



Minutes of the Metro North West Joint Development Assessment Panel

Meeting Date and Time: 12 July 2018; 9:00am
Meeting Number: MNWJDAP/218
Meeting Venue: Department of Planning Lands and Heritage
140 William Street, Perth WA

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)

Item 8.1

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

Item 9.1

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

Officers in attendance

Item 8.1

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

Item 9.1

Mr Chris Fudge (City of Stirling)
Ms Giovanna Lumbaca (City of Stirling)
Mr Greg Bowering (City of Stirling)

Minute Secretary

Ms Andrea Dawson (Department of Planning, Lands and Heritage)

Applicants and Submitters

Item 8.1

Mr Carlo Famiano (CF Town Planning & Development)
Ms Beth Hewitt

Item 9.1

Mr Murray Casselton (Element)
Mr Mike Davis (Element)



Members of the Public / Media

There were 14 members of the public in attendance.
Ms Taylor Brown from Community News was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9:00am on 12 July 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

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, Cr Christine Hamilton-Prime (City of Joondalup), declared an impartiality interest in item 8.1. Presenter Ms Beth Hewitt is known to Cr Christine Hamilton-Prime.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the 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 Ms Beth Hewitt addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Carlo Famiano (CF Town Planning & Development) addressed the DAP in support the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Joondalup addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Items 7.1-7.3 were heard prior to the application at Item 8.1

- 7.4 Mr Mike Davis (Element) addressed the DAP in support the application at Item 9.1 and responded to questions from the panel.
- 7.5 The City of Stirling addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentations at Items 7.4-7.5 were heard prior to the application at Item 9.1

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Cr Christine Hamilton-Prime

That the application at Item 9.1 be heard prior to the application at Item 8.1.

REASON: The panel members deemed it appropriate to allow the minor amendment application at Item 9.1 to be determined prior to the new application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot 125 (1) & 126 (3) Chipala Court, Edgewater
Development Description: Fourteen (14) Multiple Dwellings
Applicant: Mr Carlo Famiano (CF Town Planning & Development)
Owner: Ms Margaret Lee, Mr Naim Royden Jones & Mr Peter Lee
Responsible Authority: City of Joondalup
DAP File No: DAP/18/01400



REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Cr Christine Hamilton-Prime

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DAP/18/01400 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* for the following reasons:

1. In accordance with Schedule 2, clause 67 (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the 'deemed-to-comply' provisions or the 'design principles' of clause 6.1.1 *Building size of State Planning Policy 3.1: Residential Design Codes of Western Australia*, as the bulk and scale of the development is considered to have a negative impact on the amenity of immediately surrounding land owners. The excessive bulk and scale of the development is considered to be a product of the building height (as viewed from Chipala Court), reduced street setbacks, reduced open space, and retaining and fill exceeding a metre between Chipala Court and the building.
2. In accordance with Schedule 2, clause 67 (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the 'deemed-to-comply' provisions or the 'design principles' of clause 6.1.2 *Building height of State Planning Policy 3.1: Residential Design Codes of Western Australia*, as the over height development is considered to have an adverse impact on the amenity of eastern adjoining properties and the Chipala Court streetscape as it has not been designed to reduce the perception of height through appropriate design measures.
3. In accordance with Schedule 2, Clause 67 (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the 'deemed-to-comply' provisions or the 'design principles' of clause 6.2.3 *Sightlines of State Planning Policy 3.1: Residential Design Codes of Western Australia*, as the vehicular sightlines provided to the Chipala Court vehicle access point are obstructed by the retaining on the southern boundary, which compromises the safety and visibility of the vehicle access way.
4. In accordance with Schedule 2, Clause 67 (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the 'deemed-to-comply' provisions or the 'design principles' of clause 6.3.3 *Parking of State Planning Policy 3.1: Residential Design Codes of Western Australia*, as the car parking provided on-site is inadequate based on the expected demand to be generated by the 14 multiple dwellings.
5. In accordance with Schedule 2, Clause 67 (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the 'deemed-to-comply' provisions or the 'design principles' of clauses 6.3.7 *Site works of State Planning Policy 3.1: Residential Design Codes of Western Australia*, as:



- 5.1 The fill and associated retaining walls to a maximum height of 1.728 metres are not considered minimal and do not respect the ground levels at the boundary of the site as viewed from the street (Chipala Court).
- 5.2 The resultant bulk of the fill and associated retaining walls exacerbates the impact of the discretions also being sought in relation to clauses 6.1.1 *Building size*, 6.1.2 *Building height*, 6.1.3 *Street setbacks* and 6.1.5 *Open space*.
6. In accordance with Schedule 2, Clause 67 (g) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not comply with the 'deemed-to-comply' provisions or the 'design principles' of clause 6.1.3 *Street setbacks* of the City's *Residential Development Local Planning Policy* as the proposed street setbacks to Apalie Trail and Chipala Court, do not contribute to the desired streetscape, are not appropriate to the site's location and do not respect adjoining development and existing streetscape.
7. In accordance with Schedule 2, Clause 67 (m) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the development is not compatible with its setting and relationship to other development/land within the locality, as the eastern elevation of the development will impact on the amenity of surrounding landowners due to its bulk, scale, height, reduced setbacks and design.
8. In accordance with Schedule 2, Clause 67 (n) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the development is not considered to maintain the amenity of the established residential area as the bulk, scale and height of the development is inconsistent with and adverse to the existing character of the locality.
9. In accordance with Schedule 2, Clause 67 (s) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed means of vehicle access and parking is not adequate in respect to the car parking bay shortfall for residents.
10. There are concerns regarding the individual areas of discretion being sought, as outlined in reasons for refusal 1 to 9 above. Additionally, when the issues identified are considered cumulatively, the areas of discretion being sought indicate that the extent of proposed development is over-development and greater than what the site should accommodate.

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

The Report Recommendation was put and CARRIED UNANIMOUSLY.



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

- 9.1 Property Location: Lot 603 (5) Milldale Way, Mirabooka
Development Description: Four Storey Office and Cafe
Proposed Amendments: Carport structure, modified car parking management plan and landscaping plan
Applicant: Mr Murray Casselton (Element)
Owner: Mr Adam Bronts
(Auslink Property Holdings No 2 Pty Ltd)
Responsible Authority: City of Stirling
DAP File No: DAP/15/00915

REPORT RECOMMENDATION

Moved by: Cr David Boothman

Seconded by: Cr Giovanni Italiano

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

1. **Accept** that the DAP Application reference DAP/15/00915 as detailed on the DAP Form 2 dated 13 April 2018 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/15/00915 as detailed on the DAP Form 2 dated 13 April 2018 and accompanying plans (Attachment 1) in accordance with the provisions of Schedule 2, Part 9, Clause 68 (2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* for the proposed amendments to the approved Four Storey Office and Restaurant at Lot 603, House Number 5, Milldale Way, Mirrabooka, subject to:

Conditions

1. Prior to the occupation of the development, the allocation of car parking bays on the site shall be in compliance with the Mirrabooka Town Centre Local Development Plan and Local Planning Policy 5.9, as follows:
 - a. Public Bays - A minimum of 62 bays; and
 - b. Short Stay Public Bays - A minimum of 37 bays.

Alternatively a 20% reduction in public car bays can be achieved via a cash-in-lieu payment for up to 12 public car parking bays, based on the value of 21 m² of land area per bay (valuation being obtained from the Valuer General's Office at the applicant's cost), and construction costs (to be determined by the City of Stirling) in accordance with Clause 5.8 of the City of Stirling Local Planning Scheme No.3 to the satisfaction of the City of Stirling, prior to the commencement of development (refer to Advice Note 1).

2. An amended Landscaping Plan shall be submitted to the City of Stirling and approved in writing prior to commencement or use of the ground level garage. The Landscaping Plan shall specifically demonstrate relocation of the three (3) trees on site displaced by the external garage addition.



3. All land indicated as landscaped area on the approved landscaping plan shall be developed on practical completion of the building and are to be maintained in good condition thereafter.
4. The approved Parking Management Plan dated 30 May 2018 (Attachment 12) is to be complied with for the duration of the occupation of the development, unless otherwise varied with the approval of the City of Stirling.
5. The external garage roller shutter doors are to be designed and constructed to be visually permeable in accordance with the provisions of the City's Local Planning Policy 4.2 – Mixed Use & Commercial Centre Design Guidelines, to the satisfaction of the City of Stirling.
6. The development is to provide one (1) dedicated Service Bay, within the basement level in compliance with Local Planning Policy 5.9. The bay shall be signposted on site, to the satisfaction of the City prior to occupation of the development.
7. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan shall be sealed and drained, the parking spaces marked out and maintained in good repair.
8. All parking areas (including disabled car parking bays) are to comply with AS/NZS2890.1:2004, AS2890.2:2002 and AS/NZS2890.6:2009.
9. A Site Management Plan to be submitted and approved by the City of Stirling prior to the issue of a building permit. The Site Management Plan to address dust, noise, waste management, storage of materials, traffic and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.
10. No goods or materials being 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 facilities, where provided.
11. Architectural lighting of the building and lighting under all awnings and at all entry points to be provided prior to occupation of the development.
12. Lighting to be provided to all public spaces including under awnings, parking areas, service areas, footpaths and entry and exit points.
13. Any outside lighting to comply with Australian Standards AS 4282-1997 for the control of obstructive effects of outdoor lighting and not spill into any adjacent residential premises.
14. All signage is to be in strict accordance with the City of Stirling's Advertising Signs Policy, unless the further approval from the City of Stirling is obtained.
15. Compliance with the colours and materials schedule provided on the approved plans.
16. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view of a public street.



17. All stormwater from all roofed and paved areas shall be collected and contained on site.
18. All ground floor external walls are to be treated with an anti-graffiti coating to reduce the likelihood of and improve ease of graffiti removal.

Advice Notes

1. Short Stay Public Parking Bays means bays that are provided or offered to members of the public (whether or not upon a payment of a fee or subject to other condition) but does not include parking that involves the use of reserved or dedicated parking bay.

The Public Parking Bays shall be publicly accessible at all times. The following time limits are to apply:

- a. 50% of vehicles are permitted to stay less than 4 hours; and
 - b. 90% of vehicles are permitted to stay less than 6 hours.
2. Construction noise is not permitted outside of the hours of 7.00am to 7.00pm Monday to Saturday inclusive. Any construction works are to comply with the Environmental Protection (Noise) Regulations 1997. Noisy construction works to comply with times specified under the Noise Regulations unless a Noise Management Plan for the construction site has been issued.
 3. Delivery and service vehicles are not permitted to enter the site outside of the hours 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sundays and public holidays.
 4. Detailed fit out plans and specifications for the proposed café to be submitted to and approved by the City's Health Unit prior to the commencement of fitting out.
 5. Proposed café to comply with the requirements of the Food Act 2008 and the Australia New Zealand Food Standards code.
 6. Potential nuisance from artificial light to be addressed in accordance with Australian Standard AS 4282- 1997.
 7. All designated exits are to have the doors opening towards egress unless otherwise approved by the City's Health and Compliance Business Unit.
 8. Ventilation of underground car park to comply with Australian Standard AS 1668.2.
 9. Development to comply in all respects with the Health (Public Building) Regulations 1992.
 10. The Milldale Way awning may be required to be reduced in width in the future, to satisfy the City's Engineering Design requirements for road traffic safety should the Milldale Way carriageway be modified.

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



The Report Recommendation was put and CARRIED UNANIMOUSLY.

Cr Giovanni Italiano and Cr David Boothman left the panel at 9:08am.

Cr Christine Hamilton-Prime and Cr Philippa Taylor joined the panel at 9:08am.

10. Appeals to the State Administrative Tribunal

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 Wanneroo	Lot 140 (81) Ghost Gum Boulevard, Banksia Grove	Motor Vehicle Repair
City of Stirling	Lot 356 (152) Scarborough Beach Road, Scarborough	Mixed Use Development
City of Stirling	Lot 100 (304) Scarborough Beach Road, Osborne Park	Motor Vehicle Sales and Repair

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 9:59am.

Karen Hyde