



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: 15 October 2015 - 11.00am
Meeting Number: MNWJDAP/103
Meeting Venue: City of Stirling
25 Cedric Street, Stirling

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Paul Drechsler (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Mayor Giovanni Italiano (Local Government Member, City of Stirling)
Councillor David Boothman (Local Government Member, City of Stirling)
Councillor John Chester (Local Government Member, City of Joondalup)

Officers in attendance

Mr Greg Bowering (City of Stirling)
Mr Austin Donaghey (City of Stirling)
Ms Patricia Wojcik (City of Stirling)
Mr Andrew McBride (City of Joondalup)
Mr John Corbellini (City of Joondalup)

Local Government Minute Secretary

Ms Regan Clyde (City of Stirling)
Ms Jaclyn Farrow (City of Stirling)

Applicant and Submitters

Mr Paul Lampropoulos (Arise Developments)
Mr Adam Lisle (Arise Developments)
Mr Geoff Loxton (Property Development Solutions)
Mr Raymond Hunt (The Learoyd Development Group)
Mr Peter Taylor (The Learoyd Development Group)

Members of the Public

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Karen Hyde



1. Declaration of Opening

The Presiding Member, Ms Karen Hyde declared the meeting open at 11.02am on Thursday, 15 October 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

Councillor 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.101 held on 24 September 2015 and meeting No.102 held on 1 October 2015 were noted by DAP members.

5. Declarations of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Paul Drechsler

That Item 10.1 be considered prior to Item 7.

The Procedural Motion was put and CARRIED UNANIMOUSLY

Karen Hyde



7. Deputations and Presentations

- 7.1 Mr Peter Taylor (The Learoyd Development Group) addressed the DAP for the application at Item 8.1.

8. Form 1 - Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot 964, House Number 204, Walcott Street, Mount Lawley
Application Details: Mixed Use Development – 11 Multiple Dwellings, 6 Offices, and 1 Restaurant
Applicant: The Learoyd Development Group
Owner: Raymond Hunt and Peter Taylor
Responsible authority: City of Stirling
DoP File No: DAP/15/00736

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mayor Giovanni Italiano **Seconded by:** Cr David Boothman

That the Metro North-West JDAP resolves to:-

Approve DAP Application reference DAP/15/00736 and accompanying plans (Attachment 1) for 11 Multiple Dwellings, Six Offices, and One Restaurant in accordance with Clause 10.3 of the City of Stirling Local Planning Scheme No.3, subject to the following conditions:-

Conditions

1. No permanent structures (existing or proposed) are to be located within the road reserve.
2. The land owner agrees to remove the encroaching parts of the development at such time as the reserved land is required for the upgrading of Walcott Street at their own expense (if required).
3. Prior to commencement of works, the land owner is to enter into a deed of agreement with the WAPC that the presence of the development on the road reserve, any improvements made to, or loss of amenity, shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by Council or the WAPC, and the land owner also agrees to remove the development on the road reserve at their own cost at the time the reserved land is required for the upgrading of Walcott Street. The agreement is to be notified on the Certificate of Title.
4. 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) and shall be prepared by the City or WAPC's nominated legal representatives.
5. At no time is there to be a balcony or awning located above the constructed carriageway for Walcott Street.

Karen Hyde



6. A Site Management Plan shall be submitted to the satisfaction of the City of Stirling prior to commencement of works. The Site Management Plan shall address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
7. A Noise Management Plan from a qualified acoustic (noise) consultant is required to the satisfaction of the City's Health and Compliance Business Unit prior to the issue of a building permit. The report is to identify potential noise impacts and control measures from plant equipment, essential services, air conditioning units, noise from people's activities from balconies, vehicle noise, operation of the café, to minimise impact on the residents in the development/neighbouring properties.
8. A Waste Management Plan to be provided to the satisfaction of the City of Stirling, prior to commencement of development. Servicing of all waste bins is to be to the satisfaction of the City's Waste Services Business Unit, or as otherwise agreed in the Waste Management Plan.
9. Parking bays within Learoyd Street verge are to be designed and constructed to the satisfaction of the City of Stirling at the applicant's expense, prior to occupation of the development. Full detailed design plans to be submitted for approval prior to commencement of development.
10. The proposed crossover/s shall be designed and constructed in accordance with the City's Crossover Policy, prior to occupation of the development.
11. Redundant crossovers are to be removed and the verge and footpath are to be reinstated to the satisfaction of the City prior to the completion of development.
12. The levels of the proposed parking areas are to comply with AS/NZS2890.1:2004, and match the existing verge levels, to the satisfaction of the City.
13. No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
 - I. walls, letterboxes or fences adjoin vehicular access points to the site, or
 - II. a driveway meets a public street,
14. All off street parking to be available during business hours for all customers and staff.
15. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.
16. 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.



17. All bicycle parking facilities are to comply with AS2890.3 Part 3.
18. Awnings to have minimum clearance of 2.7m above the finished footpath level, and are to extend the whole length of the Walcott Street frontage.
19. Each residential unit is to have at least one outdoor living area with a minimum floor area of 10.0m² and a minimum dimension of 2.4m.
20. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.
21. The surface of a boundary wall facing a neighbour shall be to the satisfaction of the City and be of a finished standard such as face brick, rendered and painted masonry or the like. The required works are to be completed prior to occupation of the development.
22. 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.
23. Stormwater from all roofed and paved areas to be collected and contained on site.
24. Landscaping within the road reserve, and specifically the provision of street trees where appropriate, is to be undertaken at the applicants expense to the satisfaction of the City's Engineering Design and Parks & Reserves Business Units prior to the completion of the development.
25. Signage shown on the submitted plans does not form of this approval. A separate development application will be required prior to the erection of any signs.
26. Mechanical clothes dryers shall be provided within all multiple dwellings.
27. A schedule of all external colours and materials is to be submitted to the satisfaction of the City of Stirling Approvals Business Unit prior to the commencement of works.

Advice Notes

1. The applicants are advised to contact the WAPC Land Dealings Coordinator at the Department for Planning should they wish to discuss the formulation of a deed of agreement for the temporary use of the road reserve.



AMENDING MOTION

Moved by: Cr David Boothman **Seconded by:** Mayor Giovanni Italiano

Condition 25 - insert the word "part" between the word "form" and the word "of".

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION

Moved by: Mr Fred Zuideveld **Seconded by:** Mr Paul Drechsler

Condition 14 - Insert the word "commercial" between the word "street" and the word "parking".

The Amending Motion was put and CARRIED UNANIMOUSLY

PRIMARY MOTION (AS AMENDED)

Moved by: Mayor Giovanni Italiano **Seconded by:** Cr David Boothman

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Approve DAP Application reference DAP/15/00736 and accompanying plans (Attachment 1) for 11 Multiple Dwellings, Six Offices, and One Restaurant in accordance with Clause 10.3 of the City of Stirling Local Planning Scheme No.3, subject to the following conditions:-

Conditions

1. No permanent structures (existing or proposed) are to be located within the road reserve.
2. The land owner agrees to remove the encroaching parts of the development at such time as the reserved land is required for the upgrading of Walcott Street at their own expense (if required).
3. Prior to commencement of works, the land owner is to enter into a deed of agreement with the WAPC that the presence of the development on the road reserve, any improvements made to, or loss of amenity, shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by Council or the WAPC, and the land owner also agrees to remove the development on the road reserve at their own cost at the time the reserved land is required for the upgrading of Walcott Street. The agreement is to be notified on the Certificate of Title.
4. 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) and shall be prepared by the City or WAPC's nominated legal representatives.

Karen Hyde



5. At no time is there to be a balcony or awning located above the constructed carriageway for Walcott Street.
6. A Site Management Plan shall be submitted to the satisfaction of the City of Stirling prior to commencement of works. The Site Management Plan shall address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
7. A Noise Management Plan from a qualified acoustic (noise) consultant is required to the satisfaction of the City's Health and Compliance Business Unit prior to the issue of a building permit. The report is to identify potential noise impacts and control measures from plant equipment, essential services, air conditioning units, noise from people's activities from balconies, vehicle noise, operation of the café, to minimise impact on the residents in the development/neighbouring properties.
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11. Redundant crossovers are to be removed and the verge and footpath are to be reinstated to the satisfaction of the City prior to the completion of development.
12. The levels of the proposed parking areas are to comply with AS/NZS2890.1:2004, and match the existing verge levels, to the satisfaction of the City.
13. No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
 - I. walls, letterboxes or fences adjoin vehicular access points to the site, or
 - II. a driveway meets a public street,
14. All off street commercial parking to be available during business hours for all customers and staff.
15. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.



16. 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.
17. All bicycle parking facilities are to comply with AS2890.3 Part 3.
18. Awnings to have minimum clearance of 2.7m above the finished footpath level, and are to extend the whole length of the Walcott Street frontage.
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20. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.
21. The surface of a boundary wall facing a neighbour shall be to the satisfaction of the City and be of a finished standard such as face brick, rendered and painted masonry or the like. The required works are to be completed prior to occupation of the development.
22. 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.
23. Stormwater from all roofed and paved areas to be collected and contained on site.
24. Landscaping within the road reserve, and specifically the provision of street trees where appropriate, is to be undertaken at the applicants expense to the satisfaction of the City's Engineering Design and Parks & Reserves Business Units prior to the completion of the development.
25. Signage shown on the submitted plans does not form part of this approval. A separate development application will be required prior to the erection of any signs.
26. Mechanical clothes dryers shall be provided within all multiple dwellings.
27. A schedule of all external colours and materials is to be submitted to the satisfaction of the City of Stirling Approvals Business Unit prior to the commencement of works.

Advice Notes

1. The applicants are advised to contact the WAPC Land Dealings Coordinator at the Department for Planning should they wish to discuss the formulation of a deed of agreement for the temporary use of the road reserve.

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

Karen Hyde



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

Nil

10. Appeals to the State Administrative Tribunal

- 10.1** Property Location: Lot 811, House Number 3, Sundew Rise, Joondalup
Application Details: Modifications to approved showroom, office and take-away food outlet development
Applicant: Geoff Loxton of Property Development Solutions
Owner: Arise Joondalup Pty Ltd
Responsible authority: City of Joondalup
DoP File No: DP/12/00582

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Councillor Chester

Seconded by: Ms Hyde

That the Metro North-West JDAP resolves to:-

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 238 of 2015, resolves to:-

Reconsider and set aside its decision dated 4 June 2015 and **Approve** DAP Application reference DP12/00582 and accompanying plans as set out in Attachment 3 in accordance with Clause 6.9 of the City of Joondalup *District Planning Scheme No.2*, subject to the following conditions:-

Conditions

1. Low level illumination shall be used for all signage.
2. Illumination to all signage must not flash, pulsate or chase.
3. Illumination of the signage tower is only permitted between the hours of 7.00am to 10.30pm.
4. Pavement and road markings shall be provided at the opposing pedestrian refuge pavements located between Lots 810, House Number 9, and 811, House Number 3, Sundew Rise, specifically Buildings two and three in accordance with AS 1742.10, Manual of Uniform Traffic Control Devices.

Advice notes

1. All conditions and requirements detailed on the previous approval dated 29 August 2012 shall remain applicable.
2. All other additional signage shall be the subject of a separate Development Application.

Karen Hyde



3. This approval relates to the modifications only as detailed in the approved plans. It does not relate to any other development.

The Primary Motion was put and CARRIED UNANIMOUSLY

11. General Business / Meeting Closure

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 11.14am.