



Minutes of the Metro North West Joint Development Assessment Panel

Meeting Date and Time: Wednesday, 27 July 2016; 2:00pm
Meeting Number: MNWJDAP/139
Meeting Venue: Department of Planning
140 William Street, Perth

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Paul Drechsler (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr John Chester (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

Mr John Corbellini (City of Joondalup)
Ms Renae Mather (City of Joondalup)

Department of Planning Minute Secretary

Ms Rachel Osborne

Applicant and Submitters

Mr David Caddy (TPG Town Planning, Urban Design & Heritage)
Mr Greg Rowe (Rowe Group)
Mr Jeremy Hofland (Rowe Group)
Mr Steve Yapp (DVC Consultants)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Ms Karen Hyde declared the meeting open at 2.05pm on 27 July 2016 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 JDAP meeting No.136 held on 11 July 2016 were noted by DAP members.

Minutes of the Metro North West JDAP meeting No.137 held on 13 July 2016 were noted by DAP members.

Minutes of the Metro North West JDAP meeting No.138 held on 15 July 2016 were not available for noting at the time of meeting.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of interests

Nil

7. Deputations and presentations

7.1 Mr David Caddy (TPG Town Planning, Urban Design and Heritage) addressed the DAP against the application at Item 10.1. Mr Caddy answered questions from the panel.

7.2 Mr Jeremy Hofland (Rowe Group) addressed the DAP for the application at Item 10.1. Mr Hofland answered questions from the panel.

7.3 Mr Steve Yapp (DVC Consultants) addressed the DAP for the application at Item 10.1. Mr Yapp answered questions from the panel.

8. Form 1 - Responsible Authority Reports – DAP Application

Nil



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 9 (937) Whitfords Avenue, Woodvale
Application Details: Three Storey Medical Centre
Applicant: Rowe Group
Owner: Citypride Holdings Pty Ltd
Responsible authority: City of Joondalup
DoP File No: DAP/15/00832

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr John Chester

Seconded by: Cr Philippa Taylor

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 86 of 2016, resolves to:

Set aside the decision dated 29 February 2016 and **refuse** DAP Application reference DAP/15/00832 and accompanying plans Job 818 pages 1-7 of Rev Di in accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reason:

Reason

1. Having due regard to the matters set out in of clauses 67 (m), (s) and (za) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the obligations under the 1991 and 1992 deeds applicable to the site, the proposed development is not considered to appropriately accommodate the required access arrangements for the Woodvale district centre as the proposal will remove reciprocal rights of access from Whitfords Avenue to Lot 66, and varies the approved car parking layout without first obtaining written consent of all parties subject to theses deeds.

The Report Recommendation/Primary Motion was put and Lost (0/5).

For: None

Against: Ms Karen Hyde
Mr Paul Drechsler
Mr Fred Zuideveld
Cr John Chester
Cr Philippa Taylor



ALTERNATE RECOMMENDATION / PRIMARY MOTION

Moved by: Cr John Chester

Seconded by: Cr Philippa Taylor

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 86 of 2016, resolves to:

Set aside the decision dated 29 February 2016 and **approve** DAP Application reference DAP/15/00832 and accompanying plans Job 818 pages 1-7 of Rev Di in accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

1. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:

- (a) all forward works for the site;
- (b) the delivery of materials and equipment to the site;
- (c) the storage of materials and equipment on the site;
- (d) the parking arrangements for the contractors and subcontractors;
- (e) the management of sand and dust during the construction process;
- (f) the management of noise during the construction process; and
- (g) other matters likely to impact on the surrounding properties;

Works shall be undertaken in accordance with the approved plan.

2. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

3. The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City.

4. Detailed landscaping plans shall be submitted to and approved by the City, prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:

- (a) Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
- (b) Provide all details relating to paving, treatment of verges and tree planting in the car park;
- (c) Show spot levels and/or contours of the site;
- (d) Be based on water sensitive urban design principles to the satisfaction of the City;
- (e) Be based on Designing out Crime principles to the satisfaction of the City; and
- (f) Show all irrigation design details.

5. 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.
6. 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 to and approved by the City prior to the commencement of development. Works shall be undertaken in accordance with the approved plan prior to the occupation of the development.
 7. Lighting shall be installed along all car parking areas, communal open space areas, pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted for approval by City prior to the commencement of development. Works shall be undertaken in accordance with the approved plans prior to the occupation of the development.
 8. A full schedule of colours and materials for all exterior parts to the building shall be submitted to 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, including being free of vandalism, to the satisfaction of the City.
 9. A refuse management plan indicating the method of rubbish collection is to be submitted to the City prior to the commencement of development, and approved by the City prior to the development first being occupied. The refuse management shall then be undertaken in accordance with the approved plan.
 10. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development.
 11. All development shall be contained within the property boundaries.
 12. Basement car parking spaces 28 and 29 shall be marked and clearly signposted as dedicated for staff use only prior to occupation of the development, to the satisfaction of the City.
 13. The applicant/landowner shall obtain written consent from the Parties of the 1991 deed applicable to the subject site for the proposed changes to the existing accessways and car parking layout, to the satisfaction of the City, prior to the commencement of development.
 14. The General Practice, Medical Specialist, Dental, Radiology and Physio are approved for the purposes of a 'Medical Centre' as defined under the City of Joondalup Local Planning Scheme.
 15. The Café is approved for the purposes of a 'Restaurant' as defined under the City of Joondalup Local Planning Scheme.



16. The Pharmacy is approved for the purposes of a 'Shop' as defined under the City of Joondalup Local Planning Scheme.
17. A signage strategy shall be submitted to and approved by the City prior to occupation of the development.

Advice notes:

1. Further to condition 3, the at-grade car bays to the south of the development shall meet the minimum width required under Australian Standard AS2890.1.
2. Car park ventilation to comply with the B.C.A. and Australian Standards 1668.2.
3. This approval relates to the proposed three storey mixed use development only, as indicated on the approved plans. It does not relate to any other development.
4. The City of Joondalup District Planning Scheme No. 2 defines 'Medical Centre' as meaning a "premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling)".
5. The City of Joondalup District Planning Scheme No. 2 defines 'Office' as meaning a "any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on site, and does not include consulting rooms or medical centres".
6. The City of Joondalup District Planning Scheme No. 2 defines 'Shop' as meaning a "premises other than a bulky good showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services".
7. The City of Joondalup District Planning Scheme No. 2 defines 'Restaurant' as meaning "any premises where the predominant use is the preparation of food for sale and consumption within the building or portion thereof. The expression may include the sale of food for consumption off the premises, where local government is of the opinion that it is incidental to the business. The term may include an outdoor eating area which shall be treated as being within the building of the Restaurant. The expression excludes "Drive-Through Food Outlets".
8. Any signage shall be the subject of a separate development application.
9. Food business premises to comply with the requirements of the *Food Act 2008*.

REASON: The primary motion failed and there was no support from the panel to refuse the application.



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

AMENDING MOTION

Moved by: Mr Fred Zuideveld

Seconded by: Mr Paul Drechsler

To delete condition 13 and insert as advice note 10 to read as follows:

“The applicant/landowner shall obtain written consent from the Parties of the 1991 deed applicable to the subject site for the proposed changes to the existing accessways and car parking layout.”

REASON: Condition 13 is an invalid planning condition.

The Amending Motion was put and CARRIED UNANIMOUSLY.

ALTERNATE RECOMMENDATION / PRIMARY MOTION (AS AMENDED)

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 86 of 2016, resolves to:

Set aside the decision dated 29 February 2016 and **approve** DAP Application reference DAP/15/00832 and accompanying plans Job 818 pages 1-7 of Rev Di in accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

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 - (e) the management of sand and dust during the construction process;
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 - (g) other matters likely to impact on the surrounding properties;

Works shall be undertaken in accordance with the approved plan.

2. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
3. The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City.



4. Detailed landscaping plans shall be submitted to and approved by the City, prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - (a) Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - (b) Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - (c) Show spot levels and/or contours of the site;
 - (d) Be based on water sensitive urban design principles to the satisfaction of the City;
 - (e) Be based on Designing out Crime principles to the satisfaction of the City; and
 - (f) Show all irrigation design details.
5. 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.
6. 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 to and approved by the City prior to the commencement of development. Works shall be undertaken in accordance with the approved plan prior to the occupation of the development.
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within the building of the Restaurant. The expression excludes "Drive-Through Food Outlets".

8. Any signage shall be the subject of a separate development application.
9. Food business premises to comply with the requirements of the *Food Act 2008*.
10. The applicant/landowner shall obtain written consent from the Parties of the 1991 deed applicable to the subject site for the proposed changes to the existing accessways and car parking layout.

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

11. General Business / 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 3pm.