



## **Minutes of the Metro North-West Joint Development Assessment Panel**

**Meeting Date and Time:** 26 April 2018; 9:30am  
**Meeting Number:** MNWJDAP/210  
**Meeting Venue:** City of Joondalup  
90 Boas Avenue  
Joondalup

### **Attendance**

#### **DAP Members**

Ms Karen Hyde (Presiding Member)  
Mr Ray Haeren (Deputy Presiding Member)  
Mr John Syme (Specialist Member)

#### *Item 8.1*

Cr David Boothman (Local Government Member, City of Stirling)  
Cr Giovanni Italiano (Local Government Member, City of Stirling)

#### *Item 10.1*

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

### **Officers in attendance**

#### *Item 8.1*

Mr Ben Hesketh (Western Australian Planning Commission)  
Ms Giselle Allieux (City of Stirling)  
Mr Daniel Heymans (City of Stirling)  
Mr Nick John (City of Stirling)

#### *Item 10.1*

Mr Joe Hussey (City of Joondalup)  
Mr Chris Leigh (City of Joondalup)

### **Minute Secretary**

Mrs Deborah Gouges (City of Joondalup)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Nik Hidding (Peter Webb & Associates)  
Mr Brendan Foley (Lavan)

**Mr Ray Haeren**  
Deputy Presiding Member, Metro North-West



*Item 10.1*

Mr Scott Vincent (Planning Solutions)

**Members of the Public / Media**

There were eight members of the public in attendance.

**1. Declaration of Opening**

The Presiding Member, Karen Hyde declared the meeting open at 9.30am on 26 April 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**

Nil

**3. Members on Leave of Absence**

Nil

**4. Noting of Minutes**

The Minutes of Metro North-West JDAP meeting No.209 held on 20 April 2018 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**

DAP member, Ms Karen Hyde, declared an impartiality interest in Item 8.1a and 8.1b as Ms Hyde currently works for Taylor Burrell Barnett, the firm was engaged by the City of Stirling in 2013 to prepare the MRS amendment, structure plan and LDP for the Herdsman Glendalough area. The work and associated fee was concluded in 2015.



In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the 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.

## 7. Deputations and Presentations

7.1 Mr Nik Hidding (Peter Webb & Associates) addressed the DAP in support of the application at Item 8.1.

7.2 Mr Daniel Heymans (City of Stirling) answered questions from the panel.

7.3 Mr Brendan Foley (Lavan) addressed the DAP in support of the application at Item 8.1 and answered questions from the panel.

***The presentation at Item 7.1 - 7.3 was heard prior to the application at Item No 8.1.***

7.4 Mr Scott Vincent (Planning Solutions) addressed the DAP in support of the application at Item 10.1. Mr Vincent answered questions from the panel.

***The presentation at Item 7.4 was heard prior to the application at Item 10.1***

## 8. Form 1 – Responsible Authority Reports – DAP Application

8.1a Property Location:	Lot 100, House Number 304 Scarborough Beach Road, Scarborough
Application Details:	Motor Vehicle Sales and Motor Vehicle Repair
Applicant:	Peter Webb & Associates
Owner:	Ryder Pty Ltd & Mechanical Holdings Pty Ltd
Responsible authority:	City of Stirling
DAP File No:	DAP/17/01353

## REPORT RECOMMENDATION

**Moved by:** Cr David Boothman

**Seconded by:** Nil

That the Metro North-West JDAP resolves to:

**Refuse** DAP Application reference DAP/17/01353 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 'Motor Vehicle Repair' land use is not supported as it is an 'X' use under the Draft Herdsman Glendalough Structure Plan. The proposed 'Motor Vehicle Repair' use is contrary to the intended future character of the area and is inconsistent with the principles of orderly and proper planning. The



proposed use and form of development will prejudice the intent and objectives of the planning framework of the area.

2. The proposed development is inconsistent with Amendment No. 39 in relation to the objectives for the Herdsman Glendalough Special Control Area.
3. The proposed development is inconsistent with Development Control Policy 1.6- Planning to Support Transit Use and Transit, as the proposal does not include 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.
4. The proposed development is inconsistent with Development Control Policy 5.1- Vehicular Access, which seeks to rationalise vehicle access from regional roads (Scarborough Beach Road).
5. The proposed development is not considered to meet the intent and policy provisions of State Planning Policy 4.2 – Activity Centres for Perth and Peel.
6. The application does not satisfy *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions)*, including Clauses 67(a), (b), (c), (g), (h), (m), (n), (p), (s) and (t).
7. 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*'.
8. The proposed development is contrary to the objectives and development provisions of Local Planning Policy 6.11 in relation to Trees and Development, which requires 28 advanced trees be planted onsite as the proposal does not propose any advanced trees.
9. The proposed development is contrary to the objectives and development provisions of Local Planning Policy 6.6 in relation to Landscaping, which requires 1417.9sqm of landscaping to be provided onsite, a 1.5m wide landscaping strip to street frontages and 12 trees to be planted in open parking areas.

**The Report Recommendation LAPSED for want of a seconder.**

## **PROCEDURAL MOTION**

**Moved by:** Cr Giovanni Italiano

**Seconded by:** Cr David Boothman

That the Metro North-West JDAP resolves to:

**Mr Ray Haeren**  
Deputy Presiding Member, Metro North-West



**Defer** consideration of DAP application reference DAP/17/01353 and accompanying plans (Attachment 1) for a period of 48 days for the following reasons:

1. Allow additional time for the applicant to provide amended plans and for the City to assess the amended plans in relation to the following:
  - a) A landscaped area not less than 1.5 metre wide shall be provided adjoining all street boundaries (including Mitchell Freeway road reserve);
  - b) A minimum of 10% landscaping of the total site area to be provided onsite;
  - c) A minimum of 1 tree per 6 bays (minimum 45 litre for exotics and 11 litre for natives) is required in open parking areas;
  - d) A minimum of 28 advanced trees to be provided with a minimum 9 square metres of soil space and a minimum dimension of 2 metres at ground level free of intrusions;
  - e) The canopy of the Motor Vehicle Sales building is to be modified so that it does not protrude into the Planning Control Area;
  - f) The fence on the western boundary (adjacent to Mitchell Freeway road reserve) to be relocated behind the 1.5 metre landscape strip as required by (a);
  - g) Relocate/modify the tyre store as it conflicts with the swept path diagram;
  - h) Crossover modifications to Baden Street are to be shown on the plans;
  - i) The crossover on Scarborough Beach Road shall be reduced in width and sweep-in tightened to accommodate car turning movements only;
  - j) The ramp grades and manoeuvring space at the top and bottom of the ramp is to be in accordance with Australian Standard AS/NZS 2890.1:2004
  
2. Allow additional time for the applicant to liaise with Main Roads WA in relation to the issues raised in relation to site access/egress; location of auxillary lanes and revised traffic modelling being undertaken for a 25 metre car carrier design vehicle.

## **AMENDING MOTION**

**Moved by:** Mr John Syme

**Seconded by:** Cr Giovanni Italiano

That the Metro North-West JDAP resolves to:

**Defer** consideration of DAP application reference DAP/17/01353 and accompanying plans (Attachment 1) for a period of 48 days for the following reasons:

1. Allow additional time for the applicant to provide amended plans and for the City to assess the amended plans in relation to the following:
  - a. Landscaped area adjoining all street boundaries shall be provided adjoining all street boundaries (including Mitchell Freeway road reserve);
  - b. the landscaping of the total site area to be provided onsite;

**Mr Ray Haeren**  
Deputy Presiding Member, Metro North-West



- c. The canopy of the Motor Vehicle Sales building does not protrude into the Planning Control Area;
  - d. Ensure tyre store does not conflict with the swept path diagram;
  - e. Crossover modifications to Baden Street are to be shown on the plans;
  - f. The ramp grades and manoeuvring space at the top and bottom of the ramp is to be in accordance with Australian Standard AS/NZS 2890.1:2004
2. Allow additional time for the applicant to liaise with Main Roads WA in relation to the issues raised in relation to site access/egress.

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

For: Cr Giovanni Italiano  
Mr John Syme

Against: Ms Karen Hyde  
Cr David Boothman  
Mr Ray Haeren.

**PROCEDURAL MOTION**

That the Metro North-West JDAP resolves to:

**Defer** consideration of DAP application reference DAP/17/01353 and accompanying plans (Attachment 1) for a period of 48 days for the following reasons:

1. Allow additional time for the applicant to provide amended plans and for the City to assess the amended plans in relation to the following:
  - a) A landscaped area not less than 1.5 metre wide shall be provided adjoining all street boundaries (including Mitchell Freeway road reserve);
  - b) A minimum of 10% landscaping of the total site area to be provided onsite;
  - c) A minimum of 1 tree per 6 bays (minimum 45 litre for exotics and 11 litre for natives) is required in open parking areas;
  - d) A minimum of 28 advanced trees to be provided with a minimum 9 square metres of soil space and a minimum dimension of 2 metres at ground level free of intrusions;
  - e) The canopy of the Motor Vehicle Sales building is to be modified so that it does not protrude into the Planning Control Area;
  - f) The fence on the western boundary (adjacent to Mitchell Freeway road reserve) to be relocated behind the 1.5 metre landscape strip as required by (a);
  - g) Relocate/modify the tyre store as it conflicts with the swept path diagram;
  - h) Crossover modifications to Baden Street are to be shown on the plans;
  - i) The crossover on Scarborough Beach Road shall be reduced in width and sweep-in tightened to accommodate car turning movements only;



- j) The ramp grades and manoeuvring space at the top and bottom of the ramp is to be in accordance with Australian Standard AS/NZS 2890.1:2004
2. Allow additional time for the applicant to liaise with Main Roads WA in relation to the issues raised in relation to site access/egress; location of auxiliary lanes and revised traffic modelling being undertaken for a 25 metre car carrier design vehicle.

**REASON: To allow the applicant additional time to provide amended plans to the City of Stirling.**

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

For: Ms Karen Hyde  
Cr David Boothman  
Mr Ray Haeren  
Cr Giovanni Italiano

Against: Mr John Syme

**8.1b** Property Location: Lot 100 (No. 304) Scarborough Beach Road, Osborne Park  
Application Details: Motor Vehicle Sales and Motor Vehicle Repair  
Applicant: Mr Nik Hidding, Peter Webb & Associates  
Owner: Ryder Pty Ltd and Mechanical Holdings Pty Ltd  
Responsible authority: Western Australian Planning Commission  
DAP File No: DAP/17/01353

## **REPORT RECOMMENDATION**

**Moved by:** Nil

**Seconded by:** Nil

That the Metro North-West JDAP resolves to:

1. **Refuse** DAP Application reference DAP/17/01353 and accompanying plans date stamped 2 January 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 intent 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 land use is inconsistent with the delivery of a transit oriented development surrounding Glendalough train station.

**Mr Ray Haeren**  
Deputy Presiding Member, Metro North-West



3. The application does not comply with *Development Control Policy 5.1 - Regional Roads Vehicular Access*, as access along Scarborough Beach Road has not been appropriately rationalised.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

### **PROCEDURAL MOTION**

**Moved by:** Cr David Boothman

**Seconded by:** Mr Ray Haeren

That the Metro North-West JDAP resolves to:

**Defer** consideration of DAP application reference DAP/17/01353 and accompanying plans date stamped 2 January 2018 by the Department of Planning, Lands and Heritage, for a period of no more than 42 days to allow additional time for the applicant to negotiate suitable access arrangements to the site with Main Roads Western Australia.

### **AMENDING MOTION**

**Moved by:** Ms Karen Hyde

**Seconded by:** Cr David Boothman

That the motion be amended to have the time period changed from 42 days to 48 days to align with the motion at Item 8.1a.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

### **PROCEDURAL MOTION (As Amended)**

That the Metro North-West JDAP resolves to:

**Defer** consideration of DAP application reference DAP/17/01353 and accompanying plans date stamped 2 January 2018 by the Department of Planning, Lands and Heritage, for a period of no more than 48 days to allow additional time for the applicant to negotiate suitable access arrangements to the site with Main Roads Western Australia.

**REASON: To provide the applicant additional time to negotiate suitable access arrangements to the site with Main Roads and to ensure consistency with the deferral decision at 8.1a.**

**The Procedural Motion (As Amended) was put and CARRIED (4/1).**

For: Ms Karen Hyde  
Cr David Boothman  
Mr Ray Haeren

**Mr Ray Haeren**  
Deputy Presiding Member, Metro North-West



Cr Giovanni Italiano

Against: Mr John Syme

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

Nil

*Cr David Boothman and Cr Giovanni Italiano (City of Stirling) left the meeting at 10.33am.*

*Cr Christine Hamilton-Prime and Cr Philippa Taylor (City of Joondalup) joined the panel at 10.33am.*

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

<b>10.1</b> Property Location:	Lot 1 (248) Camberwarra Drive, Craigie
Development Description:	Child Care Centre
Applicant:	Planning Solutions
Owner:	The Roman Catholic Archbishop of Perth
Responsible Authority:	City of Joondalup
DAP File No:	DAP/17/01210

**REPORT RECOMMENDATION**

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

That the Metro North-West Joint Development Assessment Panel (JDAP), pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 400/2017, resolves to:

**Reconsider** its decision dated 29 November 2017 and **approve** DAP Application reference DAP/17/01210 and accompanying plans included as Attachment 2 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *City of Joondalup District Planning Scheme No. 2*, subject to the following conditions:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. This approval relates to the new child care centre, car parking and associated works only, as indicated on the approved plans. It does not relate to any other development on the lot.
3. All development shall be contained within the property boundaries.

**Mr Ray Haeren**  
Deputy Presiding Member, Metro North-West



4. Detailed engineering design drawings of the proposed crossovers and works within the road reserve shall be submitted to the City for approval prior to the commencement of development.
5. 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) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
6. 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 construction. Works shall be undertaken in accordance with the approved details.
7. 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. Refuse management shall be undertaken in accordance with the approved refuse management plan.
8. Detailed landscaping plans shall be submitted to the City for approval 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:
  - i. Provide all details relating to paving, treatment of verges and tree planting in the car park;
  - ii. Provide screening of a sufficient height and density to the northern building facade to soften the visual impact of the development from the nearby properties and public roads;
  - iii. Provide minimum concrete or brick paved areas within outdoor activity areas;
  - iv. Provide landscaping that discourages the parking of vehicles within the verge;
  - v. Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - vi. Show spot levels and/or contours of the site;
  - vii. Be based on water sensitive urban design principles to the satisfaction of the City;
  - viii. Be based on Designing out Crime principles to the satisfaction of the City;
  - ix. Show all irrigation design details.
9. 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.



10. The car parking areas shall be provided with shade trees in accordance with the submitted detailed landscape planting plan dated 12 March 2018. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the City.
11. A full schedule of colours and materials for all exterior parts to the building and retaining walls is to be submitted and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and shall be completed to the satisfaction of the City prior to occupation of the development.
12. All external walls and retaining walls of the development shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
13. Lighting shall be installed along all pedestrian pathways and along the northern building façade having regard to the requirements of *AS4282 – 1997 Control of the obtrusive effects of outdoor lighting* 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.
14. Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development. Works shall be undertaken in accordance with the approved details.
15. All stormwater shall be contained on-site and disposed of in a manner acceptable to the City.
16. The hours of operation for the centre shall be between 6:30am to 6.30pm Monday to Friday.
17. Car parking bays shall be used and marked in accordance with the parking management plan dated 13 March 2018.
18. No amplified outdoor sound/music is permitted.

#### **Advice Notes**

1. The applicant is advised that the premises is to comply in all respects with the Food Act 2008, Australia New Zealand Food Standards Code and Standard 3.3.1 which relates to Food Safety Programs for Food Service to Vulnerable Persons. The City's Health Department is to be contacted to arrange for a final inspection of the food premises fit out prior to commencement of operations.



2. The applicant 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.aspx>.
3. The 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. All commercial premises within the City of Joondalup are required to store bins within a bin store that incorporates wash-down facilities. Minimum specification is a 1.5m x 1.5m concrete pad graded to a floor waste connected to sewer and a hose cock.

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

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

#### **11. General Business / Meeting Close**

The Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 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 10.48am.