



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 9 May 2019, 11:00am
Meeting Number: MNWJDAP/255
Meeting Venue: City of Joondalup
90 Boas Avenue, Joondalup

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)

Item 8.1

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

Item 8.2

Cr Philippa Taylor (Local Government Member, City of Joondalup)
Cr Sophie Dwyer (Local Government Member, City of Joondalup)

Officers in attendance

Item 8.1

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

Item 8.2

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

Minute Secretary

Ms Deborah Gouges (City of Joondalup)

Applicants and Submitters

Item 8.1

Mr Kris Nolan (Urbis)
Mr Behnam Bordbar (Transcore)
Mr Peter Breckenridge (Metrowest)
Mr Simon Walker (Modus)



Item 8.2

Mr Matthew Fitzgerald
Mr Mark Karol (T&Z Architects)
Mr Paul Ghantous (Urbii)
Mr Zenith Zeeman (Amana Living)
Mr Simon Kershaw (Amana Living)
Ms Ingrid Maher (Planning Solutions)
Mr Ben Doyle (Planning Solutions)
Mr Joel Bryan (Johnstaff)

Members of the Public / Media

There were twelve members of the public in attendance.

Ms Tyler Brown from Community News was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 11.00am on 9 May 2019 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 the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

2. Apologies

Ms Sheryl Chaffer (Deputy Presiding Member)
Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)

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 6 May 2019 to 7 June 2019 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, Cr Giovanni Italiano, declared an impartiality interest in Item No.8.1 as the owner of the land is known to him.

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 has disclosed a impartiality interest, was permitted to participate in discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Kris Nolan (Urbis) addressed the DAP in support of the application at Item No.8.1 and responded to questions from the panel.

7.2 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the application at Item No.8.1 and responded to questions from the panel.

7.3 The City of Stirling addressed the DAP in relation to the application at Item No.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 No.8.1

7.4 Mr Matthew Fitzgerald addressed the DAP speaking against the application at Item No.8.2.

7.5 Mr Mark Karol (T&Z Architects) addressed the DAP in support of the application at Item No. 8.2 and responded to questions from the panel.

7.6 Mr Ben Doyle (Planning Solutions) addressed the DAP in support of the application at Item No. 8.2 and responded to questions from the panel.

7.7 City of Joondalup addressed the DAP in relation to the application at Item No. 8.2 and responded to questions from the panel.

The presentations at Items 7.4 - 7.7 were heard prior to the application at Item No.8.2



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lots 76 and 100, House Numbers 50 and 52 Porter Street, Gwelup
Development Description:	Child Care Premises
Applicant:	Msp Gwelup Pty Ltd (Planning Consultant: Urbis Pty Ltd)
Owner:	Mr Giuseppe Marino & Msp Gwelup Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/18/01537

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DAP/18/01537 and accompanying plans (Attachment 1) for a Child Care Premises at Lots 76 and 100, House Numbers 50 and 52, Porter Street, Gwelup, in accordance with *Schedule 2, Clause 68 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:

1. The proposed development does not satisfy the objectives of the City's Local Planning Policy 6.7 – Parking & Access as the proposal does not ensure that the development will not result in a major parking problem in the locality.
2. The proposed development does not satisfy the objectives of the City's Local Planning Policy 6.6 – Landscaping as the proposal does not ensure landscaping improves the visual appeal of the development and provides a green buffer to lot boundaries.
3. The proposed development does not satisfy *Clause 67, Matters required to be considered by the Local Government of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, subclause (s) (ii)*, as the adequacy of arrangements for the parking of vehicles on-site has not been demonstrated.
4. The proposed development does not satisfy *Clause 67, Matters required to be considered by the Local Government of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, subclause (p)*, as the landscaping provision is not adequate for the development.

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

ALTERNATE MOTION

Moved by: Cr David Boothman

Seconded by: Cr Giovanni Italiano

That the consideration of DAP application DAP/18/01537 be deferred until 28 June 2019 to allow the Applicant to submit revised plans and additional information within 2 weeks of the date of the JDAP meeting (being 23 May 2019) and for the City to consider the revised plans and additional information within 4 weeks of the date of receipt of the Applicant's revised submission (being 20 June 2019) which is to address the following:



1. Revised plans demonstrating:
 - A minimum of 32 car parking bays and one (1) dedicated service bay are to be provided on-site, in accordance with Local Planning Policy 6.7 – Parking & Access;
 - The canopy to the pedestrian walkway located forward of 'Store 1' up to the front boundary line is to have a permeable roof;
 - All proposed building signage, and associated annotations, are to be removed from the development plans;
 - The proposed waste truck hardstand within the Porter Street road reserve is to be removed from the development plans;
 - All fencing within the primary street setback area is to be visually permeable above 1.2m from natural ground level, in accordance with Clause 5.2.4 of the Residential Design Codes (Street Walls and Fences); and
 - Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences and other structures adjoin vehicle access points where a driveway meets a public street, in accordance with Clause 5.2.5 of the Residential Design Codes (Sight Lines).
2. A revised Landscaping Plan is to be submitted to the City of Stirling, in accordance with Local Planning Policy 6.6 – Landscaping and Local Planning Policy 6.11 – Trees and Development, specifically demonstrating:
 - a. The Landscaping Plan is to be consistent with the Site Plan;
 - b. The provision of five (5) Advanced Trees are to be provided on-site;
 - c. A minimum 10% of the subject site, excluding the rear portion of the site not the subject of this application, being landscaped (noting the City does not accept artificial turf as landscaping);
 - d. One (1) tree is to be provided per six (6) car parking bays;
 - e. The provision of two (2) street trees; and
 - f. A soft landscaping buffer with a minimum depth of 1.5m is to be provided between the on-site car parking area and the adjoining residential properties to the east.
3. A revised Waste Management Plan is to be provided to the City of Stirling which aligns with the City's 'Option 2' scenario for the development; and
4. A revised Environmental Acoustic Assessment is to be provided to the City of Stirling in response to the revisions made to the original building orientation and design.

The Alternate Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the applicant time to address the concerns raised by the City of Stirling and submit revised plans.

*Cr David Boothman and Cr Giovanni Italiano left the panel at 11.34am.
Cr Philippa Taylor and Cr Sophie Dwyer joined the panel at 11.34am.*



8.2 Property Location:	Lot 60 (71) Kinross Drive, Kinross
Development Description:	Residential Aged Care Facility (dementia care)
Applicant:	Planning Solutions
Owner:	Amana Living Inc
Responsible Authority:	City of Joondalup
DAP File No:	DAP/19/01578

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Cr Sophie Dwyer

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/19/01578 and accompanying plans (Attachment 2) in accordance with the Metropolitan Region Scheme, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This approval relates to the 'Residential Aged Care Facility' and associated works only, and development shall be undertaken in accordance with the approved plan(s), any other supporting information and the conditions of approval. It does not relate to any other development on the lot.
3. A Construction Management Plan being 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 sand and dust during the construction process;
 - any natural vegetation to be retained and the proposed manner in which this will be managed through construction;
 - other matters likely to impact on the surrounding properties;
 - management of the shared accessway during construction.

Development shall be undertaken in accordance with this approved plan.

4. 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.



5. A detailed design of the loading embayment to Falkland Way shall be submitted to the City for approval prior to commencing development. The embayment shall be constructed in accordance with the approved design, to the satisfaction of the City.
6. Bicycle parking facilities shall be in accordance with the Australian Standard for Off-street Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking areas shall be provided to the City for approval prior to the commencement of development.
7. 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 street and adjoining properties. 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.
8. A full schedule of colours and materials for all exterior parts of the building (including 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.
9. Retention of existing vegetation is to be undertaken in accordance with the recommendations of the arborist report dated 24 January 2019. This shall include the retention or salvaging of any verge trees, trees of high and medium value, where feasible, all *Xanthorrhoea preisii* (Grasstrees) over 1m in height and the *Nuytsia floribunda* (WA Christmas Tree). A Vegetation Retention Plan clearly outlining the trees marked for retention on-site or to be salvaged for relocation shall be submitted to, and approved by the City prior to commencement of the development, including clearing.
10. 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 the subject site and the adjoining road verge(s), and shall:
 - provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - provide all details relating to paving, treatment of verges and tree planting;
 - be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
 - indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - indicate the reinstatement of the area occupied by the temporary administration building;
 - include details of the deep soil zone/s;
 - provide one shade tree for every four uncovered parking bays;
 - landscaping of the terraced areas between retaining walls;
 - show spot levels and/or contours of the site; and
 - be drawn at an appropriate scale of either 1:100, 1:200 or 1:500.

Landscaping and reticulation within the site and adjacent verges 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.

11. A Waste Management Plan indicating the method of rubbish collection shall be submitted to the City prior to the commencement of development and approved by the City prior to the development first being occupied. All rubbish collection shall be in accordance with the approved Waste Management Plan.
12. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
13. Development shall be contained within the property boundaries.
14. The temporary administration building shall be removed and the area reinstated in accordance with the approved landscaping plans within three months of the new residential care facility being occupied, to the satisfaction of the City.

Advice Notes

1. In relation to the approved land use, the City of Joondalup *Local Planning Scheme No. 3* defines 'Residential Aged Care Facility' as "*a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet nursing and personal care of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility*".
2. Premises to comply with the requirements of the *Food Act 2008*.
3. Hairdressing salons to comply with the requirements of the *Hairdressing Establishment Regulations 1972*.
4. Bin Storage Area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. Provide hose cock to bin store area.
5. Any mechanical ventilation for the development shall comply with Australian Standard 1668.2, particularly in regard to air flow and the location of exhaust air discharges.
6. The Applicant/Owner is advised that, there is an obligation to design and construct the premises in compliance with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.
7. This approval does not include the dividing fence(s). 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.



AMENDING MOTION

The following changes to conditions were made en bloc;

Moved by: Ms Karen Hyde

Seconded by: Cr Philippa Taylor

- i) That the preamble of the report recommendation be amended to read as follows;

Approve DAP Application reference DAP/19/01578 and accompanying plans (Attachment 2) in accordance with ~~the Metropolitan Region Scheme Clause 68 of Schedule 2 (Deemed Provisions)~~ of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Joondalup Local Planning Scheme No. 3, **and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme** subject to the following conditions:

REASON: As recommended following advice from the DAP Secretariat and Responsible Authority Report template.

- ii) That a new Condition 15 be added to read as follows:

A Parking Management Plan shall be submitted to the City prior to the commencement of development and approved by the City prior to the development first being occupied. The plan shall consider, amongst other matters, legibility and safety for all staff in the carpark.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Panel members felt that a Parking Management Plan would be beneficial to the City of Joondalup and that due to the varied working shifts of employees, adequate parking safety measures needed to be considered.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/19/01578 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Joondalup Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This approval relates to the 'Residential Aged Care Facility' and associated works only, and development shall be undertaken in accordance with the approved plan(s), any other supporting information and the conditions of approval. It does not relate to any other development on the lot.
3. A Construction Management Plan being 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 sand and dust during the construction process;
- any natural vegetation to be retained and the proposed manner in which this will be managed through construction;
- other matters likely to impact on the surrounding properties;
- management of the shared accessway during construction.

Development shall be undertaken in accordance with this approved plan.

4. 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.
5. A detailed design of the loading embayment to Falkland Way shall be submitted to the City for approval prior to commencing development. The embayment shall be constructed in accordance with the approved design, to the satisfaction of the City.
6. Bicycle parking facilities shall be in accordance with the Australian Standard for Off-street Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking areas shall be provided to the City for approval prior to the commencement of development.
7. 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 street and adjoining properties. 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.
8. A full schedule of colours and materials for all exterior parts of the building (including 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.
9. Retention of existing vegetation is to be undertaken in accordance with the recommendations of the arborist report dated 24 January 2019. This shall include the retention or salvaging of any verge trees, trees of high and medium value, where feasible, all *Xanthorrhoea preisii* (Grasstrees) over 1m in height and the *Nuytsia floribunda* (WA Christmas Tree). A Vegetation Retention Plan clearly outlining the trees marked for retention on-site or to be salvaged for relocation shall be submitted to, and approved by the City prior to commencement of the development, including clearing.



10. 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 the subject site and the adjoining road verge(s), and shall:
- provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - provide all details relating to paving, treatment of verges and tree planting;
 - be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
 - indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - indicate the reinstatement of the area occupied by the temporary administration building;
 - include details of the deep soil zone/s;
 - provide one shade tree for every four uncovered parking bays;
 - landscaping of the terraced areas between retaining walls;
 - show spot levels and/or contours of the site; and
 - be drawn at an appropriate scale of either 1:100, 1:200 or 1:500.

Landscaping and reticulation within the site and adjacent verges 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.

11. A Waste Management Plan indicating the method of rubbish collection shall be submitted to the City prior to the commencement of development and approved by the City prior to the development first being occupied. All rubbish collection shall be in accordance with the approved Waste Management Plan.
12. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
13. Development shall be contained within the property boundaries.
14. The temporary administration building shall be removed and the area reinstated in accordance with the approved landscaping plans within three months of the new residential care facility being occupied, to the satisfaction of the City.
15. A Parking Management Plan shall be submitted to the City prior to the commencement of development and approved by the City prior to the development first being occupied. The plan shall consider, amongst other matters, legibility and safety for all staff in the carpark.

Advice Notes

1. In relation to the approved land use, the City of Joondalup *Local Planning Scheme No. 3* defines 'Residential Aged Care Facility' as "a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet nursing and personal care of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility".



2. Premises to comply with the requirements of the *Food Act 2008*.
3. Hairdressing salons to comply with the requirements of the *Hairdressing Establishment Regulations 1972*.
4. Bin Storage Area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. Provide hose cock to bin store area.
5. Any mechanical ventilation for the development shall comply with Australian Standard 1668.2, particularly in regard to air flow and the location of exhaust air discharges.
6. The Applicant/Owner is advised that, there is an obligation to design and construct the premises in compliance with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.
7. This approval does not include the dividing fence(s). 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.

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

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

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	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)
City of Stirling	Lot 101 (191) Balcatta Road, Balcatta	Extension to the Existing Bunnings Warehouse
City of Joondalup	Lot 96 & 97 (9 & 11) Davallia Road, Duncraig	13 Multiple Dwellings

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

Karen Hyde



Finalised Applications		
LG Name	Property Location	Application Description
City of Wanneroo	Lot 801 (28K) Caloundra Road, Clarkson	Proposed 24 hour drive-through fast food outlet (McDonalds)
City of Joondalup	Lot 33 and Lot 34 Tuart Trail, 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 12.16pm.