



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: 11 September 2018; 9:00am
Meeting Number: MNWJDAP/223
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street, Perth

Attendance

DAP Members

Ms Sheryl Chaffer (A/Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Christine Hamilton-Prime (City of Joondalup)
Cr Philippa Taylor (City of Joondalup)

Officers in attendance

Mr Brian Gray (City of Joondalup)
Mr Chris Leigh (City of Joondalup)
Mr Ryan Bailey (City of Joondalup)
Mr Joe Hussey (City of Joondalup)
Mr Thomas Geddes (City of Joondalup)

Minute Secretary

Ms Andrea Dawson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Ben Carter (Pinnacle Planning)
Mr Domenic Morolla

Item 8.2

Mr Carlo Famiano (CF Town Planning & Development)
Ms Jean Ireland
Mr Michael Moore
Ms Belinda Moharich (Moharich and More – Planning and Environmental Law)

Members of the Public / Media

There were 12 members of the public in attendance.

Ms Tyler Brown from CNG Media was in attendance.



1. Declaration of Opening

The A/Presiding Member declared the meeting open at 9:00am on 11 September 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The A/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 A/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 Karen Hyde (Presiding Member)

3. Members on Leave of Absence

DAP Member, Ms Karen Hyde has been granted leave of absence by the Director General for the period of 3 September 2018 to 22 September 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 8.1 and item 8.2. Taylor Burrell Barnett who is Ms Hyde's employer has been appointed by the City of Joondalup to advise on the future planning framework for Housing Opportunity Areas. Ms Hyde has had no involvement in the past planning framework, the context for which these applications are to be determined. Ms Hyde does not have a pecuniary interest in any of the applications.

7. Deputations and Presentations

7.1 Mr Domenic Morolla on behalf of Arthur Lee addressed the DAP against the application at Item 8.1.

7.2 Mr Ben Carter (Pinnacle Planning) addressed the DAP in support of 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 Ms Jean Ireland addressed the DAP against the application at Item 8.2.
- 7.5 Mr Michael Moore addressed the DAP against the application at Item 8.2.
- 7.6 Ms Belinda Moharich (Moharich and More - Planning and Environment Law) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.
- 7.7 Mr Carlo Famiano (CF Town Planning & Development) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.
- 7.8 The City of Joondalup addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.4 - 7.8 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

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|--------------------------|--|
| 8.1 Property Location: | Lots 63 (16), 64 (14) and 119 (18) Methuen Way, Duncraig |
| Development Description: | Grouped Dwellings |
| Applicant: | Mr Ben Carter (Pinnacle Planning) |
| Owner: | Mr James Groom (Infill No.3 Pty Ltd) |
| Responsible Authority: | City of Joondalup |
| DAP File No: | DAP/18/01436 |

REPORT RECOMMENDATION

Moved by: Cr Christine Hamilton-Prime

Seconded by: Cr Philippa Taylor

That the Metro North-West JDAP resolves to:

Approve DAP application reference DAP/18/01436 and accompanying plans (Attachment 2) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 4.3.5 of the City of Joondalup *District Planning Scheme No. 2*, subject to the following conditions:

Conditions

1. This approval relates to the 12 grouped dwellings and associated works only, as indicated on the approved plans. It does not relate to any other development on the lots.
2. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.



3. Any roof mounted or freestanding plant or equipment such as air conditioning units, 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.
4. A landscaping plan, detailing the landscaping of all common property and adjoining road verge(s), addressing the deemed-to-comply requirements and design principles of clause 5.3.2 of the Residential Design Codes shall be lodged with and approved by the City prior to development commencing; and landscaping provided prior to the development first being occupied and maintained in accordance with the approved landscaping plan thereafter.
5. 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.
6. All development shall be contained within the property boundaries.
7. The driveways and crossovers are to be designed and constructed to the satisfaction of the City prior to occupation of the dwelling.
8. The applicant shall remove the existing crossovers and make good the verge to the satisfaction of the City, within 28 days of the completion of construction of the new crossover.
9. Boundary walls and retaining walls shall be of a clean finish and made good to the satisfaction of the City.
10. Three (3) visitor car parking bays shall be provided within the verge to the specifications and satisfaction of the City.
11. 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 lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise. Transportation noise controls and Quiet House design strategies at potential cost to the owner may be required to achieve an acceptable level of noise reduction."
12. 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.



Advice Notes

1. 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.
2. 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.
3. In regard to conditions 4 and 5, the landscaping plan shall include six (6) trees within the verge in accordance with the requirements of the City's Residential Development Local Planning Policy, and:
 - 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 five (5) 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.

4. In regard to condition 10, the applicant is to, prior to construction of the visitor parking bay(s), submit a detailed design of the bays to the City for approval. The detailed design is to indicate three (3) on-street parallel car parking bays within the verge adjacent to the lots.

Upon gaining approval from the City, the applicant is to construct the car bay(s) to the City's satisfaction prior to occupation of the dwellings. The applicant is to notify the City upon the installation of the bays so that an inspection can be undertaken.

5. In regard to Condition 11 the applicant is advised that the subject site has been identified as being subject to road and rail transport noise. Condition 11 is required in accordance with *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. Quiet House Design – Package B measures as outlined in *State Planning Policy 5.4 (Implementation Guidelines)* will assist in achieving acceptable noise levels for future occupants.
6. In regard to condition 12, the City encourages the applicant/owner to incorporate materials and colours to the external surface of the dwellings, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.



7. There is an obligation to design and construct the development in compliance with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Consideration needs to be given to the positioning and placement of noisy equipment (eg. air conditioners) so as to not have a negative impact on surrounding residents.
8. All laundry areas to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that internal/cupboard type laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
9. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
10. 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/>

AMENDING MOTION 1

Moved by: Cr Christine Hamilton-Prime

Seconded by: Cr Philippa Taylor

That Advice Note 3 be amended to read as follows:

In regard to conditions 4 and 5, the landscaping plan shall include six (6) trees within the verge in accordance with the requirements of the City's Residential Development Local Planning Policy, and:

- 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 five (5) tree preparation zones within the verge and nominate tree species in accordance with the City's preferred species list.
- **Incorporate predominately native and water wise vegetation species within the verge in accordance with the City's tree management guidelines.**

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

REASON: The additional advice note is included to provide more specific guidance on the selection of plant species within the verge.

The Amending Motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION 2

Moved by: Mr Fred Zuideveld

Seconded by: Ms Sheryl Chaffer

That Condition 11 be deleted and remaining conditions be renumbered accordingly and Advice Note 5 be amended to read as follows:

The applicant is advised that the subject site has been identified as being subject to road and rail transport noise. Quiet House Design – Package B measures as outlined in State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (Implementation Guidelines) will assist in achieving acceptable noise levels for future occupants.

REASON: The condition is deleted as it has no substantive or effective purpose and is therefore not required. Advice Note 5 which refers to the practical implementation of SPP5.4 is amended accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Fred Zuideveld

That new Condition 13 (now condition 12) be added to read as follows:

The lots included within the application site, shall be granted approval for amalgamation prior to commencement of development and amalgamation is to be concluded prior to occupancy certification.

REASON: The panel agreed that amalgamation of the existing 3 lots is appropriate for the creation of a single lot relevant to the development as a whole, rather than potentially 3 separate developments.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 4

Moved by: Cr Philippa Taylor

Seconded by: Cr Christine Hamilton-Prime

That new Advice Note 11 be added to read as follows:

In relation to the existing retaining wall and the developer's responsibilities, further information is available at www.buildingcommission.wa.gov.au.

The City is also able to provide a mediation service to assist in landowner discussions.

REASON: The panel agreed that the information in the advice note would assist in achieving fair liaison between the developer and adjoining landowner during the construction phase of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.



REPORT RECOMMENDATION (AS AMENDED)

Administrative Correction – The reference to the condition in Advice Note 6 was amended from ‘Condition 12’ to ‘Condition 11’ to reflect the correct renumbering of conditions due to the changes made in Amending Motion 2.

That the Metro North-West JDAP resolves to:

Approve DAP application reference DAP/18/01436 and accompanying plans (Attachment 2) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 4.3.5 of the City of Joondalup *District Planning Scheme No. 2*, subject to the following conditions:

Conditions

1. This approval relates to the 12 grouped dwellings and associated works only, as indicated on the approved plans. It does not relate to any other development on the lots.
2. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
3. Any roof mounted or freestanding plant or equipment such as air conditioning units, 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.
4. A landscaping plan, detailing the landscaping of all common property and adjoining road verge(s), addressing the deemed-to-comply requirements and design principles of clause 5.3.2 of the Residential Design Codes shall be lodged with and approved by the City prior to development commencing; and landscaping provided prior to the development first being occupied and maintained in accordance with the approved landscaping plan thereafter.
5. 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.
6. All development shall be contained within the property boundaries.
7. The driveways and crossovers are to be designed and constructed to the satisfaction of the City prior to occupation of the dwelling.
8. The applicant shall remove the existing crossovers and make good the verge to the satisfaction of the City, within 28 days of the completion of construction of the new crossover.
9. Boundary walls and retaining walls shall be of a clean finish and made good to the satisfaction of the City.
10. Three (3) visitor car parking bays shall be provided within the verge to the specifications and satisfaction of the City.



11. 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.
12. The lots included within the application site, shall be granted approval for amalgamation prior to commencement of development and amalgamation is to be concluded prior to occupancy certification.

Advice Notes

1. 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.
2. 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.
3. In regard to conditions 4 and 5, the landscaping plan shall include six (6) trees within the verge in accordance with the requirements of the City's Residential Development Local Planning Policy, and:
 - 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 five (5) tree preparation zones within the verge and nominate tree species in accordance with the City's preferred species list.
 - Incorporate predominately native and water wise vegetation species within the verge in accordance with the City's tree management guidelines.

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

4. In regard to condition 10, the applicant is to, prior to construction of the visitor parking bay(s), submit a detailed design of the bays to the City for approval. The detailed design is to indicate three (3) on-street parallel car parking bays within the verge adjacent to the lots.

Upon gaining approval from the City, the applicant is to construct the car bay(s) to the City's satisfaction prior to occupation of the dwellings. The applicant is to notify the City upon the installation of the bays so that an inspection can be undertaken.



5. The applicant is advised that the subject site has been identified as being subject to road and rail transport noise. Quiet House Design – Package B measures as outlined in State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (Implementation Guidelines) will assist in achieving acceptable noise levels for future occupants.
6. In regard to condition 11, the City encourages the applicant/owner to incorporate materials and colours to the external surface of the dwellings, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
7. There is an obligation to design and construct the development in compliance with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Consideration needs to be given to the positioning and placement of noisy equipment (eg. air conditioners) so as to not have a negative impact on surrounding residents.
8. All laundry areas to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that internal/cupboard type laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
9. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
10. 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/>
11. In relation to the existing retaining wall and the developer's responsibilities, further information is available at www.buildingcommission.wa.gov.au.

The City is also able to provide a mediation service to assist in landowner discussions.

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

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

8.2 Property Location:	Lot 33 and Lot 34 Tuart Trail, Edgewater
Development Description:	Fourteen (14) Multiple Dwellings
Applicant:	Mr Carlo Famiano (CF Town Planning & Development)
Owner:	Mr Edwin Cornelissen and Mr Naim Jones (Jonescorp Pty Ltd)
Responsible Authority:	City of Joondalup
DAP File No:	DAP/18/01433



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/18/01433 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 (b), (n) and (m) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development is not consistent with *Schedule 1 – Design Principles* of the *draft State Planning Policy 7: Design of the Built Environment* due to the following:
 - 1.1 The development does not enhance the distinctive characteristics of the area and lacks appropriate consideration of the local context and character of the area.
 - 1.2 The massing of the proposed development is not appropriate in its setting and does not negotiate between the existing built form and the intended future character of the area.
2. In accordance with Schedule 2, clause 67 (b) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development is not consistent with *Schedule 1 – Design Principles* of the *draft State Planning Policy 7: Design of the Built Environment* due to the following:
 - 2.1 The development does not provide passive environmental design measures which adequately respond to the site conditions and local climate of the area including, but not limited to, solar access to habitable rooms and outdoor living areas, thermal performance and access to natural ventilation.
 - 2.2 The development lacks an adequate level of internal amenity and provides limited views of amenity for some units.
 - 2.3 There is limited passive/active surveillance of the communal car parking area and pedestrian approach to and from units.
 - 2.4 The design quality is lacking with limited creativity, design integrity and detail.
3. In accordance with Schedule 2, clause 67 (g) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development is not consistent with the objectives of the City of Joondalup's *Residential Development Local Planning Policy*, due to the following:
 - 3.1 The development does not enhance and/or improve the existing streetscape outcome.
 - 3.2 The proposal does not complement the visual character of the surrounding built form.
 - 3.3 The design does not provide a high-quality built form outcome in relation to its design and layout/positioning of some units.



4. 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 *Schedule 1 – Subdivision and development conditions* of the City of Joondalup's *Residential Development Local Planning Policy* as there is insufficient technical evidence to support the proposed location of the street trees within the Tuart Trail road reserve, due to the proximity of existing underground services. It is therefore unclear if the required number of street trees can be accommodated within the verge.

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

The Report Recommendation was put and LOST (2/3).

For: Cr Christine Hamilton-Prime
Cr Philippa Taylor

Against: Ms Sheryl Chaffer
Mr Brian Curtis
Mr Fred Zuideveld

Cr Philippa Taylor left the panel at 10:45am and returned at 10:48am.

PROCEDURAL MOTION

Moved by: Ms Sheryl Chaffer **Seconded by:** Cr Christine Hamilton-Prime

That the consideration of DAP Application DAP/18/01433 and accompanying plans be deferred for a maximum of 8 weeks in accordance with section 5.10.1a of the DAP Standing Orders 2017, to allow the applicant to address the following matters:

- The design of the development having regard to the intended future character of the area;
- Provision of direct and safe access to each of the apartments;
- Provision of passive and/or active surveillance of the parking areas and pedestrian approaches to and from the apartments;
- The dimensions of the car parking bays and vehicle access within the site in accordance with Australian standards;
- Further technical evidence in support of the proposed street trees and parking on the verge; and
- Redesign of the common outdoor area to improve amenity.

Request the applicant to submit amended plans and additional information to the City of Joondalup by 2nd October 2018 to address the above matters.

Require the City of Joondalup to consider the amended plans and information and submit a revised Responsible Authority Report by the 30th October 2018.

REASON: To enable the applicant to address the above matters in liaison with the City officers and to provide sufficient time for the City officers to prepare an updated RAR accordingly.

The Procedural Motion was put and CARRIED UNANIMOUSLY.



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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

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 18 (6) Wanneroo Road, Yokine	Extension to the Shopping Centre (Dog Swamp)
City of Stirling	Lot 14691 (2) Plantation Street, Menora	Retirement Complex (Bethanie Aged Care)
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 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 11:38am.