



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: Thursday 22 January 2015; 2.00pm
Meeting Number: MNWJDAP/76
Meeting Venue: City of Joondalup
90 Boas Avenue
Joondalup

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Paul Drechsler (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Mike Norman (Local Government Member, City of Joondalup) *until 2.13pm*
Cr John Chester (Local Government Member, City of Joondalup) *until 2.13pm*
Mayor Giovanni Italiano (Local Government Member, City of Stirling)
Cr David Michael (Alternate Local Government Member, City of Stirling)

Officers in attendance

Ms Kimberley Masuku (City of Stirling)
Mr Greg Bowering (City of Stirling)
Mr Damir Vagaja (City of Stirling)
Mr Justin McKirdy (Mainroads)
Ms Melinda Bell (City of Joondalup) *until 2.13pm*
Ms Dale Page (City of Joondalup) *until 2.13pm*
Ms Jo Kempton (City of Joondalup) *until 2.13pm*

Local Government Minute Secretary

Mrs Dawn Anderson (City of Joondalup)
Mrs Rose Garlick (City of Joondalup)

Applicant and Submitters

Mr Jeff Malcolm (MGA Town Planners)
Mr Angelo Del Borrello (Masters)
Mr Malcolm Purcell (Masters)
Mr Marca Maramira (Masters)
Ms Belinda Moharich (Flint Moharich Solicitors)
Mr Paul McQueen (Lavan Legal)
Mr Peter Bothe (Sacred Heart College)

Observers

Cr John Chester (City of Joondalup) *from 2.22pm*
Mr Blignault Olivier (City of Joondalup) *until 2.12pm*

Karen Hyde



Members of the Public

There were five members of the public and one member of press in attendance.

1. Declaration of Opening

The Presiding Member, Ms Karen Hyde, declared the meeting open at 2.02pm on Thursday 22 January 2015 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

Nil.

3. Members on Leave of absence

Nil.

4. Noting of minutes

Minutes of the Metro North-West Joint Development Assessment Panel meeting No. MNWJDAP/75 held on Monday 12 January 2015 were not available for noting at the time of meeting.

5. Disclosure of interests

Panel members, Mayor Giovanni Italiano and Cr David Michael declared an impartiality interest in Item 10.1 as they had voted on this item previously.

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

In accordance with section 6.3.1 of the *Development Assessment Panel Standing Orders 2012*, the Presiding Member determined Cr Rod Willox, who had disclosed a Pecuniary Interest, was not permitted to participate in the discussion or 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 Presenter Ms Belinda Moharich (Flint Moharich Solicitors)

Ms Moharich addressed the DAP members, speaking for Item 8.1.

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

7.2 Presenter Mr Paul McQueen (Lavan Legal)

Mr McQueen addressed the DAP members, speaking for Item 10.1.

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

PROCEDURAL MOTION

Moved by: Cr Chester

Seconded by: Cr Norman

That the application at Item 10.1 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

10. Appeals to the State Administrative Tribunal

10.1 Property Location:	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
Report date:	14 January 2015
DoP File No:	DP13/00954

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Chester

Seconded by: Cr 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 3 September 2014 and **approve** DAP Application reference DP13/00954 and amended plans and details as set out in attachments 2, 3, 4, 5, 6 and 7 in accordance with Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2*, subject to the following conditions:

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. The approved Traffic Management Plan (Version 5) shall be implemented for events held in the gymnasium at all times.
3. Stormwater runoff is to be contained on site in accordance with the Engineers Certification dated 5 November 2014 and plans H1 Rev F and H2 Rev D dated 30 October 2014.
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. Landscaping and reticulation shall be established in accordance with the approved landscaping and irrigation plans and details dated November 2014 and December 2014, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
6. No construction work including preliminary construction work and earthwork is to be undertaken until a building permit which provides for a construction management plan has been issued by the City.
7. Refuse associated with the gymnasium shall be contained within the bin store indicated on the Bin Store Location Plan (SK2_A) dated 13 September 2013.
8. Development shall be in accordance with the approved schedule of colours and materials shown on:
 - 'Sacred Heart College Gymnasium – View From North East 06.08.2014'
 - 'Sacred Heart College Gymnasium – View From North West 06.08.2014'
 - 'Sacred Heart College Gymnasium – View From South East 06.08.2014'
 - 'Sacred Heart College Gymnasium – View From South West 06.08.2014'
 - 'Sacred Heart College Gymnasium – North Elevation 06.08.2014'
 - 'Sacred Heart College Gymnasium – East Elevation 06.08.2014'
 - 'Sacred Heart College Gymnasium – South Elevation 06.08.2014'
 - 'Sacred Heart College Gymnasium – West Elevation 06.08.2014'
 - 'View 5 06.08.2014'
 - 'Report – External Material and Finishes dated 6 November 2014'.

Advice notes

1. Further to condition 1, where an approval has so lapsed, no development shall be carried out without the further approval under *City of Joondalup District Planning Scheme No. 2* having first being sought and obtained.



2. In regard to the Construction Management Plan, the 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
3. 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*.
4. All construction works shall comply with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.
5. All pipework shall be installed in accordance with the *Water Services Regulations 2013*.
6. The development shall comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
7. 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*.
8. The applicant's electrical contractor shall submit a Form 5 Electrical Compliance Certificate on completion of the electrical works.

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

Crs Chester and Norman rotated on the panel with Mayor Italiano and Cr Michael at 2.13pm.

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

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|------------|------------------------|---|
| 8.1 | Property Location: | Lots 1 and 102, House Number 601, Wanneroo Road, Hamersley |
| | Application Details: | Hardware Showroom, Showroom, Fast Food Outlet and Garden Centre ("Masters") |
| | Applicant: | MGA Town Planners |
| | Owner: | Broadcast Australia Pty Ltd |
| | Responsible authority: | City of Stirling |
| | Report date: | 15 January 2015 |
| | DoP File No: | DAP/14/00635 |



REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mayor Italiano **Seconded by:** Cr Michael

That the Metro North-West Joint Development Assessment Panel resolves to:

Refuse DAP Application reference DAP/14/00635 and accompanying plans (Attachment 1) in accordance with Clause 10.3.1 of the *City of Stirling Local Planning Scheme No. 3*, for the following reasons:

1. The proposal is not consistent with the intended purpose of the *City of Stirling Local Planning Scheme No. 3* Public Purpose – Commonwealth Reserve;
2. The proposal does not satisfy matters (b), (f), (i), (n), (o), (p), (q) and (y) to be considered by Council in Clause 10.2 of LPS3, and is therefore not in the interests of orderly and proper planning;
3. The proposed building height is not in accordance with the City's Local Planning Policy 4.1 – Reserves and Other Zones Design Guidelines; and
4. The proposed development has not been demonstrated to satisfy the transport analysis requirements of the City's Local Planning Policy 6.7 – Parking & Access.

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

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

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 2.55pm.