject site [Option 2].

If Option 1 is elected, the public art design shall be submitted to, and approved by the Shire prior to lodgement of the Building Permit application.

The public art shall be installed prior to commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Shire.

If Option 2 is elected, the cash-in-lieu amount shall be paid in full to the Shire prior to lodgement of the Building Permit application.

17. Prior to commencement of use, the landscape plan shall be implemented and thereafter maintained in perpetuity, to the satisfaction of the Shire of Mundaring.
18. Prior to commencement of use, an amended Bushfire Emergency Plan shall be prepared in accordance with section 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas (as amended), in consultation with the Shire of Mundaring. The Bushfire Emergency Plan shall thereafter be complied with at all times, and made available to all staff, parents, clients and guests, to the satisfaction of the Shire of Mundaring.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP





19. All stormwater must be managed onsite to prevent erosion and transportation of water borne pollutants, to the satisfaction of the Shire. Stormwater drainage plans must be submitted with the application for a building permit.
20. Prior to applying for a building permit, details of the 2.4m masonry boundary wall for the northern elevation shall be provided to the satisfaction of the Shire. Prior to the commencement the use, the masonry wall shall be constructed and be finished to the satisfaction of the Shire.

#### **Advice Notes.**

- i. With respect to condition 20, the boundary wall is considered a boundary fence and is therefore subject to the *Dividing Fences Act 1961*. The Shire recommends the applicant liaise with the landowner to the north, to ensure the boundary wall is finished to a mutually acceptable standard.

#### **AMENDING MOTION**

**Moved by:** Cr Paige McNeil

**Seconded by:** Cr Luke Ellery

That Condition No. 3c be amended to read as follows:

*Outdoor playing times to be limited to be between 8:00am – 5:30pm, with the exception of the Northern play area, which is limited to 8:30am – 5:30pm*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To assist in preserving the amenity of the adjacent landowner.

#### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02553 is appropriate for consideration as a “Child Care Premises” land use and compatible with the objectives of the zoning table in accordance with Clause 4.3 of the Shire of Mundaring Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/23/02553 and accompanying plans (Attachment 2) 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 Shire of Mundaring Local Planning Scheme No. 4, for the proposed Child Care Premises at Lot 2 (No.1785) Keane Street, Mount Helena, 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. This decision constitutes planning approval only and is valid for a period of four 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. The development shall comply with the approved plans (including any amendments marked in red) unless approval is granted by the Planning Service for any minor variation made necessary by detailed design.

Operation of the childcare centre to be limited to:

- (a) Maximum of 79 children
  - (b) Operating hours limited to 6:30am – 6:30pm Monday to Friday
  - (c) Outdoor playing times to be limited to be between 8:00am – 5:30pm, with the exception of the Northern play area, which is limited to 8:30am – 5:30pm
  - (d) No amplified sound to be played in the outdoor play areas
4. The building shall be constructed in accordance with Australian Standard 3959-2018 (BAL-29) to the satisfaction of the Shire.
  5. Prior to commencement of use or obtaining an occupancy permit, information is to be provided that demonstrates measures contained in Section 6; Table 6.1 of the bushfire management plan [v1.1] have been implemented and shall include a completed 'Certification by Bushfire Consultant' from the bushfire management plan.
  6. The applicant / landowner shall ensure the site is managed pursuant to Section 6; Table 6.2 of the bushfire management plan [v1.1] at all times.
  7. Before commencement of use or occupation of the building, all crossovers shall be located, installed and/or upgraded to Shire specifications with redundant crossover/s removed and the verge being reinstated to the satisfaction of the Shire.
  8. Prior to applying for a building permit, engineering drawings and specifications for grading, draining, stabilising the site shall be submitted for approval of the Shire
  9. Prior to applying for a building permit, engineering drawings and specifications detailing the construction and drainage of the car park and vehicle access shall be submitted to the satisfaction of the Shire. The carpark and vehicle access shall thereafter be constructed in accordance with the approved plans.
  10. Prior to commencement of use or occupation, all car parking bays and manoeuvring/circulation areas shown on the approved plans shall be sealed/paved, surface marked in accordance with Australian Standard 2890 and to the satisfaction of the Shire.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



11. Prior to commencement of use or occupation of any part of the development, all visitor/staff only car parking bays shown on the approved plans shall be surface marked "visitors only" / "staff only" and sign posted accordingly, and thereafter be maintained by the landowner(s) for the life of the development to the satisfaction of the Shire.

12. Prior to commencing site works, the landowner/applicant shall submit a construction management plan to the satisfaction of the Shire of Mundaring

The construction management plan shall detail:

- a) Measures to minimise nuisance to neighbours (including dust, noise, waste and vehicle parking); and
- b) Measures to minimise soil erosion and stormwater runoff from the site

during site works and construction. Works shall thereafter be completed in accordance with the approved construction management plan.

13. Prior to commencing site works, the landowner/applicant shall submit a waste management plan to the satisfaction of the Shire.

The waste management plan shall detail:

- a) The enclosure for the storage and cleaning of bins;
- b) How rubbish will be stored and disposed of; and
- c) How and when service vehicles will collect rubbish from the site.

14. Prior to applying for a building permit, a lighting plan prepared by a suitably qualified consultant/engineer shall be submitted to the Shire for approval. The plan shall include measures to minimise light spill onto adjoining residential land and have due regard to Australian Standard 4282 (as amended). Lighting and lighting infrastructure shall thereafter be established and maintained in accordance with the approved lighting plan, to the satisfaction of the Shire.

15. The mitigation measures, including operational measures recommended in the Noise Management Plan shall be implemented and thereafter be complied with by the landowner(s) in perpetuity, to the satisfaction of the Shire of Mundaring.

16. The landowner(s) shall either:

- (i) Provide public art on the subject site, with a minimum value of \$20,000 [Option 1]; OR
- (ii) Pay \$20,000, which equates to 1% of the construction cost for the overall development, in lieu of providing public art on the subject site [Option 2].

If Option 1 is elected, the public art design shall be submitted to, and approved by the Shire prior to lodgement of the Building Permit application.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



The public art shall be installed prior to commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Shire.

If Option 2 is elected, the cash-in-lieu amount shall be paid in full to the Shire prior to lodgement of the Building Permit application.

17. Prior to commencement of use, the landscape plan shall be implemented and thereafter maintained in perpetuity, to the satisfaction of the Shire of Mundaring.
18. Prior to commencement of use, an amended Bushfire Emergency Plan shall be prepared in accordance with section 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas (as amended), in consultation with the Shire of Mundaring. The Bushfire Emergency Plan shall thereafter be complied with at all times, and made available to all staff, parents, clients and guests, to the satisfaction of the Shire of Mundaring.
19. All stormwater must be managed onsite to prevent erosion and transportation of water borne pollutants, to the satisfaction of the Shire. Stormwater drainage plans must be submitted with the application for a building permit.
20. Prior to applying for a building permit, details of the 2.4m masonry boundary wall for the northern elevation shall be provided to the satisfaction of the Shire. Prior to the commencement the use, the masonry wall shall be constructed and be finished to the satisfaction of the Shire.

#### Advice Notes.

- i. With respect to condition 20, the boundary wall is considered a boundary fence and is therefore subject to the *Dividing Fences Act 1961*. The Shire recommends the applicant liaise with the landowner to the north, to ensure the boundary wall is finished to a mutually acceptable standard.

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

**REASON:** The Panel was satisfied that the proposed Childcare Premises was consistent with the location and design considerations expressed within the Shire of Mundaring Local Planning Scheme No. 4 and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions. Furthermore, it considered that the Centre was consistent with the provisions of the State draft position statement on childcare centres and the Shire of Mundaring's draft childcare policy.

The Panel considered that the centre was well located in relation to other community facilities such as schools and shops.

In order to protect the amenity of nearby residential properties, especially the adjoining residence on the northern boundary, the Panel imposed requirements to raise the height of the northern noise wall to 2.4 metres and restrict the use of the northern play areas to commence no earlier than 8.30am.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



*Cr Paige McNeil and Cr Luke Ellery (Local Government Member, Shire of Mundaring) left the panel at 10:07am.*

*Cr Tricia Duggin and Cr Shaye Mack (Local Government Member, Shire of Serpentine Jarrahdale) joined the panel at 10:07am.*

## 8.2 575 (Lot 218) Abernethy Road, Oakford

Development Description:	Proposed Educational Establishment
Applicant:	Daniel Lewis (element Advisory)
Owner:	Free Reformed School Association
Responsible Authority:	Shire of Serpentine Jarrahdale
DAP File No:	DAP/23/02545

### REPORT RECOMMENDATION

**Moved by:** Cr Tricia Duggin

**Seconded by:** Cr Shaye Mack

That the Metro Outer Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/23/02545 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 the Shire of Serpentine Jarrahdale Local Planning Scheme No.3:

### Reasons

1. The development is considered to have an adverse impact on the existing road network, due to the volume of traffic generated by the development relying primarily on a single intersection to access the site.
2. The proposed development has not provided sufficient information to demonstrate appropriate road infrastructure will be provided to address traffic generated.
3. Inadequate provision of pedestrian infrastructure has been provided, inconsistent with Operational Policy 2.4 - Planning for School Sites.

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

For: Eugene Koltasz  
Karen Hyde  
Cr Tricia Duggin  
Cr Shaye Mack

Against: Jason Hick

Eugene Koltasz  
Presiding Member, Metro Outer JDAP



**REASON:** In refusing the application, the majority of the Panel considered that whilst there was merit in the planning rationale for the school location, the reliance on the one major intersection (Abernethy Road and Kargotich Road) for the majority of traffic generated by the proposed school, was not consistent with orderly and proper planning in relation to safety concerns.

The Panel also considered that given the uncertainty of the funding decisions and construction timing for the major roadworks to make the intersection safer, with the construction of a roundabout, the school proposal was premature, until there was some certainty that the roundabout or other safer traffic measures would be in place for the commencement of the school's operation.

The Panel was also concerned that there was inadequate provision for pedestrian and bicycle access to the school.

#### 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 11:23am.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP