



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: Thursday, 5 June 2014; 3.00pm
Meeting Number: MNWJDAP/55
Meeting Venue: City of Stirling
25 Cedric Street Stirling

Attendance

DAP Members

Mr Ms Karen Hyde (Presiding Member)
Mr Ian Birch (Alternate Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Russell Driver (Local Government member, City of Wanneroo)
Cr Frank Cvitan (Local Government member, City of Wanneroo)
Cr John Chester (Local Government Member, City of Joondalup)
Cr Mike Norman (Local Government Member, City of Joondalup)
Mayor Giovanni Italiano (Local Government Member, City of Stirling)
Cr Rod Willox (Local Government Member, City of Stirling)

Officers in attendance

Mr Patrick Leach (Department of Planning)
Mr Pas Bracone (City of Wanneroo)
Ms Cathrine Temple (City of Wanneroo)
Ms Melinda France (City of Joondalup)
Mr Ross Povey (City of Stirling)
Mr Neil Maull (City of Stirling)
Ms Kimberley Masuku (City of Stirling)
Ms Amorette Dyer (City of Stirling)
Ms Kate Bainbridge (City of Stirling)

Local Government Minute Secretary

Ms Alana Mulhall (City of Stirling)

Applicants

Item 8.1

Mr Sean Fairfoul (Rowe Group)
Mr Nathan Stewart (Rowe Group)
Mr Graham Taylor (Taylor Robinson)

Item 8.2

Mr Paul Rossen (Parry and Rosenthal Architects)
Mr Stephen Martin (Sacred Heart College)
Mr Michael Heath (St Ives Group)
Mr Peter Goff (MGA Town Planners)

Karen Hyde

Presiding Member, Metro, North-West JDAP

Karen Hyde



Item 8.3

Mr Mark Baker (Meyer Shirecore and Associates)
Ms Doreen Ding (Meyer Shirecore and Associates)
Mr Andre Gillot (Fast Track Approvals)
Mr Carlo Famiano (URP)

Item 9.1

Mr Tom Hockley (Allerding and Associates)

Submitters

Item 8.2

Mr Brad Schrader (Pala Management)
Mr Martin Atwill
Ms Sharon Warnes

Item 8.3

Mr Julien Kozak

Members of the Public

28 Members of the Public

1. Declaration of Opening

The Presiding Member, Karen Hyde declared the meeting open at 3.00pm on 5 June 2014 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).

3. Members on Leave of absence

Nil.

4. Noting of minutes

Minutes of the Metro North-West JDAP meeting No.54 held on 13 May 2014 were noted by DAP members.

Karen Hyde

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Presiding Member, Metro, North-West JDAP

Karen Hyde



5. Disclosure of interests

Panel members, Cr John Chester and Cr Mike Norman declared an Impartiality Interest in item 8.2 as they attended a meeting on 26 May 2014 with residents who live near the proposed Gymnasium Development at item 8.2.

Panel members, Mayor Giovanni Italiano and Cr Rod Willox declared an Impartiality Interest in item 8.3 as a member of the gallery in attendance related to this item is known to them.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who have disclosed Impartiality interests, were permitted to participate in discussion and voting on the items.

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

7.1 Mr Sean Fairfoul and Mr Graham Taylor (Rowe Group & Taylor Robinson Architects) presenting for the application at item 8.1.

7.2 Mr Brad Schrader (Pala Management), Mr Martin Atwill and Ms Sharon Warnes presenting against the application at item 8.2.

7.3 Mr Peter Goff (MGA), Mr Paul Rossen (Parry & Rosenthal Architects), Mr Stephen Martin (Sacred Heart College) and Mr Michael Heath (St Ives Group) presenting for the application at item 8.2.

7.4 Mr Julien Kozak (on behalf of the residents of Brigitte Beach Apartments, 287 West Coast Highway, Scarborough) presented against the application at item 8.3

7.5 Mr Andre Gillot (Meyer Shircore & Associates), Mr Mark Baker (Urban & Rural Perspectives) and Mr Carlo Famiano (Lakecrest Nominees Pty Ltd) presenting for the application at item 8.3.



8. Responsible Authority reports

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|-----|------------------------|--|
| 8.1 | Application Details: | 'Liquor Store' and 'Mixed-Use' Tenancy (multiple uses) |
| | Property Location: | Lot 520 (950) Wanneroo Road Wanneroo |
| | Applicant: | Rowe Group |
| | Owner: | Bieson Pty Ltd |
| | Responsible authority: | City of Wanneroo |
| | Report date: | 23 May 2014 |
| | DoP File No: | DP/13/00874 |

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Ian Birch

Seconded by: Mr Fred Zuideveld

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DP/13/00874 and accompanying plans (Attachment 1) in accordance with the provisions of District Planning Scheme No. 2 of the City of Wanneroo, subject to the following conditions:-

Conditions

1. Revised plans of the development shall be lodged with the City for its approval prior to the commencement of development which address the following:-
 - a. Modifications to the setback of the building from the *Eucalyptus grandis* identified in Attachment 4 to ensure the tree can be retrained as part of the proposed development; and
 - b. Reduction in the height of the loading area screening as depicted in Attachment 1c.
2. A 1.8 metre high chain link fence shall be erected to protect the *Eucalyptus grandis* identified in Attachment 4 prior to the commencement of construction and shall remain in place until construction has been completed. No development or storage shall occur within this protection zone without the written consent of the City.
3. Prior to commencement of construction details of measures to be taken to demonstrate that the proposed development will not detrimentally affect the tree which is to be retained adjacent to the loading dock identified on Attachment 1b shall be submitted and approved by the City.
4. The portion of the building indicated in yellow on Attachment 1b shall only be used for the purpose of Liquor Store as defined in the City of Wanneroo's District Planning Scheme No. 2. A change of use from that outlined in this condition will require further approval from the City of Wanneroo.

Karen Hyde

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Presiding Member, Metro, North-West JDAP

Karen Hyde



5. The portion of the building indicated in green on Attachment 1b shall only be used for the purpose of a Bakery, Bank, Beauty Parlour, Consulting Room, Convenience Store, Costume Hire, Dry Cleaning Premises, Hairdresser, Laundromat, Laundry, Lunch Bar, Office, Pharmacy, Restaurant, Shop, Take Away Food Outlet or Video Hire as defined in the City of Wanneroo's District Planning Scheme No. 2. A change of use from that outlined in this condition will require further approval from the City of Wanneroo.
6. Parking areas and driveways shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890), and shall be drained, sealed and marked and thereafter maintained to the satisfaction of the City.
7. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
8. Detailed landscaping and reticulation plans for the site shall be submitted for approval by the City within 30 days of the date of this approval. Planting and installation shall be in accordance with the approved plans and shall be completed prior to occupation of the development.
9. A construction management plan shall be submitted by the proponent and approved by the City prior to the commencement of any works on site. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
 - The delivery of and delivery times for materials and equipment to the site;
 - Storage of materials and equipment on site;
 - Parking arrangements for contractors and sub-contractors
 - The impact on traffic movement;
 - Days and times of construction; and
 - Any other matter required by the City.

Advice Note

1. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without further approval of the City having been first sought and obtained.

AMENDING MOTION

Moved by: Mr Fred Zuideveld

Seconded by: Mr Ian Birch

That Conditions 1 and 2 be deleted.

REASON: The tree is not consistent with the built form.

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

Karen Hyde

Presiding Member, Metro, North-West JDAP

Karen Hyde



For: Cr Russell Driver, Cr Frank Cvitan and Mr Fred Zuideveld
Against: Ms Karen Hyde

AMENDING MOTION

Moved: Mr I Birch

Seconded: Ms K Hyde

That condition 8 (renumbered as condition 6 in accordance with the deletion of conditions 1 and 2). be amended to read as follows:

‘Detailed landscaping and reticulation plans for the site shall be submitted for approval by the City prior to the application for a building permit. Planting and installation shall be in accordance with the approved plans and shall be completed prior to occupation of the development and thereafter maintained.’

REASON: For clarity of timeframes.

The Amended Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved: Ms K Hyde

Seconded: Mr I Birch

New condition 8 is added that reads as follows:

‘Signage for the proposed development shall be in accordance with the approved plans. No other signage shall be erected on the subject lot for the proposed development without the prior approval of the City.’

New condition 9 is added that reads as follows:

‘An onsite storm water drainage system sufficient to contain a one in hundred year storm event over 24 hours must be provided. Plans illustrating the system proposed shall be submitted for approval when application is made for a building license and the systems shall be installed during the construction and development.’

New advice note 2 is added that reads as follows:

‘This development abuts Wanneroo Rd which is identified as a primary regional road and the proponent is reminded that no earth works should encroach on to or drainage be discharged into the Wanneroo Road reserve.’

REASON: For clarification of development issues raised in R13 request and response.

Amending motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro North-West JDAP resolves to:

Karen Hyde

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Presiding Member, Metro, North-West JDAP

Karen Hyde



Approve DAP Application reference DP/13/00874 and accompanying plans (Attachment 1) in accordance with the provisions of District Planning Scheme No. 2 of the City of Wanneroo, subject to the following conditions:-

Conditions

1. Prior to commencement of construction details of measures to be taken to demonstrate that the proposed development will not detrimentally affect the tree which is to be retained adjacent to the loading dock identified on Attachment 1b shall be submitted and approved by the City.
2. The portion of the building indicated in yellow on Attachment 1b shall only be used for the purpose of Liquor Store as defined in the City of Wanneroo's District Planning Scheme No. 2. A change of use from that outlined in this condition will require further approval from the City of Wanneroo.
3. The portion of the building indicated in green on Attachment 1b shall only be used for the purpose of a Bakery, Bank, Beauty Parlour, Consulting Room, Convenience Store, Costume Hire, Dry Cleaning Premises, Hairdresser, Laundromat, Laundry, Lunch Bar, Office, Pharmacy, Restaurant, Shop, Take Away Food Outlet or Video Hire as defined in the City of Wanneroo's District Planning Scheme No. 2. A change of use from that outlined in this condition will require further approval from the City of Wanneroo.
4. Parking areas and driveways shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890), and shall be drained, sealed and marked and thereafter maintained to the satisfaction of the City.
5. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
6. Detailed landscaping and reticulation plans for the site shall be submitted for approval by the City prior to the application for a building permit. Planting and installation shall be in accordance with the approved plans and shall be completed prior to occupation of the development and thereafter maintained.
7. A construction management plan shall be submitted by the proponent and approved by the City prior to the commencement of any works on site. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
 - The delivery of and delivery times for materials and equipment to the site;
 - Storage of materials and equipment on site;
 - Parking arrangements for contractors and sub-contractors
 - The impact on traffic movement;
 - Days and times of construction; and
 - Any other matter required by the City.

Karen Hyde



8. Signage for the proposed development shall be in accordance with the approved plans. No other signage shall be erected on the subject lot for the proposed development without the prior approval of the City.
9. An onsite storm water drainage system sufficient to contain a one in hundred year storm event over 24 hours must be provided. Plans illustrating the system proposed shall be submitted for approval when application is made for a building license and the systems shall be installed during the construction and development

Advice Note

1. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without further approval of the City having been first sought and obtained.
2. This development abuts Wanneroo Rd which is identified as a primary regional road and the proponent is reminded that no earth works should encroach on to or drainage be discharged into the Wanneroo Road reserve.

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

Cr Russell Driver and Cr Frank Cvitan left the meeting at 3.29pm.

Mayor Giovanni Italiano and Cr Rod Willox arrived at the meeting at 4.30pm.

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| 8.2 | Application Details: | Educational Establishment (Gymnasium Addition) |
| | Property Location: | Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) |
| | Applicant: | MGA Town Planners |
| | Owner: | Roman Catholic Archbishop of Perth |
| | Responsible authority: | City of Joondalup |
| | Report date: | 30 May 2014 |
| | DoP File No: | DP13/00954 |

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr John Chester

Seconded by: Cr Mike Norman

That the Metro North West JDAP resolves to:-

Refuse DAP Application DP13/00954 and accompanying plans (refer Attachment 3) in accordance with Clause 6.9 of the City of Joondalup District Planning Scheme No.2, for the following reasons:

1. The proposed development does not meet the objective of the City's policy *Height of buildings within the coastal area (non-residential zones)* as it does not enhance the amenity and streetscape character of the surrounding area by virtue of its height and bulk given its location.



- 2. The proposed development does not meet the objective of the City's policy *Height of buildings within the coastal area (non-residential zones)* as it will result in a detrimental impact on the amenity of the locality, particularly on residential properties to the north of the site and from Bahama Close as a result of excessive height and building bulk, and a significant loss of the overall

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

For: Cr Mike Norman, Cr John Chester, Mr Fred Zuideveld and Ms Karen Hyde

Against: Mr Ian Birch

Cr John Chester and Cr Mike Norman left the meeting at 4.50pm.

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|------------|------------------------|---|
| 8.3 | Application Details: | Residential Development - 20 units |
| | Property Location: | Lots 1 & 2 (285&285A) West Coast Hwy, Scarborough |
| | Applicant: | Meyer Shircore & Associates |
| | Owner: | Lakecrest Nominees Pty Ltd |
| | Responsible authority: | City of Stirling |
| | Report date: | Not yet received at time of Agenda Publication |
| | DoP File No: | DP/14/00213 |

ALTERNATE RECOMMENDATION

Moved by: Mayor Giovanni Italiano

Seconded by: Cr Rod Willox

That the Metropolitan North-West JDAP resolves to:-

Approve DAP Application reference DA14/00213 and accompanying plans (ATTACHMENT 1) with the following conditions:

- a. Notifications on the Certificate of Title of each Strata Lot shall be required to notify prospective purchasers of the ultimate access point from the rear of the property. This notification shall be placed on Certificate of Titles pursuant to 70A of the Transfer of Land Act 1893, and shall read as follows:

"Ultimate access for this property shall be derived from the rear of the property, ingressing and egressing from The Esplanade".
- b. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
- c. Where the satisfaction of any condition requires the preparation of a notification, such notification shall be prepared by the City's solicitors McLeods & Co. (See Advice Note a.)
- d. Revised plans shall be submitted to Main Roads and the City of Stirling demonstrating how the proposed development can be retrofitted to allow



access from the rear of the property. It should also be a requirement of the revised plan to show how the two resident car parking bays impacted by the proposed access from the rear will be relocated and how future and interim services, such as garbage collection, will access the site. This revised plan may be subject to modifications required by the identified authorities and shall be required to be approved prior to work commencing on Lot 156 West Coast Highway.

- e. An easement in gross shall be placed on the rear boundary of Lot 156, covering its full length, and be 2.75m in width to create a Right of Way and allow for public access to and from Lot 156 West Coast Highway.
- f. No earthworks or fixed components of the final built structure shall encroach onto or over the land required for the introduction of the ultimate access way.
- g. The applicant shall bond funds with the City of Stirling for the construction and implementation of the Right of Way required for ultimate access to The Esplanade. These funds will need to cover all expenses for the introduction of the Right of Way as constructed over the easement in gross covering Lot 156 West Coast Highway, directly benefitting the applicants Lot.
- h. No stormwater drainage shall be discharged onto the West Coast Highway road reservation.
- i. Any damage done to the existing verge and its vegetation shall be made good at the full expense of the applicant.
- j. Payment of a cash in lieu for car parking contribution (construction cost) of \$62,500 (2.5 bays x \$25,000 in accordance with Clause 6.9.9 (b) of the Local Planning Scheme No.3 and in accordance with the City's Local Planning Policy 5.6 (*Scarborough Redevelopment Zone Design Guidelines*) prior to occupation.
- k. A transport noise assessment in accordance with the WAPC State Planning Policy 5.4 "*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*" is to be submitted to Main Roads WA. (See Advice Note c.)
- l. The balconies for the first floor and second floor type 1A, 1B and 2 units are to be visually screened not less than 1.6m above the Finished Floor Level to prevent overlooking to the northern neighbouring properties' outdoor living areas.
- m. All privacy screening is to be visually impermeable and to comply in all respects with the requirements of clause 6.4.1 of the Residential Design Codes (Visual Privacy).
- n. The existing footpath is not to be removed or modified in any way.



- o. The provision of two (2) street trees by the City in the verge adjacent to the subject property at the Cost of the landowner. The cost of \$880 is to be paid prior to the issue of a building permit.
- p. A Site Management Plan is to be submitted detail proposals for the safe and efficient management of bulk earthworks and construction management associated with this site to the satisfaction of the Manager of Approvals. The Site Management Plan must also address dust, noise, waste management, storage of materials, traffic, pedestrian and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
- q. Vehicular parking manoeuvring and circulation areas indicated on the approved plan being sealed and drained, the 23 parking spaces being marked out and maintained in good repair to the satisfaction of the City.
- r. The three (3) visitor parking spaces being provided on site are to be permanently marked for the exclusive use of visitor's parking to the satisfaction of the City.
- s. Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas to the satisfaction of the City.
- t. Adequate lighting being provided to communal pathways and parking areas to the satisfaction of the City.
- u. Any on-site clothes drying facilities being screened from public view.
- v. All driveways, parking and manoeuvring areas are to be constructed of brick paving, drained and maintained to the City's satisfaction. Alternative finishes such as concrete or bitumen are acceptable if it has a decorative type finish to the satisfaction of the City.
- w. No walls fences or letterboxes above 0.75 metres in height to be constructed within 1.5 metres of where;
 - i. walls or fences adjoin vehicular access points to the site, or
 - ii. a driveway meets a public street, or
 - iii. two streets intersect,unless the further approval of Council is obtained.
- x. All land indicated as landscaped area on the approved plan being developed on practical completion of the building/s to the satisfaction of the City. All landscaped areas are to be maintained in good condition thereafter.
- y. The proposed crossover/s shall be designed and constructed in accordance with the City's Crossover Policy to the satisfaction of the Manager Engineering Operations.



- z. Any existing crossovers not included as part of the proposed development on the approved plan are to be removed. New kerbing and verge to be reinstated to the satisfaction of the City.
- aa. All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.
- bb. The boundary walls not to exceed the heights shown on the approved drawings. The surface finish of the wall facing a neighbour should be to the satisfaction of the adjoining neighbour or, in the case of a dispute, to the satisfaction of the City.
- cc. All eaves to the proposed development maintain a minimum setback of 750mm from the boundary.
- dd. Stormwater from all roofed and paved areas to be collected and contained on site.

Advice Notes

- a. In the preparation of any legal agreement or notification required by these conditions, the City's solicitors act for the City. You are advised to take your own legal advice in connection with any documentation prepared in connection with these conditions.
- b. The street address for this development will be: Units 1 – 20 / HN 285 West Coast Highway, Scarborough: as indicated on the approved plan. On completion of the development, these numbers must be clearly displayed on the letter boxes and be visible from the street
- c. The applicant is advised to liaise with Main Roads WA (9323 4544) with respect to the satisfaction of conditions 'd', 'f', and 'k'.
- d. With regard to condition 'g', the amount to be held as a bond for construction of the rear right-of-way is yet to be confirmed. The amount is to be confirmed prior to the lodgement of a building permit.
- e. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- f. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
- g. Except where the land the subject of this approval is the subject of a notice under Clause 32 of the Metropolitan Region Scheme or is reserved by that Scheme, this approval shall be deemed to be an approval under the Metropolitan Region Scheme.



- h. This is a Development Approval made under the City of Stirling's Local Planning Scheme No. 3 and related policies. It is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- i. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
- j. Development is to comply in all respects with the attached approved plan which have been stamped accordingly.
- k. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
- l. Compliance with the provisions of the Building Code of Australia.
- m. In areas where power is supplied by overhead street mains new installations must be serviced by underground service mains to the satisfaction of Western Power.
- n. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
- o. Submission of acceptable plans showing the details of paving, stormwater drainage and disposal with the Building Permit Application. Such plans and any other stormwater drainage requirements and/or conditions of approval are to be to the satisfaction of the Manager, Engineering Operations.
- p. Connection to Deep Sewer in the locality.

AMDENDING MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Ian Birch

That an additional condition ee. be added as follows:

'Treatment to the roof garden which incorporates soft landscapes and areas for relaxation and recreation to the satisfaction of the City officers.'

REASON: To encourage increased landscape within the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Karen Hyde

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Presiding Member, Metro, North-West JDAP



AMENDING MOTION

Moved by: Mr Fred Zuideveld

Seconded by: Mr Ian Birch

That an additional condition ff. be added:

'That revised drawings be submitted demonstrating greater articulation of the southern façade and approved by the City prior to the issue of a building permit.'

REASON: To improve the amenity of the design and area, particularly for adjacent residents.

The Amending Motion was put and CARRIED UNANIMOUSLY.

ALTERNATE RECOMMENDATION (AS AMENDED)

Moved by: Mayor Giovanni Italiano

Seconded by: Cr Rod Willox

That the Metropolitan North-West JDAP resolves to:-

Approve DAP Application reference DA14/00213 and accompanying plans (ATTACHMENT 1) with the following conditions:

- a. Notifications on the Certificate of Title of each Strata Lot shall be required to notify prospective purchasers of the ultimate access point from the rear of the property. This notification shall be placed on Certificate of Titles pursuant to 70A of the Transfer of Land Act 1893, and shall read as follows:
 - i. "Ultimate access for this property shall be derived from the rear of the property, ingressing and egressing from The Esplanade".
- b. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
- c. Where the satisfaction of any condition requires the preparation of a notification, such notification shall be prepared by the City's solicitors McLeods & Co. (See Advice Note a.)
- d. Revised plans shall be submitted to Main Roads and the City of Stirling demonstrating how the proposed development can be retrofitted to allow access from the rear of the property. It should also be a requirement of the revised plan to show how the two resident car parking bays impacted by the proposed access from the rear will be relocated and how future and interim services, such as garbage collection, will access the site. This revised plan may be subject to modifications required by the identified authorities and shall be required to be approved prior to work commencing on Lot 156 West Coast Highway.

Karen Hyde



- e. An easement in gross shall be placed on the rear boundary of Lot 156, covering its full length, and be 2.75m in width to create a Right of Way and allow for public access to and from Lot 156 West Coast Highway.
- f. No earthworks or fixed components of the final built structure shall encroach onto or over the land required for the introduction of the ultimate access way.
- g. The applicant shall bond funds with the City of Stirling for the construction and implementation of the Right of Way required for ultimate access to The Esplanade. These funds will need to cover all expenses for the introduction of the Right of Way as constructed over the easement in gross covering Lot 156 West Coast Highway, directly benefitting the applicants Lot.
- h. No stormwater drainage shall be discharged onto the West Coast Highway road reservation.
- i. Any damage done to the existing verge and its vegetation shall be made good at the full expense of the applicant.
- j. Payment of a cash in lieu for car parking contribution (construction cost) of \$62,500 (2.5 bays x \$25,000 in accordance with Clause 6.9.9 (b) of the Local Planning Scheme No.3 and in accordance with the City's Local Planning Policy 5.6 (*Scarborough Redevelopment Zone Design Guidelines*) prior to occupation.
- k. A transport noise assessment in accordance with the WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" is to be submitted to Main Roads WA. (See Advice Note c.)
- l. The balconies for the first floor and second floor type 1A, 1B and 2 units are to be visually screened not less than 1.6m above the Finished Floor Level to prevent overlooking to the northern neighbouring properties' outdoor living areas.
- m. All privacy screening is to be visually impermeable and to comply in all respects with the requirements of clause 6.4.1 of the Residential Design Codes (Visual Privacy).
- n. The existing footpath is not to be removed or modified in any way.
- o. The provision of two (2) street trees by the City in the verge adjacent to the subject property at the Cost of the landowner. The cost of \$880 is to be paid prior to the issue of a building permit.
- p. A Site Management Plan is to be submitted detail proposals for the safe and efficient management of bulk earthworks and construction management associated with this site to the satisfaction of the Manager of Approvals. The Site Management Plan must also address dust, noise, waste management, storage of materials, traffic, pedestrian and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.

Karen Hyde



- q. Vehicular parking manoeuvring and circulation areas indicated on the approved plan being sealed and drained, the 23 parking spaces being marked out and maintained in good repair to the satisfaction of the City.
- r. The three (3) visitor parking spaces being provided on site are to be permanently marked for the exclusive use of visitor's parking to the satisfaction of the City.
- s. Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas to the satisfaction of the City.
- t. Adequate lighting being provided to communal pathways and parking areas to the satisfaction of the City.
- u. Any on-site clothes drying facilities being screened from public view.
- v. All driveways, parking and manoeuvring areas are to be constructed of brick paving, drained and maintained to the City's satisfaction. Alternative finishes such as concrete or bitumen are acceptable if it has a decorative type finish to the satisfaction of the City.
- w. No walls fences or letterboxes above 0.75 metres in height to be constructed within 1.5 metres of where;
 - i. walls or fences adjoin vehicular access points to the site, or
 - ii. a driveway meets a public street, or
 - iii. two streets intersect,unless the further approval of Council is obtained.
- x. All land indicated as landscaped area on the approved plan being developed on practical completion of the building/s to the satisfaction of the City. All landscaped areas are to be maintained in good condition thereafter.
- y. The proposed crossover/s shall be designed and constructed in accordance with the City's Crossover Policy to the satisfaction of the Manager Engineering Operations.
- z. Any existing crossovers not included as part of the proposed development on the approved plan are to be removed. New kerbing and verge to be reinstated to the satisfaction of the City.
- aa. All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.
- bb. The boundary walls not to exceed the heights shown on the approved drawings. The surface finish of the wall facing a neighbour should be to the satisfaction of the adjoining neighbour or, in the case of a dispute, to the satisfaction of the City.
- cc. All eaves to the proposed development maintain a minimum setback of 750mm from the boundary.



- dd. Stormwater from all roofed and paved areas to be collected and contained on site.
- ee. Treatment to the roof garden which incorporates soft landscapes and areas for relaxation and recreation to the satisfaction of the City officers.
- ff. That revised drawings be submitted demonstrating greater articulation of the southern façade and approved by the City prior to the issue of a building permit

Advice Notes

- a. In the preparation of any legal agreement or notification required by these conditions, the City's solicitors act for the City. You are advised to take your own legal advice in connection with any documentation prepared in connection with these conditions.
- b. The street address for this development will be: Units 1 – 20 / HN 285 West Coast Highway, Scarborough: as indicated on the approved plan. On completion of the development, these numbers must be clearly displayed on the letter boxes and be visible from the street
- c. The applicant is advised to liaise with Main Roads WA (9323 4544) with respect to the satisfaction of conditions 'd', 'f', and 'k'.
- d. With regard to condition 'g', the amount to be held as a bond for construction of the rear right-of-way is yet to be confirmed. The amount is to be confirmed prior to the lodgement of a building permit.
- e. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- f. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
- g. Except where the land the subject of this approval is the subject of a notice under Clause 32 of the Metropolitan Region Scheme or is reserved by that Scheme, this approval shall be deemed to be an approval under the Metropolitan Region Scheme.
- h. This is a Development Approval made under the City of Stirling's Local Planning Scheme No. 3 and related policies. It is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- i. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have

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regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.

- j. Development is to comply in all respects with the attached approved plan which have been stamped accordingly.
- k. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
- l. Compliance with the provisions of the Building Code of Australia.
- m. In areas where power is supplied by overhead street mains new installations must be serviced by underground service mains to the satisfaction of Western Power.
- n. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
- o. Submission of acceptable plans showing the details of paving, stormwater drainage and disposal with the Building Permit Application. Such plans and any other stormwater drainage requirements and/or conditions of approval are to be to the satisfaction of the Manager, Engineering Operations.
- p. Connection to Deep Sewer in the locality.

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



9. Amending or cancelling DAP development approval

| | | |
|-----|------------------------|--|
| 9.1 | Application Details: | Nursing Home |
| | Property Location: | Lot 302, House Number 22, Wheatcroft Street, Scarborough |
| | Applicant: | Allerding & Associates |
| | Owner: | Regents Garden Scarborough Pty Ltd |
| | Responsible authority: | City of Stirling |
| | Report date: | 27 May 2014 |
| | DoP File No: | DP/13/00425 |

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Rod Willox

Seconded by: Mayor Giovanni Italiano

Recommendation:

That the Metropolitan North-West JDAP resolve to:

1. Accept that the DAP Application reference DP/13/00425 as detailed on the DAP Form 2 dated 8 April 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference DP/13/00425 as detailed on the DAP Form 2 date 8 April 2014 and accompanying plans received 8 April 2014 (Attachment 1 refers) in accordance with the provisions of the Local Planning Scheme No. 3, for the proposed minor amendment to the approved Nursing Home at Lot 302, House Number 22 Wheatcroft Street, subject to:-

Amended Conditions

1. Parking bays 12 and 13 are to be provided with a modified manoeuvring area to enable vehicles to turn and exit the premises in forward gear, as required by Australian Standard AS 2890.1.
2. The retaining to the rear boundary is to be limited to a maximum top of wall height of 7.30.
3. All conditions and requirements detailed on the previous approval dated 7 August 2013 (DA13/1057 refers) shall remain unless altered by this application.

Amended Advice Notes

4. The applicant is advised that the requirements of condition (d) of the previous approval dated 7 August 2013 (DA13/1057) requires modification to the plans and will need to be compliant prior to the issue of a building permit.

The Primary Motion was put and CARRIED UNANIMOUSLY.

10. Appeals to the State Administrative Tribunal

Nil.

11. Meeting Close

There being no further business, the presiding member declared the meeting closed at 5.30pm.

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Presiding Member, Metro, North-West JDAP

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