



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 25 October 2018; 9:00am
Meeting Number: MNWJDAP/231
Meeting Venue: City of Joondalup
90 Boas Avenue, Joondalup

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Vernon Butterly (A/Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Item 8.1a & 8.1b
Cr Giovanni Italiano (Local Government Member, City of Stirling)
Item 10.1
Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)
Cr Sophie Dwyer (Local Government Member, City of Joondalup)

Officers in attendance

Item 8.1a & 8.1b
Ms Giovanna Lumbaca (City of Stirling)
Mr Greg Bowering (City of Stirling)
Mr Nick John (City of Stirling)
Mr Garreth Chivell (Western Australian Planning Commission)
Mr Ben Hesketh (Western Australian Planning Commission)

Item 10.1
Mr Chris Leigh (City of Joondalup)
Mr Ryan Bailey (City of Joondalup)

Minute Secretary

Mrs Deborah Gouges (City of Joondalup)
Mrs Wendy Cowley (City of Joondalup)

Applicants and Submitters

Item 8.1a & 8.1b
Mr Nik Hidding (Peter Webb & Associates)

Item 10.1
Mr Carlo Famiano (CF Town Planning & Development)
Mr Michael Ruggiero (Individual Developments)
Ms Joanna Quan

Members of the Public / Media

There were five members of the public in attendance.

Ms Tyler Brown, Joondalup Times/Weekender was in attendance.



1. Declaration of Opening

The Presiding Member declared the meeting open at 9.00am on 25 October 2018 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 DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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 meeting would not be recorded.

2. Apologies

Ms Sheryl Chaffer (Deputy Presiding Member)
Cr Philippa Taylor (Local Government Member, City of Joondalup)
Cr David Boothman (Local Government Member, City of Stirling)

3. Members on Leave of Absence

DAP Member, Ms Sheryl Chaffer has been granted leave of absence by the Director General for the period of 24 October 2018 to 1 November 2018 inclusive.

DAP Member, Cr Philippa Taylor has been granted leave of absence by the Director General for the period of 8 October 2018 to 30 October 2018 inclusive.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Karen Hyde, declared an impartiality interest in item 10.1. Ms Hyde's employer Taylor Burrell Barnett has been appointed by the City of Joondalup to advise on future the planning framework for Housing Opportunity Areas. Ms Hyde has not been involved in the past planning framework, the context for which these applications are to be determined.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Acting Deputy Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.



In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Ms Karen Hyde, declared that she participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Ms Karen Hyde acknowledged that she is not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before her, which will be considered on its planning merits.

7. Deputations and Presentations

7.1 Mr Nik Hidding (Peter Webb & Associates) addressed the DAP in support of the application at item 8.1a and 8.1b and responded to questions from the panel.

The presentation at item 7.1 was heard prior to the application at item 8.1a and 8.1b.

7.2 Ms Joanna Quan addressed the DAP against the application at item 10.1.

7.3 Mr Carlo Famino (CF Town Planning & Development) addressed the DAP in support of the application at item 10.1 and responded to questions from the panel.

The presentations at items 7.2 and 7.3 were heard prior to the application at Item 10.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1a	Property Location:	Lot 100 (345) Scarborough Beach Road Osborne Park and Lot 54 (72) Pollard Street, Glendalough
	Development Description:	Proposed Motor Vehicle Sales Dealership
	Applicant:	Mr Nik Hidding (Peter Webb & Associates)
	Owner:	Ms Michelle V. Prater (APPL Properties Pty Ltd)
	Responsible Authority:	City of Stirling
	DAP File No:	DAP/18/01448

REPORT RECOMMENDATION

Moved by: Ms Karen Hyde

Seconded By: Nil

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DAP/18/01448 and accompanying plans (Attachment 1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Local Planning Scheme No.3, for the following reasons:

1. The proposed form of development and the insufficient mix of land uses proposed will prejudice the development of the site and surrounding area as a planned 'District Centre'.
2. The proposed development is inconsistent with Development Control Policy 1.6 - Planning to Support Transit Use and Transit as the proposal does not include a mix of uses and activities that will benefit from their proximity and accessibility to



- public transport, and which will in turn generate a demand for the use of transit infrastructure and service.
3. The proposed development is inconsistent with Development Control Policy 5.1 – Regional Roads (Vehicular Access) as the proposal includes vehicular access onto a regional road.
 4. The application does not satisfy Clause 67 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* with the development being contrary to the objectives of the ‘Development’ zone as the development does not provide for coordinated development and compromises the future development of the land for purposes and in a manner likely to detract from the amenity and integrity of the area.
 5. The application does not satisfy Clause 67 (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* with the development being contrary to the development provisions, principles and vision for the Draft Herdsman Glendalough Area Detailed Area Plan.
 6. The application does not satisfy Clause 67 (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* with the development being contrary to State Planning Policy 4.2 – Activity Centres for Perth and Peel and the identification of the subject site as a ‘District Centre’.
 7. The application does not satisfy Clause 67 (f) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* with the development being contrary to Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development (DC 1.6) which aims to promote planning and development outcomes that will support and sustain public transport use.
 8. The application does not satisfy Clause 67 (h) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* with the development being contrary to the development provisions, principles and vision for the Draft Herdsman Glendalough Area Detailed Area Plan.
 9. The proposed development is inconsistent with the objectives of the Herdsman Glendalough Special Control Area as set out in Clause 6.4.1 of Local Planning Scheme No.3.
 10. The proposed development does not achieve the objectives of the Glendalough Station Special Control Area as set out in Clause 6.4 of the City’s Local Planning Scheme No. 3, as the development does not ‘*capitalise on the strategic advantages of the Special Control Area’s excellent public transport, accessibility and proximity to the Central Business District*’. The proposed development is an underutilisation of the site, which will compromise the planned development of the area.

The Report Recommendation LAPSED for want of a seconder.



ALTERNATE MOTION

Moved by: Cr Giovanni Italiano

Seconded by: Mr Fred Zuideveld

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/18/01448 and accompanying plans (Attachment 1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No. 3, subject to the following conditions:

1. If the development has not substantially commenced by 25 October 2020 this approval shall no longer be valid. Notwithstanding, if a further application is made under regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the responsible authority will assess any new application under the operative planning framework at that point in time.
2. The Metropolitan Region Scheme road widening reservation as shown on WAPC Land Requirement Plan Number 1.7546 is to be ceded free of cost to the Crown prior to the commencement of use.
3. Access to Scarborough Beach Road is not permitted. All existing crossovers must be removed.
4. Prior to the issue of the building permit revised plans of the development must be submitted to the City of Stirling for approval, demonstrating that all vehicular access to the development site is via Pollard and Harborne Street.
5. The area of the site located within the Primary Regional Road Reservation and Planning Control Area 127 must not be included in the car parking requirements for this development.
6. When the land located within the Primary Regional Road Reserve and Planning Control Area 127 is required for road purposes, all improvements must be removed at the applicant/landowners expense.
7. No earth works shall encroach onto the Primary Regional Road Reserve.
8. No stormwater drainage is to be discharged onto the Primary Regional Road Reserve.
9. No waste collection is permitted from the Primary Regional Road Reserve.
10. The construction of future embayed street parking along Scarborough Beach Road does not form part of this approval. Any parking within this road reserve shall require the separate approval of the City of Stirling and/or Department of Planning.
11. A revised Traffic Impact Assessment is to be provided and approved by the City of Stirling prior to submission of a building permit and is to address the following:
 - a) New manual turning counts are to be undertaken for the intersection of Scarborough Beach Road and Harborne Street (slip).
 - b) Current traffic volume counts are to be provided through updated Main Roads WA's counts or through SCATS.



- c) SIDRA analysis for the AM peak is to be provided.
 - d) The SIDRA analysis is to analyse the intersection of Scarborough Beach Road and Harborne Street (slip) as a Network site together with the intersections of SBR/Frobisher/Harborne and SBR/Train Station Access with appropriately modelled and calibrated queuing lengths that impact access in and out of this slip road.
 - e) The impact is to be assessed for 10 years after full opening of the development.
 - f) Clarification is required whether the existing and future generation relates only to Lot 100 or also to Lot 54. The report is to clearly outline the current land use (as well as future land uses) of the properties covered by this development.
 - g) The report is to provide information about commercial vehicle movements (in particular the movements of car delivery trucks) to and through the development.
12. All roadworks required as part of the development are to be completed to the satisfaction of the City of Stirling, prior to commencement of the use of the development.
 13. No goods or service delivery or sanitation pickup is permitted from the Scarborough Beach Road frontage.
 14. A Site Management Plan is to be submitted to the satisfaction of the City of Stirling prior to the commencement of any works. The Site Management Plan shall address dust, noise, waste management, parking, storage of materials, traffic and site safety/security. The Site Management Plan as approved by the City of Stirling shall be complied with for the duration of the construction of the development.
 15. A Noise Management Plan be prepared and its recommendations implemented in the works. The Noise Management Plan shall be submitted to and approved in writing by the City of Stirling prior to commencement of works. The Noise Management Plan shall address all functions of this facility including deliveries, mechanical services and all other activities.
 16. A Stormwater Management Plan to the satisfaction of the City shall be submitted prior to commencement of works and shall indicate all stormwater collected and contained on site.
 17. All vehicle parking facilities and manoeuvring areas shall comply with AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6.
 18. All off street parking shall be available onsite during business hours for all customers and staff to the satisfaction of the City of Stirling.
 19. No goods or materials shall be 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.
 20. Vehicular parking, manoeuvring and circulation areas indicated on the approved plans shall be sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.
 21. All redundant vehicle crossovers shall be removed and the verge, landscaping, footpaths and kerbing reinstated to the satisfaction of the City of Stirling.



22. All proposed crossovers to the development shall be designed and constructed in accordance with the City of Stirling's Crossover Policy to the satisfaction of the City of Stirling.
23. Glazed areas on the external walls are not to be painted or obscured so as to obstruct views between the exterior and/or interior.
24. All signage shown on the submitted plans does not form of this approval.
25. Any on site floodlights not being positioned or operated in such a manner as to cause annoyance or nuisance to surrounding uses and passing traffic.
26. 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 of Stirling's legal costs and all registration fees and stamp duty (if any).

Advice Notes

- a) The applicant is advised that any conditions requiring changes to the built form are to be satisfied prior to the issue of a building permit. Where the changes have further planning implications, a Form 2 application for the further determination in relation to the amended plans will be required.
- b) A bond is to be paid for all construction works within the road reserve, prior to any works commencing. The bond will be determined by the City of Stirling and will be based on the approved engineering construction plans. The bond will be returned once all works within the road reserve have been completed in accordance with the approved construction plans and to the satisfaction of the City of Stirling.
- c) Payment to the City of Stirling of an inspection fee equivalent to 1½% of the tendered cost of construction works within the road reserve.
- d) Payment to the City of Stirling of a 12 months defects liability period retention bond of 5% of the tendered cost of construction works within the road reserve.

AMENDING MOTION 1

Moved by: Mr Vernon Butterly

Seconded by: Cr Giovanni Italiano

That new condition 27 be added to read as follows:

27. *That lots 100 and 54 be amalgamated and a new title issued prior to occupancy certification.*

REASON: To ensure that the development is comprehensively planned and enables rights of access and development across both titles as required.

The Amending Motion was put and CARRIED (3/1).

For: Ms Karen Hyde
Mr Vernon Butterly
Cr Giovanni Italiano

Against: Mr Fred Zuideveld



AMENDING MOTION 2

Moved by: Mr Fred Zuideveld

Seconded by: Mr Vernon Butterly

That new condition 28 be added to read as follows:

28. *That vehicle access to the PTA interchange is not permitted.*

REASON: In accordance with advice received from the PTA regarding the plans associated with this approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

ALTERNATE MOTION (AS AMENDED)

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/18/01448 and accompanying plans (Attachment 1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No. 3, subject to the following conditions:

1. If the development has not substantially commenced by 25 October 2020 this approval shall no longer be valid. Notwithstanding, if a further application is made under regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the responsible authority will assess any new application under the operative planning framework at that point in time.
2. The Metropolitan Region Scheme road widening reservation as shown on WAPC Land Requirement Plan Number 1.7546 is to be ceded free of cost to the Crown prior to the commencement of use.
3. Access to Scarborough Beach Road is not permitted. All existing crossovers must be removed.
4. Prior to the issue of the building permit revised plans of the development must be submitted to the City of Stirling for approval, demonstrating that all vehicular access to the development site is via Pollard and Harborne Street.
5. The area of the site located within the Primary Regional Road Reservation and Planning Control Area 127 must not be included in the car parking requirements for this development.
6. When the land located within the Primary Regional Road Reserve and Planning Control Area 127 is required for road purposes, all improvements must be removed at the applicant/landowners expense.
7. No earth works shall encroach onto the Primary Regional Road Reserve.
8. No stormwater drainage is to be discharged onto the Primary Regional Road Reserve.
9. No waste collection is permitted from the Primary Regional Road Reserve.



10. The construction of future embayed street parking along Scarborough Beach Road does not form part of this approval. Any parking within this road reserve shall require the separate approval of the City of Stirling and/or Department of Planning.
11. A revised Traffic Impact Assessment is to be provided and approved by the City of Stirling prior to submission of a building permit and is to address the following:
 - a) New manual turning counts are to be undertaken for the intersection of Scarborough Beach Road and Harborne Street (slip).
 - b) Current traffic volume counts are to be provided through updated Main Roads WA's counts or through SCATS.
 - c) SIDRA analysis for the AM peak is to be provided.
 - d) The SIDRA analysis is to analyse the intersection of Scarborough Beach Road and Harborne Street (slip) as a Network site together with the intersections of SBR/Frobisher/Harborne and SBR/Train Station Access with appropriately modelled and calibrated queuing lengths that impact access in and out of this slip road.
 - e) The impact is to be assessed for 10 years after full opening of the development.
 - f) Clarification is required whether the existing and future generation relates only to Lot 100 or also to Lot 54. The report is to clearly outline the current land use (as well as future land uses) of the properties covered by this development.
 - g) The report is to provide information about commercial vehicle movements (in particular the movements of car delivery trucks) to and through the development.
12. All roadworks required as part of the development are to be completed to the satisfaction of the City of Stirling, prior to commencement of the use of the development.
13. No goods or service delivery or sanitation pickup is permitted from the Scarborough Beach Road frontage.
14. A Site Management Plan is to be submitted to the satisfaction of the City of Stirling prior to the commencement of any works. The Site Management Plan shall address dust, noise, waste management, parking, storage of materials, traffic and site safety/security. The Site Management Plan as approved by the City of Stirling shall be complied with for the duration of the construction of the development.
15. A Noise Management Plan be prepared and its recommendations implemented in the works. The Noise Management Plan shall be submitted to and approved in writing by the City of Stirling prior to commencement of works. The Noise Management Plan shall address all functions of this facility including deliveries, mechanical services and all other activities.
16. A Stormwater Management Plan to the satisfaction of the City shall be submitted prior to commencement of works and shall indicate all stormwater collected and contained on site.
17. All vehicle parking facilities and manoeuvring areas shall comply with AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6.



18. All off street parking shall be available onsite during business hours for all customers and staff to the satisfaction of the City of Stirling.
19. No goods or materials shall be 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.
20. Vehicular parking, manoeuvring and circulation areas indicated on the approved plans shall be sealed and drained to the satisfaction of the City of Stirling and the parking spaces being marked out and maintained in good repair.
21. All redundant vehicle crossovers shall be removed and the verge, landscaping, footpaths and kerbing reinstated to the satisfaction of the City of Stirling.
22. All proposed crossovers to the development shall be designed and constructed in accordance with the City of Stirling's Crossover Policy to the satisfaction of the City of Stirling.
23. Glazed areas on the external walls are not to be painted or obscured so as to obstruct views between the exterior and/or interior.
24. All signage shown on the submitted plans does not form of this approval.
25. Any on site floodlights not being positioned or operated in such a manner as to cause annoyance or nuisance to surrounding uses and passing traffic.
26. 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 of Stirling's legal costs and all registration fees and stamp duty (if any).
27. That lots 100 and 54 be amalgamated and a new title issued prior to occupancy certification.
28. That vehicle access to the PTA interchange is not permitted.

Advice Notes

- a) The applicant is advised that any conditions requiring changes to the built form are to be satisfied prior to the issue of a building permit. Where the changes have further planning implications, a Form 2 application for the further determination in relation to the amended plans will be required.
- b) A bond is to be paid for all construction works within the road reserve, prior to any works commencing. The bond will be determined by the City of Stirling and will be based on the approved engineering construction plans. The bond will be returned once all works within the road reserve have been completed in accordance with the approved construction plans and to the satisfaction of the City of Stirling.
- c) Payment to the City of Stirling of an inspection fee equivalent to 1½% of the tendered cost of construction works within the road reserve.
- d) Payment to the City of Stirling of a 12 months defects liability period retention bond of 5% of the tendered cost of construction works within the road reserve.



REASON: Panel members who voted for the motion noted that the Structure Plan was in draft format and a due regard document and applied limited weight to it. The land uses proposed were discretionary in the structure plan. They also felt that the development site as proposed could be redeveloped or intensified at some time in the future with the type of development envisaged by the draft structure plan. Matters requiring revised plans were conditioned in the approval.

The Alternate Motion (as amended) was put and CARRIED (3/1).

For: Mr Vernon Butterly
Mr Fred Zuideveld
Cr Giovanni Italiano

Against: Ms Karen Hyde

8.1b Property Location: Lot 100 (345) Scarborough Beach Road Osborne Park and Lot 54 (72) Pollard Street, Glendalough
Development Description: Proposed Motor Vehicle Sales Dealership
Applicant: Mr Nik Hidding (Peter Webb & Associates)
Owner: Ms Michelle V. Prater (APPL Properties Pty Ltd)
Responsible Authority: Western Australian Planning Commission
DAP File No: DAP/18/01448

REPORT RECOMMENDATION

Moved by: Ms Karen Hyde

Seconded by: Nil

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DAP/18/01448 and accompanying plans date stamped 15 August 2018 in accordance with Clause 30(1) of the Metropolitan Region Scheme for the following reasons:

Refusal reasons

1. The proposal is contrary to the purpose of clause 32 resolution 2015/01, as it is inconsistent with transit oriented development principles and provides no ability for adaptive re-use of the site in the future.
2. The application does not comply with *Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development*, as the proposed development would prejudice the delivery of a transit oriented development surrounding Glendalough Train Station.

The Report Recommendation LAPSED for want of a seconder.

ALTERNATE MOTION

Moved by: Cr Giovanni Italiano

Seconded by: Mr Vernon Butterly

That the Metro North-West JDAP resolves to:

Approve DAP application reference DAP/18/01448 and accompanying plans date stamped 15 August 2018 by the Department of Planning, Lands and Heritage, in

Karen Hyde



accordance with Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

1. This decision constitutes development 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 development located within Planning Control Area 127 as shown on Western Australian Planning Commission Plan Number 1.7547 is not approved as part of this application.
3. Prior to the commencement of development, amended plans are to be provided to remove access onto Scarborough Beach Road and the Glendalough Bus Interchange, to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. In relation to Condition 2 above, the applicant is advised that separate approval is required from the Western Australian Planning Commission under section 115 of the *Planning and Development Act 2005* for works within a Planning Control Area.
2. The Department of Water and Environmental Regulation (DWER) advises that given underground storage tanks were historically present beneath the site and may have resulted in the presence of hydrocarbon-impacted soils, a site-specific health and safety plan should be developed and implemented to address to risks to the health of any workers undertaking intrusive works in the event that impacted soils are encountered. Additionally, if impacted soil or groundwater is encountered, the site is required to be reported to DWER as per reporting obligations under section 11 of the *Contaminated Sites Act 2003*.
3. The use of the land within the Primary Regional Road Reserve and Planning Control Area 127 (reserved for road widening) in the applicant's ownership is considered temporary until such time as the land is required. Any improvements made to it or loss of amenity will not be taken into consideration in determining any land acquisition cost or compensation which may be payable by the Western Australian Planning Commission at such time as land is required for the widening of Scarborough Beach Road. In addition, all improvements must be removed at the applicant/landowners expense.
4. Main Roads Western Australia advises the landowner/applicant with regard to the following:
 - i) no earthworks are to encroach onto the road reserve;
 - ii) no stormwater drainage is to be discharged onto the road reserve; and
 - iii) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.

REASON: Panel members who voted for the motion felt that the development site as proposed could be redeveloped or intensified at some time in the future with the type of development envisaged by the state planning framework. Matters requiring revised plans were conditioned in the approval.



The Alternate Motion was put and CARRIED 3/1.

For: Mr Vernon Butterly
Mr Fred Zuideveld
Cr Giovanni Italiano

Against: Ms Karen Hyde

Cr Giovanni Italiano left the panel at 9.39pm.

Cr Sophie Dwyer and Cr Christine Hamilton-Prime joined the panel at 9.39pm.

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

Nil

10. Appeals to the State Administrative Tribunal

10.1 Property Location: Lots 348 and 347 (50 and 52) Littorina Avenue,
Heathridge
Development Description: Construction of fourteen (14) multiple dwellings
Applicant: Mr Michael Ruggiero (Individual Developments)
Owner: Mr Harley William Francis Burke
Responsible Authority: City of Joondalup
DAP File No: DAP/18/01377

REPORT RECOMMENDATION

Moved by: Cr Christine Hamilton-Prime

Seconded by: Cr Sophie Dwyer

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 183 of 2018, resolves to:

1. **Reconsider** its decision dated 25 June 2018 and **approve** DAP Application reference DAP/18/01377 and revised development plans in Attachment 3 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Metropolitan Region Scheme and the provisions of the City of Joondalup's Local Planning Scheme No. 3, subject to the following conditions:
 - 1.1 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.
 - 1.2 This approval relates to the 12 multiple dwellings and associated works only, as indicated on the approved plans. It does not relate to any other development on the lot;
 - 1.3 A notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the Registrar of Titles for

Karen Hyde



endorsement on the certificate of title, prior to the commencement of development. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner'.

- 1.4 The lots included within the application site shall be granted approval for amalgamation prior to commencement of development and amalgamation concluded prior to occupancy certification;
- 1.5 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 1.6 The external surface of the development, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;
- 1.7 All development shall be contained within the property boundaries;
- 1.8 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved 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;
- 1.9 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;
- 1.10 A Construction Management Plan being submitted and approved 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 dust during the construction process;
 - other matters likely to impact on the surrounding properties;and works shall be undertaken in accordance with the approved Construction Management Plan;
- 1.11 Any bicycle parking facilities provided should be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). If the development is to include bicycle parking, details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction;
- 1.12 Lighting shall be installed along all driveways and 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 to the City for approval prior to the commencement of construction;



- 1.13 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to address the deemed-to-comply requirement and design principles of clause 6.3.2 of the Residential Design Codes, and 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 in the car park;
 - Show spot levels and/or contours of the site;
 - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - 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; and
 - Show all irrigation design details.
- 1.14 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;
- 1.15 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City;
- 1.16 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the building(s) to the satisfaction of the City;
- 1.17 Boundary walls and retaining walls shall be of a clean finish and made good to the satisfaction of the City;
- 1.18 A total of six visitor car parking bays shall be provided on-site as depicted on the approved plans, and shall be formally set-aside and adequately marked for “visitors only”;
- 1.19 The verge adjacent to the lot(s) shall be landscaped to the specifications and satisfaction of the City, and shall include one street tree for every 10 metres of frontage where a lot abuts a primary or secondary street;
- 1.20 Screening shall be erected as depicted on the approved plans. Screening shall be a minimum height of 1.6 metres above the approved finished floor level and comply with the definition of screening under the Residential Design Codes. All screening shall be at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed to the satisfaction of the City prior to occupation of the development;
- 1.21 The driveway and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the dwelling;



- 1.22 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;
- 1.23 The infill to the front fence, as indicated on the approved plans, shall be visually permeable (as defined in the Residential Design Codes);
- 1.24 The size of balconies of Unit 7, Unit 8 and Unit 9 are to be increased to a minimum size of 10m² of useable space.

2. **Notify** the State Administrative Tribunal of its decision.

Advice Note:

1. In regard to condition 1.19, the applicant is to submit a detailed design showing the required street trees and verge landscaping to the City for approval, prior to the occupation of the dwellings.
 - Where existing street trees are to be retained as a part of the verge treatment, the applicant is to provide a plan indicating the location of these trees and their species for approval.
 - Where new street trees are to be installed by the applicant, submit a detailed design of the tree preparation zone(s) to the City for approval. The detailed design shall indicate the tree preparation zones within the verge and nominate tree species in accordance with the City's preferred species list.

The applicant is to notify the City upon the installation of the street trees so that an inspection can be undertaken.

2. The owner/applicant is advised that the subject site has been identified as being within a bushfire prone area as designated by the Fire and Emergency Services (FES) Commissioner. As a result:
 - Condition 1.3 is required in accordance with clause 6.10 of State Planning Policy 3.7 – Planning for Bushfire Prone Areas (SPP3.7); and,
 - A Bushfire Attack Level (BAL) Assessment and/or additional construction methods may be required as part of the Building Permit.

Further information about the designated bushfire prone areas and SPP3.7 can be found on the Department of Fire and Emergency Services (DFES) website: <https://www.dfes.wa.gov.au/> and the Department of Planning website: <http://www.planning.wa.gov.au/>

3. Any existing footpath and kerbing shall be retained and protected during construction of the development and shall not be removed or altered for the purposes of a vehicle crossover. Should the footpath/kerb be damaged during the construction of the development, it shall be reinstated to the satisfaction of the City.



4. The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at <https://www.joondalup.wa.gov.au/verge-treatments/>
5. This approval does not include the dividing fence(s) shown on the approved plans. You are advised that in accordance with the Dividing Fences Act 1961 you are required to reach agreement with the adjoining owners as to the height, appearance and location of the dividing fence. Further information is available at www.buildingcommission.wa.gov.au.
6. The Residential Design Codes define screening as:

'Permanently fixed external perforated panels or trellises composed of solid or obscured translucent panels'

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

The Report Recommendation was put and CARRIED UNANIMOUSLY.

The Presiding Member noted the following State Administrative Tribunal Applications –

Current Applications		
LG Name	Property Location	Application Description
City of Stirling	Lot 18 (6) Wanneroo Road, Yokine	Extension to the Shopping Centre (Dog Swamp)
City of Stirling	Lot 100 (304) Scarborough Beach Road, Osborne Park	Motor Vehicle Sales and Repair
City of Stirling	Lot 14691 (2) Plantation Street, Menora	Retirement Complex (Bethanie Aged Care)
City of Stirling	Lot 101 (191) Balcatta Road, Balcatta	Extension to the Existing Bunnings Warehouse
City of Wanneroo	Lot 140 (81) Ghost Gum Boulevard, Banksia Grove	Proposed Child Care, Service Station, Showrooms, Veterinary Consulting, Drive Through and Take Away Food Outlets
City of Joondalup	Lot 125 (1) & 126 (3) Chipala Court, Edgewater	Fourteen (14) Multiple Dwellings

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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 10.08am.