



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: Thursday 17 October 2013; 3.00pm
Meeting Number: MNWJDAP/40
Meeting Venue: City of Joondalup – 90 Boas Avenue Joondalup

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Rory O'Brien (Alternate Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Mike Norman (Local Government Member, City of Joondalup)
Cr John Chester (Alternate Local Government Member, City of Joondalup)

Officers in attendance

Mr Craig Shepherd (DAP Secretariat)
Ms Kym Petani (Department of Planning)
Mr Don Challis (Department of Planning)
Ms Lisa Powell (Department of Planning)
Mr Emille van Heyningen (Department of Planning)
Mr Don Challis (Department of Planning)
Mr Mohsin Muttaqui (Department of Planning)
Ms Dale Page (City of Joondalup)
Mr Brad Sillence (City of Joondalup)
Mr John Corbellini (City of Joondalup)
Ms Melinda Bell (City of Joondalup)
Ms Lydia Dwyer (City of Joondalup)
Mr Andrew Roberts (McLeods for the City of Joondalup)

Local Government Minute Secretary

Mrs Deborah Gouges (City of Joondalup)

Applicant and Submitters

Mr Neale McCracken (Cardno)
Ms Belinda Moharich (Flint Moharich)
Mr Peter Doherty (Francis Burt Chambers)
Mr Giles Harden Jones (Harden Jones Architects)
Mr Daniel Hodgson (Lend Lease)
Ms Heidi Lansdell (Shawmac)
Mr David Caddy (TPG)
Ms Michelle Huggins (TPG)
Mr Kris Nolan (Urbis)
Mr Jeff Armstrong (Urbis)
Mr Ray Haeren (Urbis)
Mr Brad Osborne (Westfield)
Mr Ford Murray
Ms Victoria Richards
Mr Rainer Repke

Members of the Public

24 members of the public were present at the meeting.

Ms Karen Hyde



1. Declaration of Opening

The Presiding Member, Ms Karen Hyde declared the meeting open at 3.00pm on 17 October 2013 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the *Standing Orders 2012*; No Recording of Meeting, 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Paul Drechsler (Deputy Presiding Member).
Cr Liam Gobbert (Local Government Member, City of Joondalup).

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro North-West JDAP Meeting No. 39 held on 23 September 2013 were confirmed and published.

5. Disclosure of interests

Panel member, Mr Paul Drechsler, declared a direct Pecuniary Interest in Item 8.2 as Mr Drechsler was involved in the preparation of the Whitfords Activity Centre Structure Plan and has advised Westfield on this development application.

In accordance with Section 2.4.6 of the Code of Conduct 2011, DAP members participated in a site visit for the application at Item 8.2 prior to the DAP Meeting.

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

7.1 Mr Ford Murray addressed the DAP against the application at Item 8.1.

7.2 Ms Victoria Richards addressed the DAP against the application at Item 8.1.

7.3 Mr Giles Harden Jones (Harden Jones Architects) addressed the DAP in support of the application at Item 8.1.

Ms Karen Hyde



7.4 Ms Heidi Lansdell (Shawmac) addressed the DAP in support of the application at Item 8.1.

The above presentations (Items 7.1 through to 7.4) were heard prior to the application at Item No 8.1.

7.5 Mr Brad Osborne (Westfield) and Mr Peter Doherty (Francis Burt Chambers) addressed the DAP in support of the application at Item 8.2.

7.6 Mr Rainer Repke addressed the DAP against the application at Item 8.2.

7.7 Ms Belinda Moharich (Flint Moharich) addressed the DAP against the application at Item 8.2.

7.8 Mr David Caddy (TPG) addressed the DAP against the application at Item 8.2.

The above presentations (Items 7.5 through to 7.8) were heard prior to the application at Item No 8.2a and 8.2b.

8 Form 1 - Responsible Authority Reports – DAP Applications

8.1 Property Location: Lot 39 (14) Lennard Street, Marmion
Application Details: Proposed Two Storey Multiple Dwelling Development
Applicant: Harden Jones Architects
Owner: Pref Nominees Pty Ltd
Responsible authority: City of Joondalup
Report date: 9 October 2013
DoP File No: DP/13/00370

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Fred Zuideveld

Seconded by: Cr Mike Norman

That the Metro North-West JDAP resolves to:

Refuse DAP application (reference DP/13/00370) and accompanying plans (refer to Attachment 2) in accordance with Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2*, for the following reason:

1. The proposed plot ratio of 0.66, which exceeds the deemed to comply standard of 0.6 represents over-development of the site and results in a bulk and scale of development that is excessive in the context of the existing and desired built form of the locality.

Cr Chester foreshadowed an Alternative Recommendation in the event that the Primary Motion is lost.

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

For: Cr Norman and Mr Zuideveld
Against: Ms Hyde, Cr Chester and Mr O'Brien

Ms Karen Hyde

Karen Hyde



ALTERNATE RECOMMENDATION

Moved by: Cr John Chester

Seconded by: Mr Rory O'Brien

That the Metro North-West JDAP resolves to:

Approve DAP application (reference DP/13/00370) and accompanying plans (refer to Attachment 2) in accordance with Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2*, subject to the following conditions:

Conditions

- a) This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.
- b) A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
 - All forward works for the site;
 - The delivery of materials and equipment to the site;
 - The storage of materials and equipment on the site;
 - The parking arrangement for contractors and subcontractors;
 - Demolition waste avoidance and recycling measures;
 - Other matters likely to impact in the surrounding properties;
- c) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the buildings to the satisfaction of the City. Where practicable, piping, ducting and water tanks should also be located so as to minimise any visual and noise impacts.
- d) An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of construction.
- e) The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), and Off-street Commercial Vehicle Facilities (AS2890.2:2002) prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
- f) Any bicycle parking facilities provided shall be provided in accordance with the Australian Standard for Off-Street Car Parking – Bicycles (AS2890.3-1993) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided and approved by the City prior to the commencement of construction.

Ms Karen Hyde

Karen Hyde



- g) All external walls of the proposed buildings, including boundary walls shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
- h) All construction works shall be contained within the property boundaries.
- i) Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - i. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - ii. Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - iii. Show spot levels and/or contours of the site;
 - iv. Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - v. Be based on water sensitive urban design principles to the satisfaction of the City;
 - vi. Be based on designing out crime principles to the satisfaction of the City;
 - vii. Show all irrigation design details; and
 - viii. Show the location of any services that will be affected by the landscaping and irrigation works.
- j) Landscaping and reticulation shall be established by the landowner or developer in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City.
- k) Refuse management for the development shall be undertaken in accordance with the approved Refuse Management Plan, to the satisfaction of the City.

Advice Notes:

- a) Further to condition a) above, where an approval has lapsed, no development shall be carried out without further approval having first being sought and obtained.
- b) Development to be designed and constructed in accordance with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Consideration needs to be given to the location of plant equipment including air conditioning units, mechanical exhaust ventilation and future swimming pool equipment.
- c) Development shall comply with the *Health (Aquatic Facilities) Regulations 2007*. Please be advised that any future swimming pool additions will first require approval from the Department of Health WA.
- d) Further to condition k) above, the applicant/landowner is advised that bulk refuse collection will also be a caretaker/strata managed item.

Ms Karen Hyde

Karen Hyde



AMENDING MOTION

Moved by: Mr Rory O'Brien

Seconded by: Ms Karen Hyde

That condition b) be amended to include an additional dot point as follows:

- Dust control for the site;

REASON: The Panel amended Condition b) to include dust management so to ensure that the Construction Management Plan adequately addresses dust management during the time of construction.

The Amending Motion was put and CARRIED UNANIMOUSLY.

ALTERNATE RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

Approve DAP application (reference DP/13/00370) and accompanying plans (refer to Attachment 2) in accordance with Clause 6.9 of the City of Joondalup District Planning Scheme No 2, subject to the following conditions:

Conditions

- a) This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.
- b) A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
 - All forward works for the site;
 - The delivery of materials and equipment to the site;
 - The storage of materials and equipment on the site;
 - The parking arrangement for contractors and subcontractors;
 - Demolition waste avoidance and recycling measures;
 - Other matters likely to impact in the surrounding properties;
 - Dust control for the site;
- c) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the buildings to the satisfaction of the City. Where practicable, piping, ducting and water tanks should also be located so as to minimise any visual and noise impacts.
- d) An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of construction.

Ms Karen Hyde

Karen Hyde



- e) The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), and Off-street Commercial Vehicle Facilities (AS2890.2:2002) prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
- f) Any bicycle parking facilities provided shall be provided in accordance with the Australian Standard for Off-Street Car Parking – Bicycles (AS2890.3-1993) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided and approved by the City prior to the commencement of construction.
- g) All external walls of the proposed buildings, including boundary walls shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
- h) All construction works shall be contained within the property boundaries.
- i) Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - i. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - ii. Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - iii. Show spot levels and/or contours of the site;
 - iv. Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - v. Be based on water sensitive urban design principles to the satisfaction of the City;
 - vi. Be based on designing out crime principles to the satisfaction of the City;
 - vii. Show all irrigation design details; and
 - viii. Show the location of any services that will be affected by the landscaping and irrigation works.
- j) Landscaping and reticulation shall be established by the landowner or developer in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City.
- k) Refuse management for the development shall be undertaken in accordance with the approved Refuse Management Plan, to the satisfaction of the City.

Advice Notes:

- a) Further to condition a) above, where an approval has lapsed, no development shall be carried out without further approval having first being sought and obtained.

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- b) Development to be designed and constructed in accordance with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Consideration needs to be given to the location of plant equipment including air conditioning units, mechanical exhaust ventilation and future swimming pool equipment.
- c) Development shall comply with the *Health (Aquatic Facilities) Regulations 2007*. Please be advised that any future swimming pool additions will first require approval from the Department of Health WA.
- d) Further to condition k) above, the applicant/landowner is advised that bulk refuse collection will also be a caretaker/strata managed item.

REASON: DAP considered that the various elements of the application satisfy all relevant design principles, including the proposed plot ratio and that the lack of compliance is marginal. DAP members felt that the development is in a good location as it is close to beaches and community amenities.

The Alternate Recommendation (as amended) was put and CARRIED (3/2).

For: Ms Hyde, Cr Chester and Mr O'Brien.
Against: Cr Norman and Mr Zuideveld.

8.2a Property Location: Lot 501 (470) Whitfords Avenue, Hillarys
Application Details: Shopping Centre - Proposed Major Expansion
Applicant: Urbis
Owner: Westfield Management Limited
Responsible authority: City of Joondalup
Report date: 20 September 2013
DoP File No: DP/13/00578

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Fred Zuideveld **Seconded by:** Ms Karen Hyde

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DA/13/00578 and accompanying plans DA-01 (Revision B), DA-03 (Revision B), DA-04 (Revision B), DA-05 (Revision B), DA-06 (Revision B), DA-07 (Revision B), DA-08 (Revision B), DA-09 (Revision B), DA-10 (Revision A), DA-11 (Revision A), DA-12 (Revision A), DA-13 (Revision B), DA-14 (Revision B), DA-15 (Revision B), DA-16 (Revision B) and DA-17 (Revision B), for the following reasons:

Reasons:

1. Pursuant to clause(s) 9.11(d) and 3.7.2 of the *City of Joondalup District Planning Scheme No. 2* the application has been considered having regard to the provisions of State Planning Policy 4.2. In this instance it is considered that no 'exceptional circumstances' exist to warrant approval of the development application for 'major development' prior to the endorsement of an activity centre structure plan.

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2. Pursuant to clause 9.11(a) of the *City of Joondalup District Planning Scheme No. 2*, the intent of the application is to deliver a large-scale retail expansion of the shopping centre only, and not an activity centre as contemplated by State Planning Policy 4.2.
3. Pursuant to clause 9.11(b) of the *City of Joondalup District Planning Scheme No. 2*, there is a strong need to have an agreed activity centre structure plan in place before development or subdivision occurs in order to suitably resolve issues relating to traffic, retail floorspace, land use diversity, coordinated approach to infrastructure upgrades, and housing density. Approval of this development prior to the endorsement of an agreed activity centre structure plan may significantly compromise the ability for future development within the activity centre to be delivered in a manner that is aligned with *State Planning Policy 4.2*. Therefore, it is highly desirable from a planning point of view that there be an agreed structure plan before major development, such as that which has been proposed, takes place within the activity centre.
4. Pursuant to clause 9.11(c) of the *City of Joondalup District Planning Scheme No. 2*, the proposed development is not considered to be in the interests of orderly and proper planning, and will impact on the amenity of the locality in the short, intermediate, and long term, for the following reasons:
 - i. The proposed amount of retail floorspace may impact on the function, role, and hierarchy of other centres within the locality, and would inhibit the orderly development of those centres;
 - ii. If supported, the proposed extent of retail floorspace may inhibit the ability for any further retail development to take place within the Whitford Activity Centre;
 - iii. The traffic generated by the proposed development and the subsequent impacts on the surrounding road network and intersections, will adversely impact on the amenity of the locality, and may also inhibit the scale or nature of future development within the Whitford Activity Centre;
 - iv. The proposed development, being entirely of a retail nature, does not contribute to an appropriate mix of land uses within the activity centre boundary; and
 - v. The bulk and scale of the development as viewed from Banks Avenue and the location of the loading and service areas, also in close proximity to residential development will adversely impact on the amenity of these residents and the locality as a whole.

Advice Notes

1. Notwithstanding the refusal reasons set out above, irrespective of whether or not 'exceptional circumstances' exist that would warrant consideration of the subject development application in accordance with *State Planning Policy 4.2*, the development is considered not to satisfy the provisions or intent of this policy.
2. The City is of the opinion that the draft Whitford Activity Centre Structure Plan is not a 'seriously entertained planning proposal' and therefore should not be consideration or approval of this development application.
3. The proposed development application is considered to be premature, and its approval in the absence of an agreed structure plan could substantially

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compromise the future development of the Whitford Activity Centre in the manner intended by *State Planning Policy 4.2*, and the *City of Joondalup District Planning Scheme No 2*.

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

For: Ms Hyde, Cr Chester, Cr Norman and Mr Zuideveld.
Against: Mr O'Brien.

8.2b Property Location: Lot 501 Whitfords Avenue, Hillarys
Application Details: Shopping Centre - Proposed Major Expansion
Applicant: Urbis
Owner: Westfield Management Limited
Responsible authority: WAPC
Report date: 20 September 2013
DoP File No: DP/13/00578

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr John Chester

Seconded by: Mr Fred Zuideveld

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DP/13/00578 as shown in the accompanying plans date stamped 4 July 2013 and reference Project No. 11310 in accordance with Clause 30 (1) of the Metropolitan Region Scheme for the following reasons:

Reasons:

1. The proposed development is contrary to and would undermine the effective implementation of the Western Australian Planning Commission's *State Planning Policy 4.2 - Activity Centres for Perth and Peel*, the purpose and intent of which is to encourage the establishment of a functional hierarchy for activity centres as part of a long-term and integrated approach to the development of economic and social infrastructure.
2. The site of the proposed development forms part of a designated activity centre within *State Planning Policy 4.2 - Activity Centres for Perth and Peel* which requires comprehensive pre-planning prior to development, including broad land use, functionality, and urban design as well as the co-ordination of land use and infrastructure, including staging and implementation. The proposed development, if approved, could prejudice the planning of the activity centre.
3. The proposed development will result in a reduction of the land use diversity of the site to 26.46%, significantly below the target of 40% within *State Planning Policy 4.2 - Activity Centres for Perth and Peel*. Approval of the proposed development prior to the adoption of the Activity Centre Structure Plan would prejudice the implementation and delivery of the diversity targets of *State Planning Policy 4.2*.
4. The proposed development does not address residential density targets in accordance with *State Planning Policy 4.2 - Activity Centres for Perth and Peel*. Approval of the proposed development prior to the adoption of the Activity Centre

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Structure Plan would prejudice the implementation and delivery of the residential targets specified within *State Planning Policy 4.2*.

5. The application has not adequately addressed the potential impacts of the proposed development to Marmion Road, Whitfords Avenue and the local road network.
6. The application has not adequately addressed the provision and suitability of on-site parking in accordance with the requirements of *State Planning Policy No. 4.2 - Activity Centres for Perth and Peel*.
7. The proposed development would prejudice the orderly and proper planning of the locality and preservation of the amenities of the area.

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

For: Ms Hyde, Cr Chester, Cr Norman and Mr Zuideveld.
Against: Mr O'Brien.

9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Close

The Presiding Member reminded the meeting that in accordance with Standing Order 7.3 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.

There being no further business, the Presiding Member declared the meeting closed at 5.00pm.

Ms Karen Hyde