



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: 20 March 2017; 10:00am
Meeting Number: MNWJDAP/169
Meeting Venue: City of Joondalup
90 Boas Avenue
Joondalup

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Clayton Higham (A/Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Frank Cvitan JP (Local Government Member, City of Wanneroo)
Cr Russell Driver (Local Government Member, City of Wanneroo)
Cr Philippa Taylor (Local Government Member, City of Joondalup)
Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)

Officers in attendance

Mr Chris Leigh (City of Joondalup)
Mr Tim Reed (City of Joondalup)
Mr Jay Naidoo (City of Wanneroo)
Ms Rana Murad (City of Wanneroo)

Local Government Minute Secretary

Mrs Deborah Gouges (City of Joondalup)

Applicants and Submitters

Mr Tim Dawkins (Urbis)
Mr Sean Morrison (Urbis)
Mr Derek Nash (Maze Architects)
Ms Morgan O'Shea (ALDI)
Mr Andrew Maxwell (Concept Building Design)
Mr Robert Forgione (Concept Building Design)
Mr Hoang Lam (Lam Property Development Group Pty Ltd)
Ms Eileen Pool
Ms Margaret Quirk MLA

Members of the Public / Media

There were 7 members of the public in attendance.

1. Declaration of Opening

The Presiding Member, Ms Karen Hyde declared the meeting open at 10:00am on 20 March 2017 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 meeting No.168 held on 13 March 2017 were noted by DAP members.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of interests

Panel member, Cr Philippa Taylor and Cr Christine Hamilton-Prime, declared an impartiality interest in item 8.1. Mr Sean Morrison (Urbis) is known to both Councillors, and one of Cr Taylor's business clients is located at the site of the development.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who have disclosed impartiality interests, are permitted to participate in discussion and voting on the items.

7. Deputations and presentations

7.1 Mr Sean Morrison (Urbis) addressed the DAP for the application at Item 8.1. Mr Morrison answered questions from the Panel.

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

7.2 Ms Eileen Pool addressed the DAP against the application at Item 8.2.

7.3 Ms Margaret Quirk MLA addressed the DAP against the application at Item 8.2.



7.4 Mr Robert Forgione (Concept Building Design) addressed the DAP for the application at Item 8.2. Mr Forgione answered questions from the Panel.

The presentations at Items 7.2, 7.3 and 7.4 were heard prior to the application at Item 8.2.

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1 Property Location: Lot 5001 (86) Delamere Avenue, Currambine
Application Details: SHOP (Aldi)
Applicant: Aldi Foods Pty Ltd C/- Urbis
Owner: Aldi Foods Pty Ltd
Responsible authority: City of Joondalup
DoP File No: DAP/16/01163

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Christine Hamilton-Prime

Seconded by: Cr Philippa Taylor

That the Metro North – West JDAP resolves to:

Approve DAP Application reference DAP/16/01163 and accompanying plans DA-020 01, DA-002 04, DA-010 01, DA-175 05, A1-021 P5, DA-252 04, C1 102 Rev D in accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

Conditions

1. This approval relates to the proposed shop development and associated works only, as indicated on the approved plans.
2. The development is approved as a 'Shop' as defined by the City of Joondalup District Planning Scheme No. 2.
3. All development shall be contained within the property boundaries with the exception of the footpath, pram ramps and landscaping.
4. 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:
 - 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.

Development shall be undertaken in accordance with this approved plan.

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



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. 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.
8. The footpaths and pram ramps indicated within the road reserve on the approved plans are to be designed and constructed to the specifications and satisfaction of the City, prior to occupation of the development. These footpaths and pram ramps are to be thereafter maintained to the satisfaction of the City at the cost of the applicant until such time that 'as constructed' drawings are submitted to, and approved by the City.
9. Lighting shall be installed within the car parking area, pedestrian pathways and in all service areas prior to occupation of the development, 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 occupation of the development.
10. 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.
11. A full schedule of colours and materials for all exterior parts of 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.
12. No obscure or reflective glazing is permitted to ground floor building facades.
13. 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:
 - 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 within the car park. The trees within the car park shall be located within tree wells protected from damage by vehicles;
 - 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;
 - show all irrigation design details.



14. Landscaping and reticulation within the site and adjacent verges 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.
15. All signage within the signage panels indicated on the approved plans shall:
 - Use low level illumination that does not flash, pulsate or chase.
 - Not include fluorescent, reflective or retro reflective colours.
 - Not contain any obscene or vulgar material.
16. 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. The refuse management shall then be undertaken in accordance with the approved plan.

Advice Notes

1. The City of Joondalup District Planning Scheme No. 2 defines 'Shop' as "means 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."
2. Food areas, storage, display and sale to be in accordance with the *Food Act 2008*.
3. The City's local laws require all commercial properties to store bins within a bin storage area that incorporates wash down facilities. The minimum specification includes a concrete floor graded to a floor waste that is connected to sewer and a hose cock.
4. Development must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the *Health (Air-handling & Water Systems) Regulations 1994*.
5. Delivery Vehicle traffic is to be managed so that associated noise will comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Vehicle routes to the delivery dock should not involve traversing speed humps or other such traffic impedance devices. Tonal Reversing Beepers on vehicles are not to be used on site (Broadband Reversing Beepers or some other quiet form of reversing monitoring / warning device such as reversing cameras are to be used instead). Any substantiated complaint of unreasonable noise regarding movements to, in or from the delivery dock may initiate a curfew by the City on the use and access to this dock.
6. Access to the dock area for Waste Services Contractors and the use of the Compactor is to be limited to 7am – 7pm. This restriction can be altered by the submission and approval of a Waste Services Noise Management Plan detailing how these activities can be controlled to ensure noise emissions do not exceed the *Environmental Protection (Noise) Regulations 1997*.



AMENDING MOTION

Moved by: Cr Christine Hamilton-Prime **Seconded by:** Cr Philippa Taylor

To include a new Condition 7, to read as follows:

7. *The universal access bays shall be relocated to the Western edge of the building, to the satisfaction of the City.*

REASON: To allow better universal access to the proposed shop development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Ms Karen Hyde **Seconded by:** Mr Clayton Higham

To include a new Condition 18, to read as follows:

18. *A Delivery Management Plan, indicating the timing of deliveries, be submitted prior to the commencement of development and approved by the City of Joondalup prior to the development first being occupied. Delivery management shall then be undertaken in accordance with the approved plan.*

REASON: To ensure daily deliveries to the proposed shop development are managed appropriately, and not carried out during trading hours.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro North – West JDAP resolves to:

Approve DAP Application reference DAP/16/01163 and accompanying plans DA-020 01, DA-002 04, DA-010 01, DA-175 05, A1-021 P5, DA-252 04, C1 102 Rev D in accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

Conditions

1. This approval relates to the proposed shop development and associated works only, as indicated on the approved plans.
2. The development is approved as a 'Shop' as defined by the City of Joondalup District Planning Scheme No. 2.
3. All development shall be contained within the property boundaries with the exception of the footpath, pram ramps and landscaping.
4. 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:



- 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.

Development shall be undertaken in accordance with this approved plan.

5. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
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. The universal access bays shall be relocated to the western edge of the building to the satisfaction of the City.
8. 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.
9. The footpaths and pram ramps indicated within the road reserve on the approved plans are to be designed and constructed to the specifications and satisfaction of the City, prior to occupation of the development. These footpaths and pram ramps are to be thereafter maintained to the satisfaction of the City at the cost of the applicant until such time that 'as constructed' drawings are submitted to, and approved by the City.
10. Lighting shall be installed within the car parking area, pedestrian pathways and in all service areas prior to occupation of the development, 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 occupation of the development.
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.
12. A full schedule of colours and materials for all exterior parts of 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.
13. No obscure or reflective glazing is permitted to ground floor building facades.



14. 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:
 - 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 within the car park. The trees within the car park shall be located within tree wells protected from damage by vehicles;
 - 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;
 - show all irrigation design details.
15. Landscaping and reticulation within the site and adjacent verges 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.
16. All signage within the signage panels indicated on the approved plans shall:
 - Use low level illumination that does not flash, pulsate or chase.
 - Not include fluorescent, reflective or retro reflective colours.
 - Not contain any obscene or vulgar material.
17. 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. The refuse management shall then be undertaken in accordance with the approved plan.
18. A Delivery Management Plan indicating the timing of deliveries be submitted prior to the commencement of development and approved by the City of Joondalup prior to the development first being occupied. Delivery management shall then be undertaken in accordance with the approved plan.

Advice Notes

1. The City of Joondalup District Planning Scheme No. 2 defines 'Shop' as "*means 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.*".
2. Food areas, storage, display and sale to be in accordance with the *Food Act 2008*.
3. The City's local laws require all commercial properties to store bins within a bin storage area that incorporates wash down facilities. The minimum specification includes a concrete floor graded to a floor waste that is connected to sewer and a hose cock.
4. Development must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the *Health (Air-handling & Water Systems) Regulations 1994*.



5. Delivery Vehicle traffic is to be managed so that associated noise will comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Vehicle routes to the delivery dock should not involve traversing speed humps or other such traffic impedance devices. Tonal Reversing Beepers on vehicles are not to be used on site (Broadband Reversing Beepers or some other quiet form of reversing monitoring / warning device such as reversing cameras are to be used instead). Any substantiated complaint of unreasonable noise regarding movements to, in or from the delivery dock may initiate a curfew by the City on the use and access to this dock.
6. Access to the dock area for Waste Services Contractors and the use of the Compactor is to be limited to 7am – 7pm. This restriction can be altered by the submission and approval of a Waste Services Noise Management Plan detailing how these activities can be controlled to ensure noise emissions do not exceed the *Environmental Protection (Noise) Regulations 1997*.

REASON: In accordance with details contained in the Responsible Authority Report Recommendation.

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

8.2 Property Location:	Lot 69 (91) Strive Loop, Girrawheen
Application Details:	42 Multiple Dwellings
Applicant:	Concept Building Design
Owner:	Loang Lam & Lam Property Development Group Pty Ltd
Responsible authority:	City of Wanneroo
DoP File No:	DAP/16/01119

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Nil

Seconded by: Nil

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

Approve DAP Application reference DAP/16/01119 and accompanying plans (**Attachment 2, A02 – A10**) in accordance with the provisions of the Metropolitan Region Scheme and the City of Wanneroo 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 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.
2. Lighting shall be installed in all car-parking areas. Any lighting is to be designed in accordance with Australian Standards for the "Control of Obstructive Effects of Outdoor Lighting" (AS4282) and shall, where possible, be directed internally so as not to overspill into nearby lots.
3. Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet



- Carparking (AS2890), and shall be drained, sealed and marked prior to occupation of the development.
4. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
 5. All earthworks shall be contained on-site and not encroach onto any adjoining road reserves or right-of-way.
 6. The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site.
 7. All refuse shall be stored within the designated bin enclosures and shall be collected from the site by a private contractor.
 8. The applicant/landowner shall comply with the Waste Management Plan prepared by Talis and dated July 2016, as submitted to the City.
 9. Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on site.
 10. A construction management plan shall be submitted for approval prior to the commencement of works, to the satisfaction of Manager Approval Services. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
 - a. The delivery of and delivery times for material and equipment to the site;
 - b. Storage of materials and equipment on site;
 - c. Parking arrangements for contractors and sub-contractors;
 - d. The impact on traffic movement;
 - e. Construction and delivery times; and
 - f. Any other matter required by the City.

Advice Notes

1. This is a planning approval only and is issued under District Planning Scheme No. 2 and the Metropolitan Region Scheme. It is the applicant's responsibility to comply with all other applicable legislation and obtain all the required approval, licence and permits prior to commencement of the development.
2. Adequate measure to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Environmental Regulations '*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated site remediation and other related activities*'.
3. Where an approval has so lapsed, no development must be carried out without further approval of the Metro North-West Joint Development Assessment Panel having first been sought and obtained.



4. In an application or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

The Report Recommendation/ Primary Motion LAPSED for want of a Mover and a Seconder.

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Clayton Higham

To suspend *Development Assessment Panel Standing Orders 2012*, so that further debate can continue, allowing members to speak more than once on the application.

REASON: To allow for the preparation of an alternate recommendation.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Clayton Higham

That the Metro North-West Joint Development Assessment Panel meeting be adjourned for a period of 5 minutes.

REASON: To allow City of Wanneroo planning administration team to construct an Alternate Recommendation to refuse the application.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was adjourned at 11:45am.

The meeting was reconvened at 11:50am.

ALTERNATE RECOMMENDATION /PRIMARY MOTION

Moved by: Cr Russell Driver

Seconded by: Cr Frank Cvitan JP

That the Metro North-West Joint Development Assessment Panel resolves to **refuse** the DAP Application Reference DAP/16/01119 and accompanying plans (attachment 2, A02-A10) in accordance with the provisions of the *Metro Regional Scheme* and the *City of Wanneroo District Planning Scheme No. 2*, for the following reasons:

- 1 Lack of onsite visitor car parking bays in accordance with clause 6.3.3 of the *Residential Design Codes*.
- 2 Inadequate amount and location of communal open space and deep root zones in accordance with clauses 3.5 and 3.4 respectively of the draft *Apartment Design Policy*.
- 3 Potential lack of quality internal open space.



- 4 Loss of amenity to lots 70, 71 and 72 Allinson Drive, Girrawheen with the proposed wall on the western boundary in accordance with clause 6.1.4 of the *Residential Design Codes*.
- 5 Unreasonable level of impact on surrounding land owners.
- 6 Lack of agreement from landowners of adjoining lots 55 and 905 which the proposed development encroaches on.
- 7 Inadequate cross ventilation provided in accordance with clause 4.2 of the draft *Apartment Design Policy*.

REASON: The primary recommendation failed and the panel judged the development application should be refused as it was not capable of being supported.

The Alternate Recommendation was put and CARRIED UNANIMOUSLY.

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

Nil

10. Appeals to the State Administrative Tribunal

- City of Stirling – DAP/15/00904 – Lots 109, 401, 402 and 403 Beaufort Street, Inglewood
- City of Stirling – DAP/15/00956 – Lot 216 (363) Scarborough Beach Road, Osborne Park

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 11:53am.