

# Metro North-West Joint Development Assessment Panel Agenda

Meeting Date and Time: 17 March 2016; 11:30am

Meeting Number: MNWJDAP/120

**Meeting Venue:** Department of Planning *via teleconference* 

**Attendance** 

**DAP Members** via teleconference

Ms Karen Hyde (Presiding Member)

Mr Paul Drechsler (Deputy Presiding Member)

Mr Fred Zuideveld (Specialist Member)

Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)

Officers in attendance via teleconference

Ms Renae Mather (City of Joondalup) Mr Tim Thornton (City of Joondalup)

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

Ms Natalie Garland

#### **Applicants and Submitters** via teleconference

Mr Russell Poliwka (First Western Realty)

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

Nil

#### 1. Declaration of Opening

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

#### 2. Apologies

Cr Philippa Taylor (Local Government Member, City of Joondalup) Cr John Chester (Local Government Member, City of Joondalup)

#### 3. Members on Leave of Absence

Nil

#### 4. Noting of Minutes

The Minutes of meeting no.119 held on 11 February were not available at time of Agenda preparation.

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#### 5. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

#### 6. Disclosure of Interests

Nil

#### 7. Deputations and Presentations

Nil

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

Nil

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

**9.1** Property Location: Lot 523 (35) Davidson Terrace, Joondalup

Application Details: Proposed extension to approval period for

proposed mixed-use eight storey development

Applicant: WN Poliwka
Owner: WN Poliwka
Responsible authority: City of Joondalup
DoP File No: DP/13/00956

#### 10. Appeals to the State Administrative Tribunal

Nil

#### 11. General Business / Meeting Closure

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### Form 2 - Responsible Authority Report

(Regulation 17)

Property Location:	Lot 523 (35) Davidson Terrace, Joondalup
Application Details:	Proposed extension to approval period for
	proposed mixed-use eight storey
	development
DAP Name:	Metro North-West JDAP
Applicant:	WN Poliwka
Owner:	WN Poliwka
LG Reference:	DA16/0107
Responsible Authority:	City of Joondalup
Authorising Officer:	Dale Page
	Director Planning and Community
	Development
Department of Planning File No:	DP/13/00956
Report Date:	9 March 2016
Application Receipt Date:	2 February 2016
Application Process Days:	60 Days
Attachment(s):	1: Location plan
	2: Original JDAP decision and approved
	plans

#### Officer Recommendation:

That the Metro North-West JDAP resolves to:

- 1. Accept that the DAP Application reference DP/13/00956 as detailed on the DAP Form 2 dated 20 January 2016 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/13/00956 as detailed on the DAP Form 2 dated 20 January 2016, in accordance with clause 77(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for an extension to the approval period for a mixed use development at Lot 523 (35) Davidson Terrace, Joondalup, subject to:

#### **Amended Condition**

 This decision constitutes development approval only and is valid for two years from the date of this approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

#### **Amended Advice Note**

1. All conditions and requirements detailed on the previous approval dated 6 March 2014 shall remain unless altered by this application.

#### Background:

Property Address:		Lot 523 (35) Davidson Terrace, Joondalup
Zoning	MRS:	Central City Area
	TPS:	Centre
Use Class:		Commercial – covers a variety of land uses
		'Office' – Preferred, "P" use
		'Multiple Dwelling' – Preferred, "P" use
Strategy Policy:		N/A
Development Scheme:		City of Joondalup District Planning Scheme
		No.2 (DPS2)
		Joondalup City Centre Development Plan and
		Manual (JCCDPM)
		Draft Joondalup City Centre Structure Plan
		(JCCSP)
Lot Size:		1,334m²
Existing Land Use:		None
Value of Development:	·	\$25 million□

The site is located on the corner of Reid Promenade and Davidson Terrace (Attachment 1 refers). The site currently consists of vegetation, a car park, a small outbuilding, temporary awning, and fence. Two easements exist over the lot regarding the right of way to the rear of the property. These easements ensure that the six metre right of way is maintained (to a minimum clearance of 4.6 metres), and a visual truncation is provided where the right of way intersects with Reid Promenade (to a minimum clearance of three metres). The development meets the requirements of these easements.

The approved land uses in the immediate vicinity of the subject site consist of restaurants, offices, and multiple dwellings. Since the original JDAP approval a multistorey public car park has been constructed to the south-east, with access to this car park via the right of way.

The property is zoned 'Centre' under the *City of Joondalup District Planning Scheme No.2* (DPS2) and is subject to the provisions of the *Joondalup City Centre Development Plan and Manual* (JCCDPM). Under the JCCDPM the site is located within the Central Business District and is designated for General City Uses. In addition, the draft *Joondalup City Centre Structure Plan* (JCCSP), which is considered a seriously entertained planning document, has been given due regard in the assessment of the application. Under the draft JCCSP the site is located within the Central Core District.

In November 2013, the City received an application for the eight storey mixed use development, comprising of offices and residential apartments. At its meeting of 6 March 2014 the JDAP resolved to approve the application subject to a number of conditions, including condition one which reads as follows:

"1. This decision constitutes planning approval only and is valid for two (2) years from the date of this decision letter. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect."

#### Details: outline of development application

The applicant seeks an amendment to condition one of the development approval (DP/13/00956) above so as to extend the period within which the approved development must be substantially commenced. There are no changes proposed to the development. The original JDAP decision and development plans are provided at Attachment 2.

The applicant has provided justification for the extension, outlining that low market demand has resulted in a delay in the project progressing to the next stage of development. An extension of two years to the approval period is sought to enable the applicant additional time to obtain a building permit and substantially commence development.

#### Legislation & policy:

#### Legislation

- Planning and Development Act 2005
- Metropolitan Region Scheme (MRS)
- Planning and Development (Local Planning Schemes) Regulations 2015
- City of Joondalup District Planning Scheme No. 2 (DPS2)

#### **State Government Policies**

Not applicable.

#### **Local Policies**

- Council Policy Environmentally Sustainable Buildings in the City of Joondalup
- Council Policy Joondalup City Centre Car Parking for Commercial Development

The requirements of these policies, including the City's *Environmentally Sustainable Design Checklist*, were addressed previously in the original report for DP/13/00956.

#### **Consultation:**

#### Public Consultation

The proposal was not required to be advertised as it was deemed that the extension to the time in which the development can substantially commence would not result in any additional impact on surrounding landowners.

It is noted that consultation was not undertaken during the original assessment of the approved development, as the development was considered of a scale that is appropriate for the Joondalup City Centre, and the development was not considered to result in any significant adverse impact on the locality.

#### Consultation with other Agencies or Consultants

The application was not required to be referred to any other agencies or consultants.

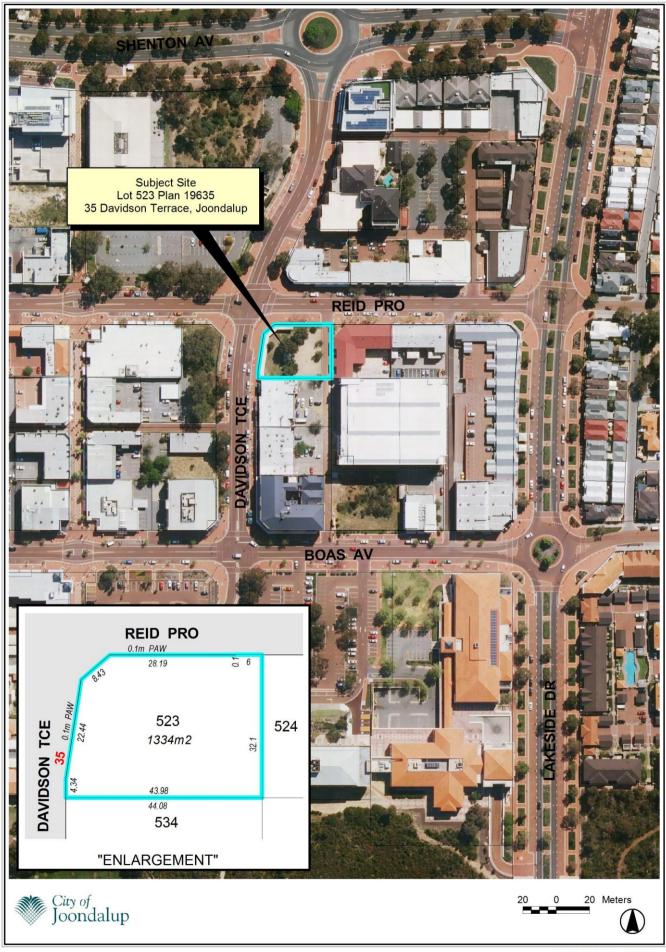
#### **Planning assessment:**

The application is for an amendment to condition one of the current development approval for an eight storey mixed use development, to extend the approval so it will be valid for a further two years.

The applicant has indicated in their request for the extension that commencement has been delayed due to low market demand making it unfeasible to proceed to the next stage of development.

As no changes are proposed to the development itself, there will be no impact on the existing streetscape or character of the area. Furthermore, as there have been no changes or further developments proposed on the subject lot since the previous approval was granted, the approval is still considered appropriate and in accordance with the objectives of DPS2.

It is therefore recommended that the application be approved, subject to an amended condition giving a further two years in which the development shall be substantially commenced.





### Planning and Development Act 2005

City of Joondalup District Planning Scheme No. 2

Metro North-West Joint Development Assessment Panel

### Determination on Development Assessment Panel **Application for Planning Approval**

Lot 523 (35) Davidson Terrace, Joondalup Location: Description of proposed Development: Commercial, Office and Multiple Dwelling

(proposed eight storey development)

In accordance with Regulation 8 of the Development Assessment Panels Regulations 2011, the above application for planning approval was granted on 6 March 2014, subject to the following:

Approve DAP Application reference DP/13/00956 and accompanying plans date stamped 16 January 2014 and 17 February 2014 in accordance with Clause 6.9 of the City of Joondalup District Planning Scheme No. 2, subject to the following conditions:

### Conditions

- This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
- A Construction Management Plan being submitted to and approved by the City prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
  - all forward works for the site;
  - the delivery of materials and equipment to the site;
  - the storage of materials and equipment on the site;
  - the parking 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.

All development shall be undertaken in accordance with this plan.

- 3. A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of development. All refuse management shall thereafter be undertaken in accordance with this plan.
- 4. 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 development.
- 5. An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Permit submission and be approved by the City prior to the commencement of development.
- 6. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
- 7. Wheel stops shall be provided to the bays immediately adjacent the pedestrian area to the lifts and stair 2, being the three bays on the lower basement level, and two bays on the upper basement level. Wheel stops shall be installed prior to the occupation of the development and to the satisfaction of the City.
- Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of development.
- No obscure or reflective glazing is permitted to ground floor facades.
- A signage strategy shall be submitted to and approved by the City prior to occupation of the development.
- 11. The ground floor tenancies indicated as 'Commercial' shall be occupied by land uses that are preferred or permitted under the applicable Agreed Structure Plan. The City shall be notified of the land uses prior to the tenancies first being occupied, and any subsequent change of land uses thereafter.
- 12. Appropriate measures are to be taken to ensure existing grass trees are removed and replanted in a City Park or Reserve where practical, to the satisfaction of the City. Details in this regard are to be provided to the City prior to the commencement of Development.

#### **Advice Notes**

- Further to condition 1, where an approval has so lapsed, no development shall be carried out without the further approval of the City having first being sought and obtained.
- Further to condition 11, land uses shall be in accordance with the preferred uses under the Joondalup City Centre Development Plan and Manual. Should the Joondalup City Centre Structure Plan be endorsed by the Western Australian Planning Commission prior to occupation of the tenancies, land uses

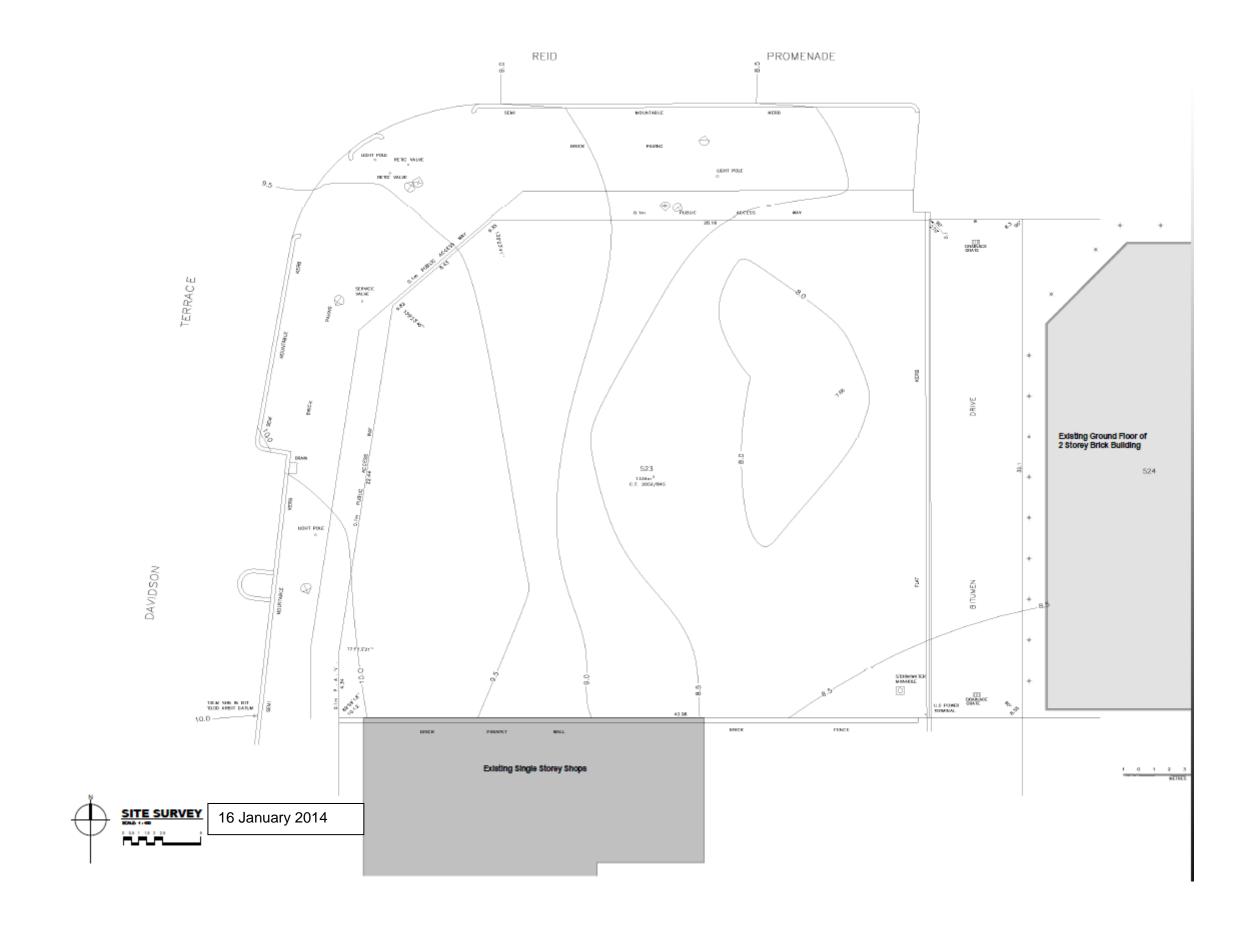


shall be in accordance with the permitted ("P") uses of the Central Core district. Further development approval shall be obtained for any land use(s) that are not preferred or permitted under the applicable Agreed Structure Plan.

- The applicant/builder is advised that there is an obligation to design and construct the premises in compliance with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
- 4. All Bin Storage Areas are to be designed and equipped to the satisfaction of the City. Each bin area shall be provided with a hose cock and have a concrete floor graded to a 100mm industrial floor waste gully connected to sewer.
- 5. The development shall comply with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971 including all internal W.C.'s shall be provided with mechanical exhaust ventilation and flumed to the external air.
- 6. Any mechanical ventilation for the development shall comply with Australian Standard 1668.2, Australian Standard 3666 and the Health (Air Handling and Water Systems) Regulations 1994.
- It is recommended that all residential units be provided with condensation dryers within the laundries. Conventional dryers are key contributors to the growth of indoor mould.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.









### **LOWER BASEMENT LEVEL**

0 0.5 1 1.5 2 2.5 5

NOTE FINAL COLUMN LOCATION TO BE DETERMINED

17 February 2014





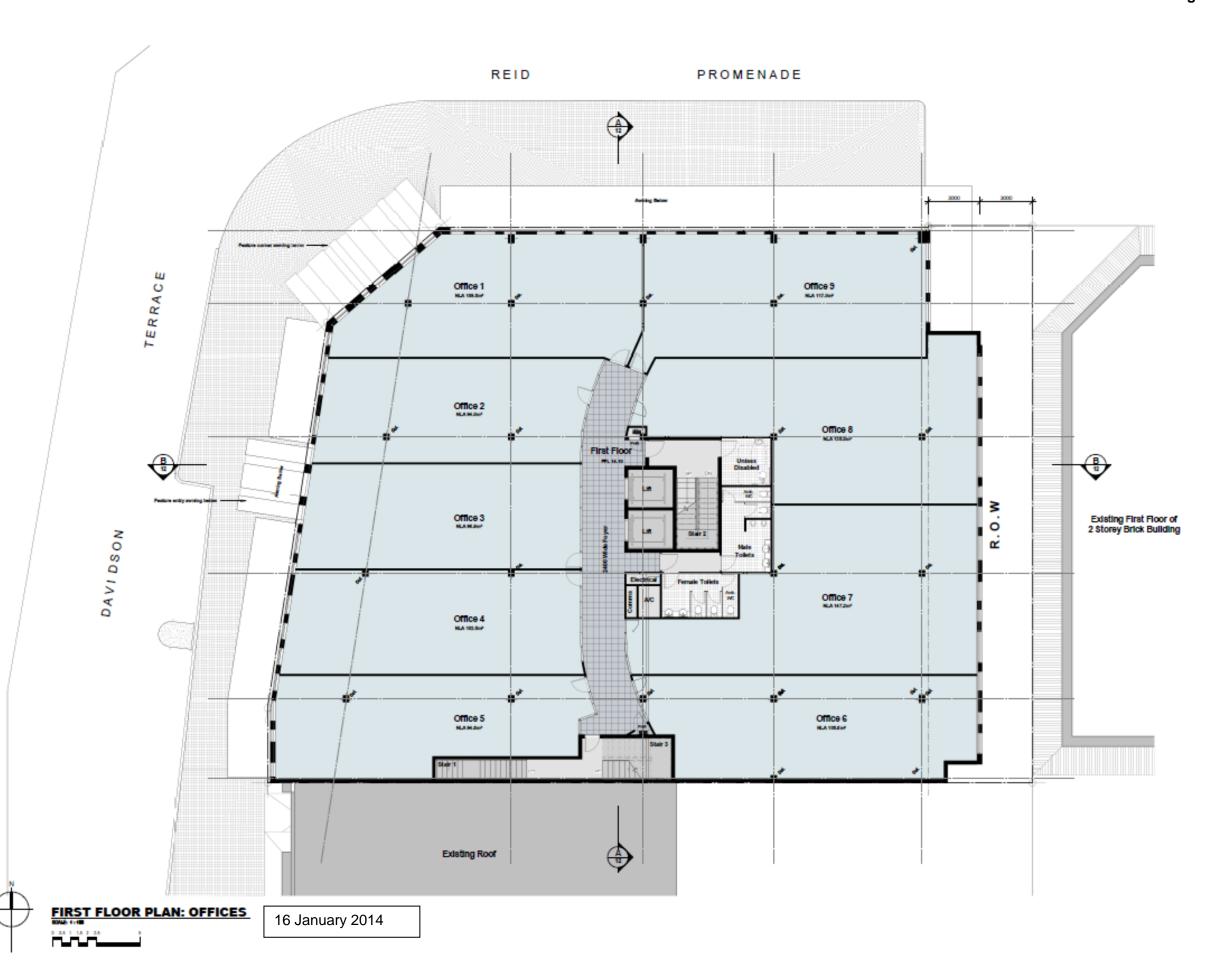


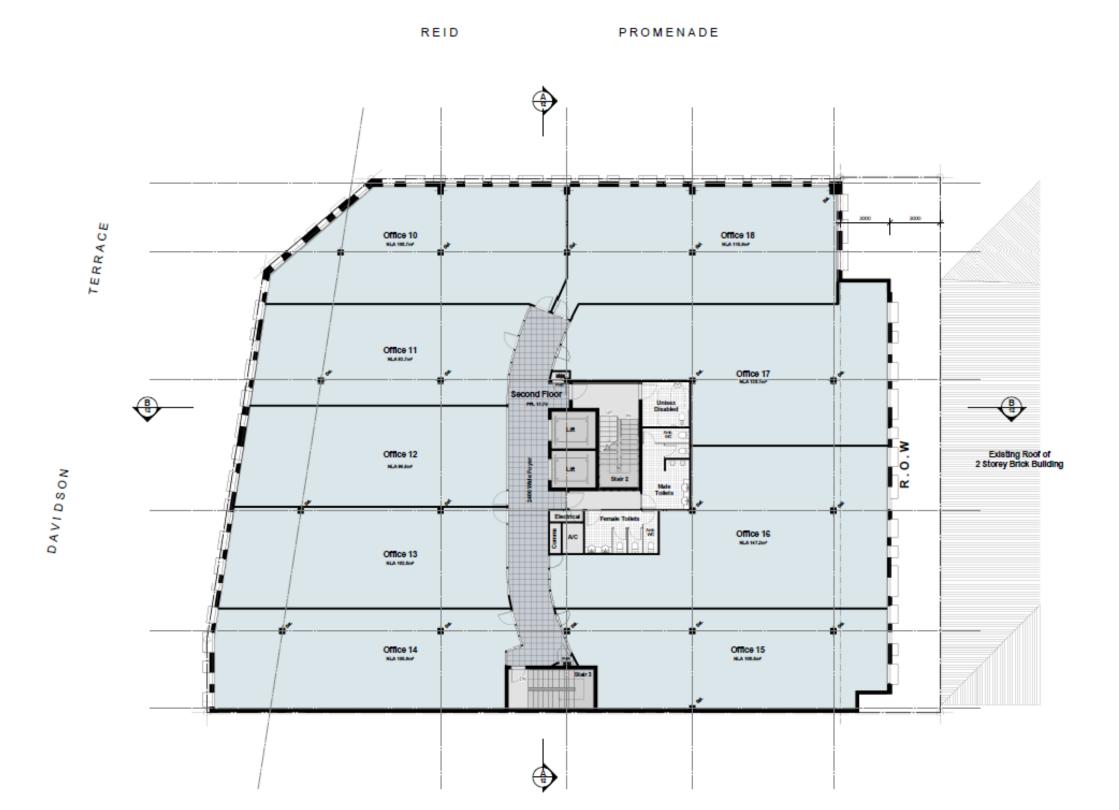
SITE & GROUND FLOOR PLAN: COMMERCIAL



NOTE FINAL COLUMN LOCATION TO BE DETERMINED

17 February 2014

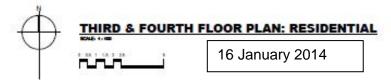




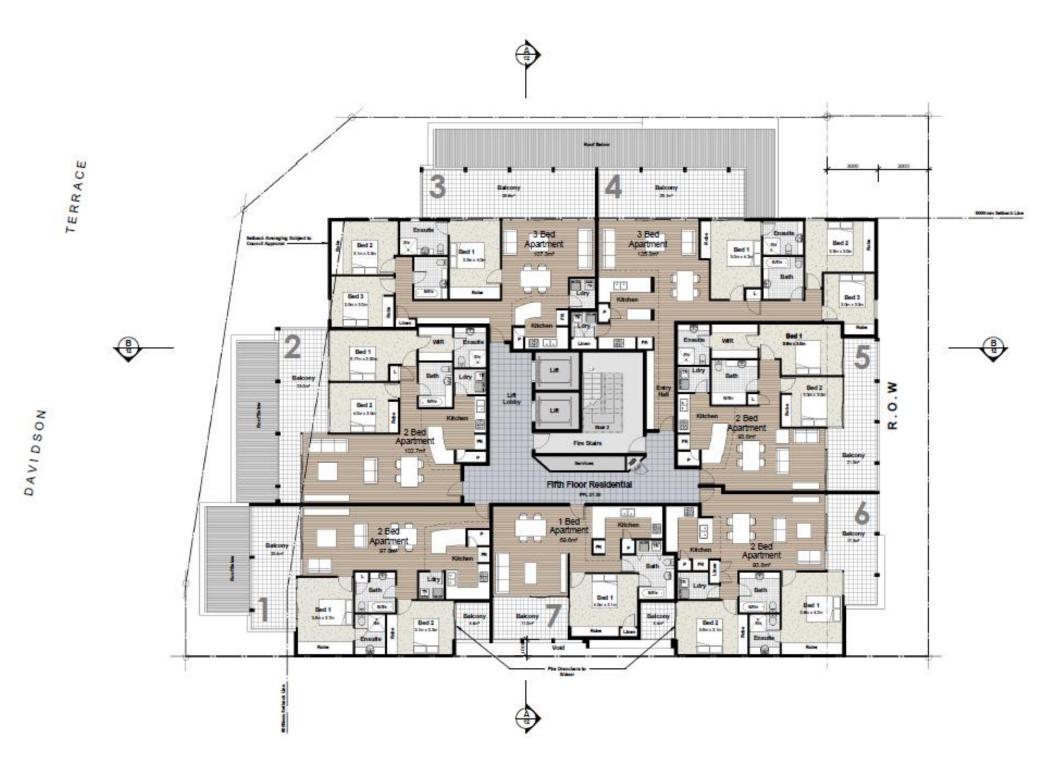


16 January 2014

PROMENADE REID TERRACE DAVIDSON Third Floor



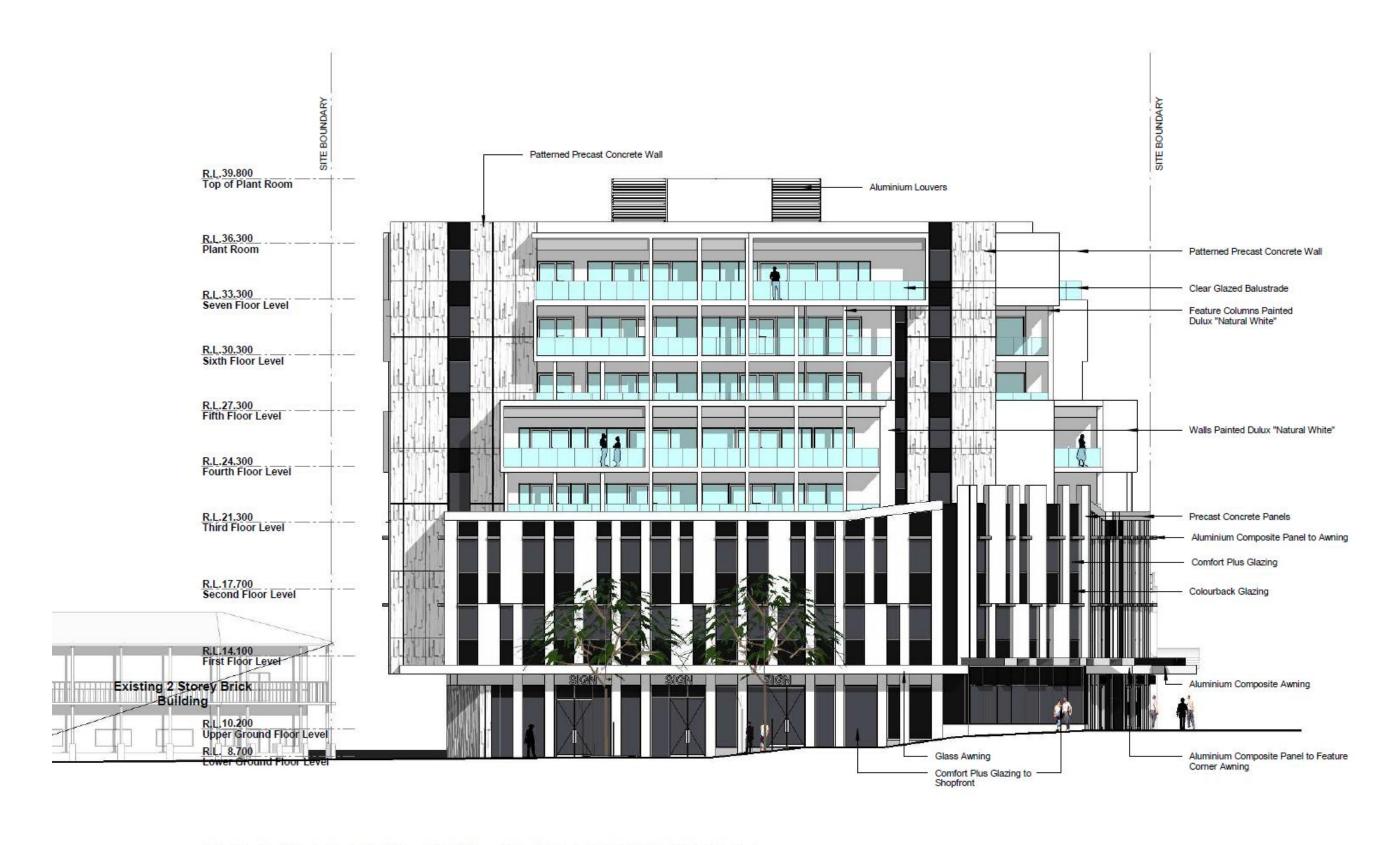
REID PROMENADE





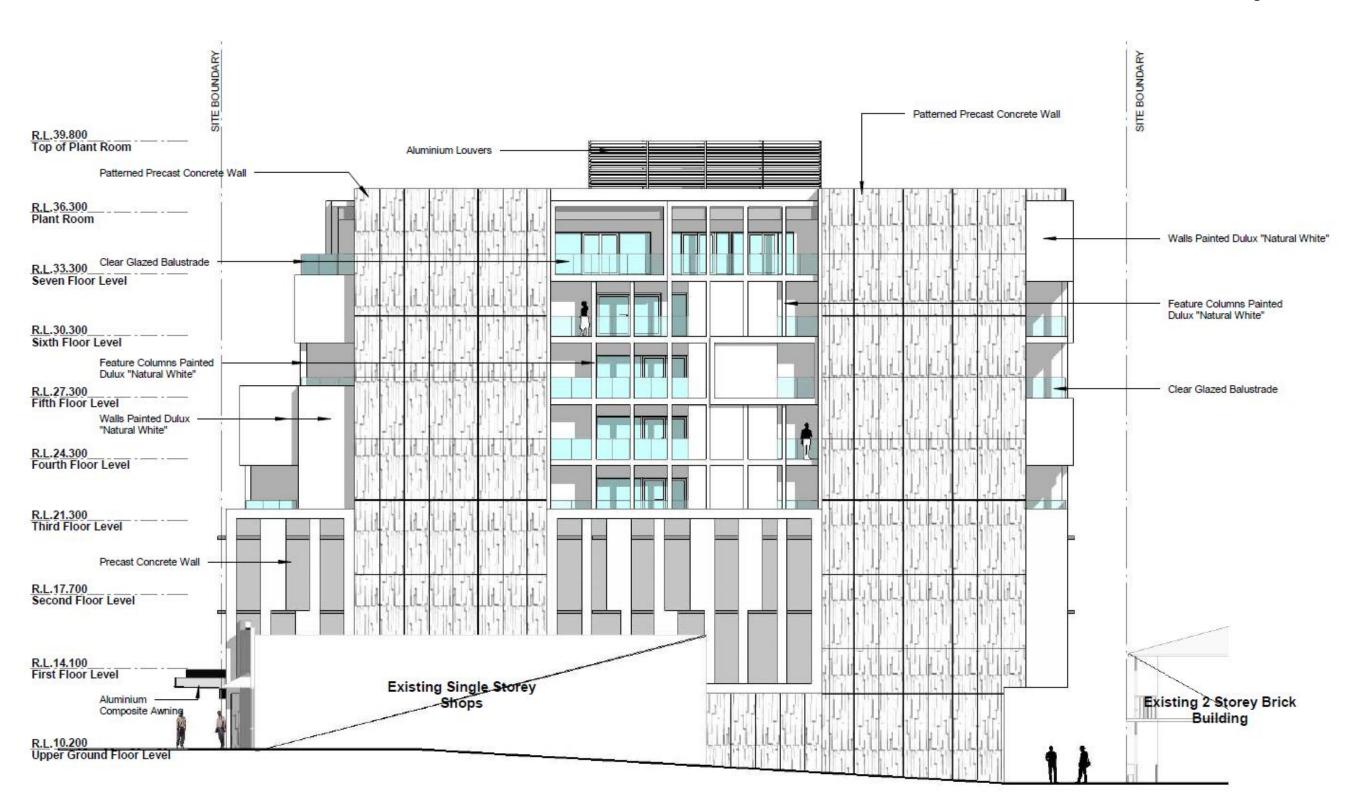


SEVENTH FLOOR PLAN: PENTHOUSE
16 January 2014



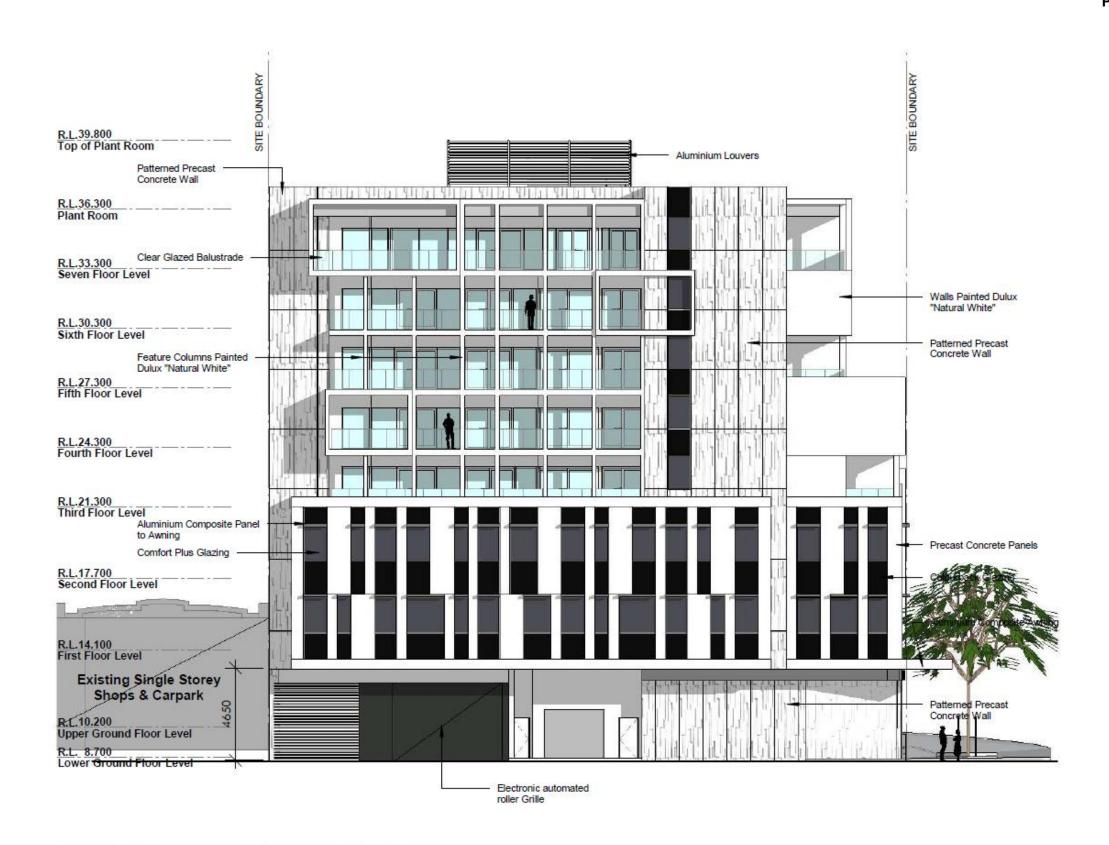
## **NORTH ELEVATION: REID PROMENADE**

SCALE: 1: 200 0 1 2 3 4 5 10 16 January 2014



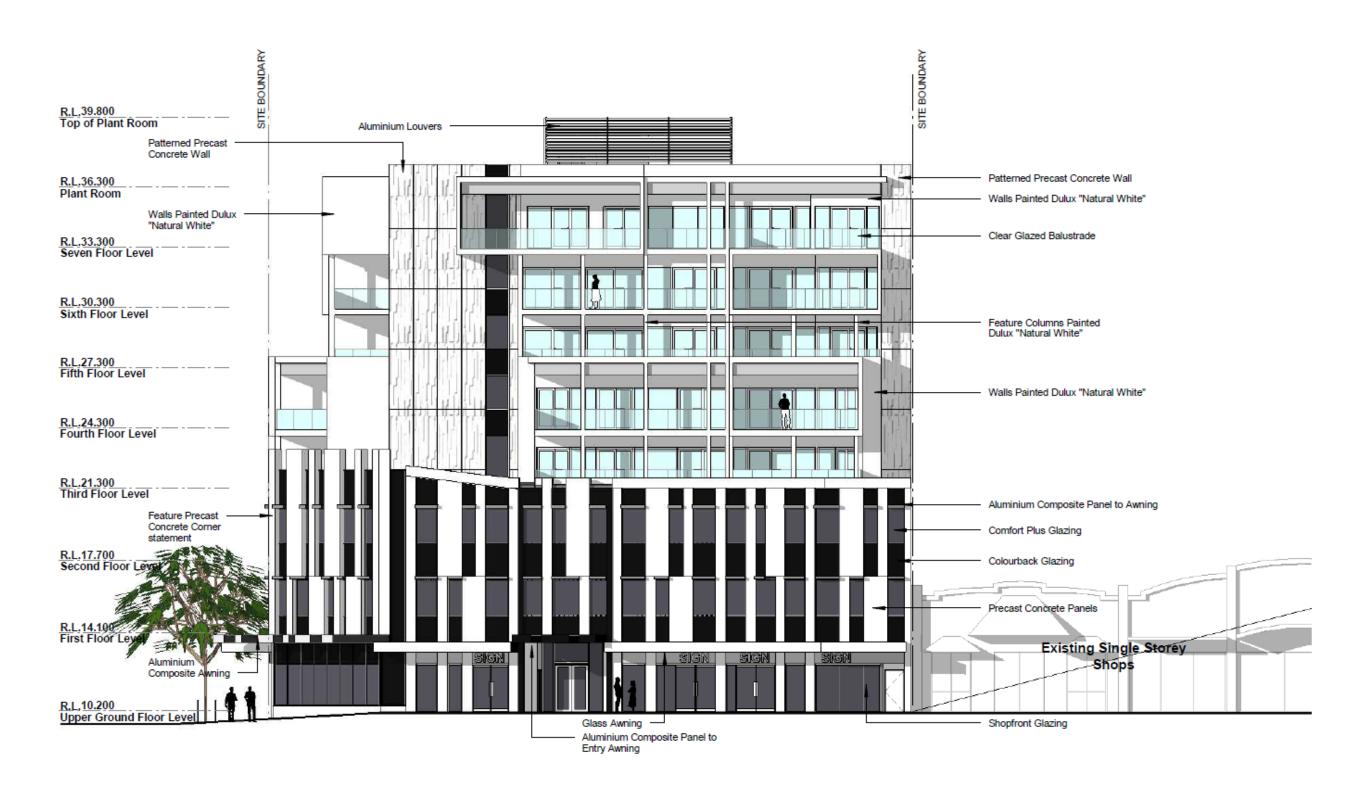
## **SOUTH ELEVATION**

SCALE: 1:200 0 1 2 3 4 5 16 January 2014



## **EAST ELEVATION: R.O.W**

SCALE: 1:200
0 1 2 3 4 5 10 16 January 2014



## **WEST ELEVATION: DAVISON TERRACE**

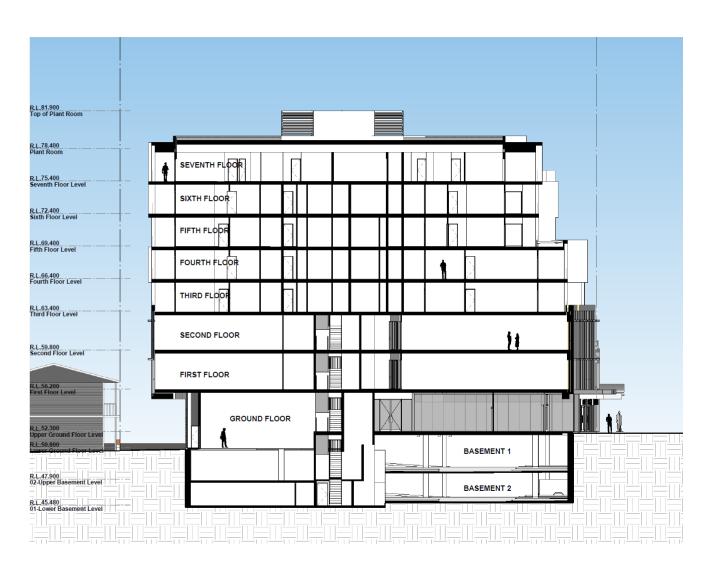
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0 1 2 3 4 5 10 16 January 2014



# SECTION A

0 1 2 3 4 5



## SECTION B

SCALE: 1: 200 0 1 2 3 4 5 10 16 January 2014

