



## **Minutes of the Metro North-West Joint Development Assessment Panel**

**Meeting Date and Time:** Wednesday 3 September 2014; 3pm  
**Meeting Number:** MNWJDAP/64  
**Meeting Venue:** Department of Planning  
140 William Street Perth  
Meeting Room L3.17

### **Attendance**

#### **DAP Members**

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

#### **Officers in attendance**

Mr Jason Gordon (Department of Planning)  
Mr Greg Bowering (City of Stirling)  
Mr Nick John (City of Stirling)  
Ms Dale Page (City of Joondalup)  
Ms Jo Kempton (City of Joondalup)

#### **Department of Planning Minute Secretary**

Ms Fiona Sze (Development Assessment Panels)

#### **Applicants and Submitters**

Mr Jacob Martin (Cardno)  
Ms Belinda Moharich (Flint Moharich)  
Ms Ariane Garside (Flint Moharich)  
Mr David Read (TPG)  
Mr John Colliere (Colliere Architecture)  
Mr Philip Geraght (Collier Architecture)  
Mr Jeff Malcolm (Global Dial)  
Mr Graham Taylor (Taylor Robinson)  
Mr Stephen Martin (Sacred Heart)  
Mr Paul Rossen (Parry & Rosenthal Architects)  
Mr Martin Attwill (resident)  
Mr Norman Miller (resident)  
Mr Angus Murray (PRD)

#### **Members of the Public**

Mr Tom Rabe (Joondalup Times)  
Ms Claire Ottaviano (Stirling Times)  
10 Members of the Public



## 1. Declaration of Opening

The Presiding Member, Ms Karen Hyde declared the meeting open at 3.05pm on 3 September 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. 62 and 63 held on the 14 August 2014 and 21 August 2014 were noted by DAP members.

## 5. Disclosure of interests

Panel member, Mr Fred Zuideveld, declared an impartiality interest in item 9.2. TPG is the applicant for Item 9.2, who is also a consultant working on projects that Mr Zuideveld's firm, Zuideveld Marchant Hur Pty Ltd (ZMH) are the architects. There is no pecuniary interest between Mr Zuideveld or ZMH and TPG as they are consultants employed by the same client. Mr Zuideveld is not connected to the project currently before the JDAP at Item 9.2.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

Panel member, Cr Mike Norman, declared an impartiality interest in item 10.1. Cr Norman attended a local residents meeting regarding the application as part of his functions as a local government member.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was 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 Jacob Martin (Cardno) presented for the application at Item 9.1.

7.2 Ms Belinda Moharich (Flint Moharich) presented for the application at Item 9.1.

7.3 Mr David Read (TPG) presented for the application at Item 9.2.

***The presentation at Item 7.3 was heard prior to the application at Item 9.2.***

7.4 Mr Martin Attwill (resident) presented against the application at Item 10.1.

7.5 Mr Norman Miller (resident) presented against the application at Item 10.1.

7.6 Mr Paul Rossen (Parry & Rosenthal Architects) presented for the application at Item 10.1.

***The presentations at Item 7.4 – 7.6 were heard prior to the application at Item 10.1.***

## 8. Form 1 - Responsible Authority Reports – DAP Application

Nil

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

9.1a	Property Location:	Lot 1 (No.57) Liege Street, Woodlands
	Application Details:	Proposed amendments to previously approved Mixed Use Development at the Innaloo Cinema Centre site
	Applicant:	MGA Town Planners
	Owner:	Challenger Listed Investments Ltd Challenger Life Nominees Pty Ltd
	Responsible authority:	City of Stirling
	DoP File No:	DP/11/02655

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by: Ms Karen Hyde**

**Seconded by: Cr Rod Willox**

That the Metropolitan North-West JDAP resolves to:

1. Accept that the DAP Application reference DP/11/02655 as detailed on the DAP Form 2 dated 25 June 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/11/02655 as detailed on the DAP Form 2 dated 25 June 2014 and accompanying plans (Attachment 1), in accordance with the provisions of the City of Stirling Local Planning Scheme No 3, for the proposed minor amendment to the approved Mixed Use Development at Lot 1, House Number 57 Liege Street, Woodlands, subject to:

#### **Additional Condition**

1. The applicant is required to modify both intersections into Lot 1, House Number 57 Liege Street, Innaloo to improve the efficiency of vehicle movements associated with the proposed development to the satisfaction of the City. Specifically:

The necessary modifications to the intersections referred above are to be supported by an updated traffic survey of turning movements and queuing lengths at both Liege Street accesses during peak periods.

Based on this survey, a traffic modelling exercise, calibrated with the actual traffic information from the survey, to determine the baseline (do-nothing) performance of Liege Street accesses for the design post-development year.

Based on this survey and modelling, the applicant is to implement measures, approved by the City, for the improvement of the functionality of the two Liege Street intersections.

2. The applicant is to address to the satisfaction of the City prior to the commencement of development that the sweep paths for vehicles entering the proposed development function appropriately, and that it does not encroach outside the allocated road space.

#### **Advice Notes**

1. All other conditions and requirements detailed on the previous approval dated 5 August 2013 shall remain unless altered by this application.

#### **AMENDING MOTION**

**Moved by: Mr Ian Birch**

**Seconded by: Mr Fred Zuideveld**

That Additional Condition 1 be deleted and remaining conditions be renumbered accordingly.

**REASON:** Additional Condition 1 was considered to be of doubtful validity as vehicle access matters have been determined for the original application, through the SAT appeal process, and the proposed amendments to the approved development were not considered to create a material change to traffic flow.

**The Amending Motion was put and CARRIED (3/2).**

For: Mr Ian Birch, Mr Fred Zuideveld, Ms Karen Hyde  
Against: Mayor Giovanni Italiano, Cr Rod Willox



## **PRIMARY MOTION (AS AMENDED)**

That the Metropolitan North-West JDAP resolves to:

1. Accept that the DAP Application reference DP/11/02655 as detailed on the DAP Form 2 dated 25 June 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/11/02655 as detailed on the DAP Form 2 dated 25 June 2014 and accompanying plans (Attachment 1), in accordance with the provisions of the City of Stirling Local Planning Scheme No 3, for the proposed minor amendment to the approved Mixed Use Development at Lot 1, House Number 57 Liege Street, Woodlands, subject to:

### **Additional Condition**

1. The applicant is to address to the satisfaction of the City prior to the commencement of development that the sweep paths for vehicles entering the proposed development function appropriately, and that it does not encroach outside the allocated road space.

### **Advice Notes**

1. All other conditions and requirements detailed on the previous approval dated 5 August 2013 shall remain unless altered by this application.

### **The Primary Motion (as amended) was put and CARRIED (3/2).**

For: Mr Ian Birch, Mr Fred Zuideveld, Ms Karen Hyde  
Against: Mayor Giovanni Italiano, Cr Rod Willox

<b>9.1b</b> Property Location:	Lot 1 (No.57) Liege Street, Woodlands
Application Details:	Proposed amendments to previously approved Mixed Use Development at the Innaloo Cinema Centre site
Applicant:	MGA Town Planners
Owner:	Challenger Listed Investments Ltd Challenger Life Nominees Pty Ltd
Responsible authority:	Western Australian Planning Commission
DoP File No:	DP/11/02655

## **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by: Ms Karen Hyde**

**Seconded by: Cr Rod Willox**

That the Metro North-West JDAP resolves to:

1. Accept that the DAP Application reference DP/11/02655 as detailed on the DAP Form 2 dated 25 June 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/11/02655 as detailed on the DAP Form 2 dated 25 June 2014 and accompanying plans 01.1 - Site Plan, 02.1 - Ground Floor Plan (East), 02.2 - Ground Floor Plan (West), 02.3 - Elevations, 02.4 - Elevations, 02.5 - Elevations and SK.12 (Rev D) - Land Use Plan, date stamped 15 July 2014 by the Department of Planning on behalf of the Western Australian Planning Commission in accordance with the provisions of the Metropolitan Region Scheme, for the proposed minor amendment to the approved Mixed Use Development at 57 (Lot 1) Liege Street, Woodlands.

#### **Advice Notes**

1. All other conditions and requirements detailed on the previous approval dated 7 March 2012 shall remain unless altered by this application.

**The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.**

<b>9.2</b>	Property Location:	Lot 7, House Number 272, West Coast Highway, Scarborough
	Application Details:	Multiple dwelling development consisting of 28 units and associated car parking
	Applicant:	TPG Town Planning, Urban Design and Heritage
	Owner:	272 West Coast Pty Ltd
	Responsible authority:	City of Stirling
	DoP File No:	DP/13/00453

#### **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by: Mr Fred Zuideveld**

**Seconded by: Cr Rod Willox**

That the Metropolitan North-West JDAP resolves to:

1. Accept that the DAP Application reference DP/13/00453 as detailed on the DAP Form 2 dated 9 June 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/13/00453 as detailed on the DAP Form 2 date 9 June 2014 and accompanying plans (Attachment 2) in accordance with the provisions of Clause 10.3.1 of Local Planning Scheme No. 3, for the proposed minor amendment to the approved Multiple Dwelling Development consisting of 28 multiple dwellings at Lot 7, House Number 272, West Coast Highway, Scarborough, subject to:

#### **Amended Conditions**

1. The proposed fire booster and transformer compound are to be relocated to the satisfaction of the City of Stirling. Alternatively, if no alternative locations are possible, the applicant is to submit written evidence of this from the respective external agencies (Western Power and FESA) prior to the commencement of development.

#### **Advice Notes**



- i All other conditions and requirements detailed on the previous approval dated 11 September 2013 shall remain unless altered by this application.

### **AMENDING MOTION**

**Moved by: Mr Fred Zuideveld**

**Seconded by: Mr Ian Birch**

That Amended Condition 1 be revised to read as follows:

- '1. The proposed transformer site being landscaped to the satisfaction of the City of Stirling prior to practical completion of the building and being maintained in good condition thereafter.'*

**REASON:** As the proposed transformer location is situated within the landscaping on the site and comprises of a screening buffer at the boundary, the JDAP did not consider that it would present a major visual impact.

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

For: Mr Fred Zuideveld, Mr Ian Birch, Ms Karen Hyde, Cr Rod Willox  
Against: Mayor Giovanni Italiano

### **PRIMARY MOTION (AS AMENDED)**

That the Metropolitan North-West JDAP resolves to:

1. Accept that the DAP Application reference DP/13/00453 as detailed on the DAP Form 2 dated 9 June 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/13/00453 as detailed on the DAP Form 2 date 9 June 2014 and accompanying plans (Attachment 2) in accordance with the provisions of Clause 10.3.1 of Local Planning Scheme No. 3, for the proposed minor amendment to the approved Multiple Dwelling Development consisting of 28 multiple dwellings at Lot 7, House Number 272, West Coast Highway, Scarborough, subject to:

### **Amended Conditions**

1. The proposed transformer site being landscaped to the satisfaction of the City of Stirling prior to practical completion of the building and being maintained in good condition thereafter.

### **Advice Notes**

- i All other conditions and requirements detailed on the previous approval dated 11 September 2013 shall remain unless altered by this application.

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

For: Mr Fred Zuideveld, Mr Ian Birch, Ms Karen Hyde, Cr Rod Willox  
Against: Mayor Giovanni Italiano



*City of Stirling Councillors, Mayor Giovanni Italiano and Cr Rod Willox rotated on the panel at 4pm with City of Joondalup Councillors, Cr Mike Norman and Cr John Chester.*

## 10. Appeals to the State Administrative Tribunal

10.1 Property Location:	Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College)
Application Details:	EDUCATIONAL ESTABLISHMENT (GYMNASIUM ADDITION)
Applicant:	MGA Town Planners
Owner:	Roman Catholic Archbishop of Perth
Responsible authority:	City of Joondalup
DoP File No:	DP/13/00954

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by: Cr John Chester**

**Seconded by: Cr Mike Norman**

That the Metro North West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 199 of 2014, resolves to:

**Reconsider** its decision dated 5 June 2014 and **refuse** DAP application reference DP13/00954 and amended plans as set out in attachment 6 in accordance with Clause 6.9 of the City of Joondalup District Planning Scheme No.2, for the following reasons:

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 visual permeability of the foreshore and ocean from these areas.**

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

For: Cr Mike Norman, Cr John Chester  
Against: Mr Ian Birch, Mr Fred Zuideveld, Ms Karen Hyde





## ALTERNATE RECOMMENDATION /PRIMARY MOTION

**Moved by: Mr Ian Birch**

**Seconded by: Mr Fred Zuideveld**

That the Metro North West Joint Development Assessment Panel, pursuant to section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 199 of 2014, resolves to:

**Reconsider** its decision dated 5 June 2014 and **approve** DAP application reference DP13/00954 and amended plans as set out in attachment 6 in accordance with Clause 6.9 of the City of Joondalup District Planning Scheme No.2, subject to the following conditions:

1. **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.**
2. **A traffic management plan shall be prepared to the satisfaction of the City. The approved traffic management plan shall detail how parking and traffic shall be managed for any events to be run from the proposed facility and shall be implemented as set out in the approved document.**
3. **An on-site 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.**
4. **The development shall only be used for college, or school community purposes. It shall not be used for any other purposes, including commercial purposes without the prior planning approval of the City.**
5. **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:**
  - **Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - **Provide all details relating to paving, treatment of verges and tree planting in the car park;**
  - **Show spot levels and/or contours of the site;**
  - **Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
  - **Be based on water sensitive urban design principles to the satisfaction of the City;**
  - **Be based on Designing out Crime principles to the satisfaction of the City; and**
  - **Show all irrigation design details.**
6. **Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade**



practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.

7. A Construction Management Plan being submitted and approved prior to the commencement of development. 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 arrangements for the contractors and subcontractors;
  - the management of sand and dust during the construction process;
  - other matters likely to impact on the surrounding properties.
8. A refuse management plan indicating the method of rubbish collection is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied.
9. A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard to the satisfaction of the City.
10. The external surface of the gymnasium, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours.
11. Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of construction.

#### Advice Notes

1. Further to condition 1, where an approval has so lapsed, no development shall be carried out without the further approval under District Planning Scheme No. 2 having first being sought and obtained.
2. The development has been defined as a public building and shall comply with the provisions of the *Health Act 1911* relating to public building, and the *Public Building Regulations 1992*.
3. All construction works shall comply with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) regulations 1997*.
4. All pipework shall be installed in accordance with the *Water Services Regulations 2013*.



5. The development shall comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
6. On completion of the installation of any Mechanical Services, the applicant/builder shall provide a Mechanical Services Plan signed by a suitably qualified Mechanical services engineer or Air Conditioning Contractor. It shall certify that the mechanical ventilation of the development complies with and is installed in accordance with Australian Standard 1668.2, AS 3666 and the *Health (Air Handling and Water Systems) Regulations 1994*.
7. The applicant's electrical contractor shall submit a Form 5 Electrical Compliance Certificate on completion of the electrical works.

**REASON:** The JDAP considers that the amendments made to the proposed development have addressed concerns relating to amenity, streetscape and visual permeability of the foreshore and ocean and therefore, the exercise of discretion to vary the City's policy for; Building Heights within the Coastal Area (non residential development) is appropriate in this particular instance.

**The Alternate Recommendation / Primary Motion was put and CARRIED (3/2).**

For: Mr Ian Birch, Mr Fred Zuideveld, Ms Karen Hyde  
Against: Cr Mike Norman, Cr John Chester

#### **10. 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 4.57pm.