



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 26 September 2018; 9am
Meeting Number: MNWJDAP/226
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street, Perth

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

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

Minute Secretary

Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Mr Josh Watson (Planning Solutions)

Members of the Public / Media

Ms Tyler Brown from Community News was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 8:54am on 26 September 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.

Ms Karen Hyde
Presiding Member, (Metro North-West JDAP)



2. Apologies

Nil

3. Members on Leave of Absence

Nil

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

Nil

7. Deputations and Presentations

7.1 Mr Josh Watson (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Chris Leigh (City of Joondalup) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1	Property Location:	Lot 506 (8) and Lot 55 Buick Way, Joondalup WA
	Development Description:	Proposed fuel, retailing, convenience store/service station including access, signage, parking, landscaping and pedestrian footpath
	Applicant:	Mr Josh Watson (Planning Solutions)
	Owner:	City of Joondalup and Mr Kim Chipper (Parravale Pty Ltd)
	Responsible Authority:	City of Joondalup
	DAP File No:	DAP/18/01422

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Cr Christine Hamilton-Prime

That the Metro North-West JDAP resolves to:

Ms Karen Hyde
Presiding Member, (Metro North-West JDAP)



Approve DAP Application reference DAP/18/01422 and accompanying plans (Attachment 2) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Joondalup *District Planning Scheme No.2* subject to the following conditions:

1. This approval only relates to the service station, signage and associated works as indicated on the approved plans. It does not relate to any other development on the lots.
2. The Bushfire Management Plan shall be jointly endorsed by the Department of Fire and Emergency Services and the City of Joondalup prior to commencement of development, in accordance with clause 6.6.1 of *State Planning Policy 3.7: Planning in Bushfire Prone Areas*.
3. The landowner/applicant shall at all times ensure that the subject sites and adjacent verges are managed in accordance with AS3959 as outlined within the Bushfire Management Plan prepared by Bushfire Prone Planning and dated 17 March 2018, to the satisfaction of the City.
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 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.

5. A schedule of colours and materials for all exterior parts to the development (including any retaining walls) 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.
6. Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be 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. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.
7. 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.
8. 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.
 9. 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 both sites 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;
 - Details regarding the proposed footpath within Lot 55, and to ensure its design is to the specification and satisfaction of the City;
 - Include the required shade trees within new car parking areas;
 - 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;
 - Include details regarding the revegetation and other associated works within Lot 55 (PAW);
 - Outline what works are required within the subject sites and adjacent verges to ensure compliance with AS3959;
 - Be based on Designing out Crime principles to the satisfaction of the City; and,
 - Show all irrigation design details.
 10. Landscaping and reticulation within the subject sites and the adjacent Hodges Drive and Buick Way verge shall be established and thereafter maintained by, and at the cost of, the landowner/applicant in accordance with the approved landscaping plans, Australian Standards (including AS3959) and best trade practice prior to the development first being occupied to the satisfaction of the City.
 11. All development shall be contained within the property boundaries.
 12. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
 13. The driveway and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the dwelling.
 14. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.



15. The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City.
16. The signage must not include fluorescent, reflective or retro reflective colours.
17. Illuminated signage shall use low illumination that does not flash, pulsate or chase.
18. 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 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'.

Advice Notes

1. In regards to conditions 2 and 3, prior to the commencement of development, the landowner/applicant may be required to prepare a legal agreement, to the City's satisfaction, which accepts responsibility for the maintenance of Lot 55 and the Hodges Drive/Buick Way verge to a low threat standard (as per AS3959).
2. The landowner/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:
 - o Condition 18 is required in accordance with clause 6.10 of *State Planning Policy 3.7 – Planning for Bushfire Prone Areas (SPP3.7)*; and,
 - o 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 <http://www.joondalup.wa.gov.au/Live/Streetscapes/StreetVergeGuidelines.aspx>.



5. Food storage, preparation, display and sale to be in accordance with the *Food Act 2008*.
6. Bin storage areas are required to have a graded floor connected to sewer and a hose cock for water supply.
7. Please be aware of the provisions of the *Environmental Protection (Noise) Regulations 1997*. Consideration should be given to the location of equipment such as air compressors, storage cylinders and mechanical plant.

AMENDING MOTION 1

Moved by: Ms Karen Hyde

Seconded by: Mr Fred Zuideveld

- (i) That the pre-amble be amended to read as follows:

Approves DAP Application reference DAP/18/01422 and accompanying plans (Attachment 2) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Joondalup District Planning Scheme No.2 **and the Metropolitan Region Scheme**, subject to the following conditions:

REASON: Development approval is also sought under the Metropolitan Region Scheme.

- (ii) That Condition 13 is amended to read as follows:

*The driveway and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the **development dwelling**.*

REASON: The proposed development does not contain any dwellings.

The Amending Motion was put and CARRIED (4/1).

For: Ms Karen Hyde
Ms Sheryl Chaffer
Mr Fred Zuideveld
Cr Christine Hamilton-Prime

Against: Cr Philippa Taylor

AMENDING MOTION 2

Moved by: Ms Karen Hyde

Seconded by: Cr Christine Hamilton-Prime

That an additional dot point be added to Condition 9 to read as follows:

Investigate opportunities to provide a mature tree along the Buick Way street verge.

REASON: To ensure a high level of pedestrian amenity including adequate shade.

Ms Karen Hyde
Presiding Member, (Metro North-West JDAP)



The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Ms Karen Hyde

Seconded by: Mr Fred Zuideveld

Delete Condition 2 and renumber remaining conditions accordingly.

The Amending Motion was put and LOST (2/3).

For: Ms Karen Hyde
Mr Fred Zuideveld

Against: Cr Christine Hamilton-Prime
Cr Philippa Taylor
Ms Sheryl Chaffer

AMENDING MOTION 4

Moved by: Ms Sheryl Chaffer

Seconded by: Ms Karen Hyde

To amend Condition 2 to read as follows:

The Bushfire Management Plan shall be jointly endorsed by ~~the Department of Fire and Emergency Services and the City of Joondalup~~ **in consultation with the Department of Fire and Emergency Services** prior to commencement of development, ~~in accordance with clause 6.6.1 of State Planning Policy 3.7: Planning in Bushfire Prone Areas.~~

REASON: The consent of a third party lacks finality in the development approval and is inappropriate, however there is a requirement that the BMP is endorsed.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 5

Moved by: Mr Fred Zuideveld

Seconded by: Ms Karen Hyde

To delete Condition 18 and insert as Advice Note 8. Amend Advice Note 2 to make reference to Advice Note 8 rather than Condition 18.

REASON: The Metro North West JDAP is unable to impose a condition requiring a section 70A notification as per the decision of *43 McGregor Road Pty Ltd and presiding member of the Metro Central Joint Development Assessment Panel [2017] WASAT 127.*

The Amending Motion was put and CARRIED UNANIMOUSLY.



REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/18/01422 and accompanying plans (Attachment 2) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Joondalup *District Planning Scheme No.2* and the Metropolitan Region Scheme subject to the following conditions:

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3. The landowner/applicant shall at all times ensure that the subject sites and adjacent verges are managed in accordance with AS3959 as outlined within the Bushfire Management Plan prepared by Bushfire Prone Planning and dated 17 March 2018, to the satisfaction of the City.
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 - 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.

5. A schedule of colours and materials for all exterior parts to the development (including any retaining walls) 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.
6. Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be 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. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.



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 - Outline what works are required within the subject sites and adjacent verges to ensure compliance with AS3959;
 - Be based on Designing out Crime principles to the satisfaction of the City; and,
 - Show all irrigation design details.
 - Investigate opportunities to provide a mature tree along the Buick Way street verge.
10. Landscaping and reticulation within the subject sites and the adjacent Hodges Drive and Buick Way verge shall be established and thereafter maintained by, and at the cost of, the landowner/applicant in accordance with the approved landscaping plans, Australian Standards (including AS3959) and best trade practice prior to the development first being occupied to the satisfaction of the City.
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Advice Notes

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 - o Advice Note 8 is required in accordance with clause 6.10 of *State Planning Policy 3.7 – Planning for Bushfire Prone Areas* (SPP3.7); and,
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6. Bin storage areas are required to have a graded floor connected to sewer and a hose cock for water supply.
7. Please be aware of the provisions of the *Environmental Protection (Noise) Regulations 1997*. Consideration should be given to the location of equipment such as air compressors, storage cylinders and mechanical plant.
8. 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 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'.

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

The Report Recommendation (as amended) was put and CARRIED (4/1).

For: Ms Karen Hyde
Ms Sheryl Chaffer
Mr Fred Zuideveld
Cr Christine Hamilton-Prime

Against: Cr Philippa Taylor

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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application –

Current Applications		
LG Name	Property Location	Application Description
City of Joondalup	Lots 348 and 347 (50 and 52) Littorina Avenue, Heathridge	Construction of fourteen (14) multiple dwellings
City of Joondalup	Lot 125 (1) & 126 (3) Chipala Court, Edgewater	Fourteen (14) Multiple Dwellings
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 Stirling	Lot 18 (6) Wanneroo Road, Yokine	Extension to the Shopping Centre (Dog Swamp)

Ms Karen Hyde
Presiding Member, (Metro North-West JDAP)



Current Applications		
LG Name	Property Location	Application Description
City of Stirling	Lot 100 (304) Scarborough Beach Road, Osborne Park	Motor Vehicle Sales and Repair
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

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 9:39am.