



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 17 May 2019; 10:00AM
Meeting Number: MNWJDAP/257
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street, Perth

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Mr John Syme (A/Specialist Member)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

Mr Chris Leigh (City of Joondalup)
Ms Alisa Spicer (City of Joondalup)

Minute Secretary

Ms Andrea Dawson (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Daniel Hollingworth (Rowe Group)
Mr Wei Duan (Hanrise Pty Ltd & Tang Family Trust)
Ms Sharyn Smith (Mikasa Designs)

Members of the Public / Media

There were 5 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 10:00am on 17 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 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.



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)
Mr Fred Zuideveld (Specialist Member)
Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)
Cr Sophie Dwyer (Local Government Member, City of Joondalup)
Cr Nige Jones (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, Ms Karen Hyde, declared an impartiality interest in item 8.1. Ms Karen Hyde's employer Taylor Burrell Barnett (TBB) has in the past provided planning services to the applicant (Mr Wei Duan). TBB is not currently working for the applicant and is not a party related to the application at Item 8.1.

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

7. Deputations and Presentations

The Presiding Member acknowledged that members of the community may wish to present and were offered the opportunity to address the panel.

- 7.1 Mr Wei Duan (Hanrise Pty Ltd & Tang Family Trust) addressed the DAP in support of the application at Item 8.1.
- 7.2 Ms Sharyn Smith (Mikasa Designs) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Daniel Hollingworth (Rowe Group) addressed the DAP in support of the application at Item 8.1.



7.4 City of Joondalup addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location: Lot 900 (57) Marri Road, Duncraig
Development Description: Ten (10) Aged Persons Dwellings
(Multiple Dwellings)
Applicant: Rowe Group
Owner: Hanrise Pty Ltd, Tang Family Management Pty
Ltd
Responsible Authority: City of Joondalup
DAP File No: DAP/19/01576

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Nil

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DAP/19/01576 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*, the *Metropolitan Region Scheme* and the provisions of the *City of Joondalup Local Planning Scheme No. 3*, for the following reasons:

1. The proposal is not considered to meet the design principles of clause 6.1.1 (Building size) of the Residential Design Codes, resulting in an undue impact of bulk which is inconsistent with the existing and future desired built form of the locality.
2. The proposal is not considered to meet the design principles of clause 6.1.2 (Building height) of the Residential Design Codes, resulting in an adverse impact on the amenity of the adjoining properties, streetscape and public open space.
3. The proposal is not considered to meet the design principles of clause 6.1.4 (Lot boundary setbacks) of the Residential Design Codes, resulting in undue bulk as viewed from the adjoining and neighbouring properties, streetscape and public open space.
4. The proposal is not considered to meet the design principles of clause 6.1.5 (Open space) of the Residential Design Codes, resulting in open space that does not respect the existing neighbourhood character.
5. The proposal is not considered to meet the design principles of clause 6.3.6 (site works) of the Residential Design Codes, due to the works not respecting the natural ground levels at the boundary.
6. The proposal is not considered to meet the design principles of clause 6.3.7 (retaining walls) of the Residential Design Codes, resulting in detrimental impacts to adjoining properties (pedestrian access way and public open space).



7. The proposal does not satisfy the matters to be considered under clause 67(c), clause 67(m) and clause 67(n) of Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
 - i. the proposal is not consistent with Schedule 1 – Design Principles of the draft *State Planning Policy 7: Design of the Built Environment* as the scale, massing and the height of the development does not adequately respond to existing built form, resulting in negative visual amenity impacts on nearby residential properties and the public realm;
 - i. the appearance of the development is not compatible with development on adjoining land and on other land in the locality from the perspective of height, bulk and scale;
 - ii. the development has a detrimental impact on the character of the locality due to its height, bulk and scale; and
 - iii. the cumulative impact of the discretions sought results in overdevelopment of the site.
8. The proposal does not satisfy the matters to be considered under clause 67(s) of Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the driveway gradient exceeds the maximum acceptable under Australian Standards AS2890.1 (as amended) and therefore results in an inadequate means of access to and egress from the site.

The Report Recommendation LAPSED for want of a seconder.

ALTERNATE MOTION

Moved by: Mr John Syme

Seconded by: Mr Brian Curtis

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

Approve the DAP Application reference DAP/19/01576 and accompanying plans (Attachment 2) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme and the City of Joondalup Local Planning Scheme No.3 subject to the following conditions:

1. This approval relates to the ten aged persons' multiple dwellings and associated works only. It does not relate to any other development on the lot.
2. The verge adjacent to the lot shall be landscaped to the specifications and satisfaction of the City and shall include one street tree for every 10 metres of frontage.
3. 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 treatments of the subject site and the adjoining road verges, and shall:
 - i. provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;



- ii. provide all details relating to paving, treatment of verges and tree planting;
 - iii. be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
 - iv. show spot levels and/or contours of the site; and
 - v. be drawn at an appropriate scale of either 1:100 or 1 :200
4. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to occupation of the development and thereafter maintained to the satisfaction of the City.
5. 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 occupation of the development. All rubbish collection shall be in accordance with the approved Waste Management Plan.
6. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Construction Management Plan shall detail how it is proposed to manage:
 - i. construction working hours;
 - ii. all forward works for the site;
 - iii. the delivery of materials and equipment to the site;
 - iv. the storage of materials and equipment on the site;
 - v. the parking arrangements for the contractors and subcontractors;
 - vi. the management of dust during the construction process;
 - vii. other matters likely to impact on the surrounding properties;and works shall be undertaken in accordance with the approved Construction Management Plan.
7. A full schedule of colours and materials for all exterior parts of the development 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.
8. Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes, antennas, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding 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.
9. A permanent, enclosed storage area shall be provided for each dwelling. This storage area shall have a minimum area of at least four (4) square metres, a minimum dimension of 1.5 metres, and be accessible from outside the dwelling. This storage area shall be provided prior to occupation of the development, and to the satisfaction of the City.
10. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.
11. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points, where the driveway meets Marri Road.



12. Prior to occupation of the development, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street or alternatively provide mechanical clothes dryers to the satisfaction of the City.
13. The infill panels of the fencing in the street setback area are to be visually permeable as defined in the Residential Design Codes.
14. The car parking bays, driveway and crossover shown on the approved plans shall be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) prior to occupation of the development, and thereafter maintained to the satisfaction of the City.
15. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Carparking - Bicycles (AS2890.3-1993 as amended) prior to occupation of the development, and thereafter maintained to the satisfaction of the City.
16. Lighting shall be installed within the carpark and in all common service areas prior to occupation of the development, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of development.
17. All development shall be contained within the property boundaries.
18. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

Advice Notes

Nil

AMENDING MOTION 1

The following amending motions were made en bloc:

Moved by: Ms Karen Hyde

Seconded by: Mr John Syme

- i) That the preamble of the Alternate Motion Recommendation be amended to read as follows:

Approve DAP Application reference DAP/19/01576 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 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 1 be added to read as follows and the remaining conditions be renumbered accordingly:

This approval is for a restricted use for aged or dependant persons in accordance with the City of Joondalup's scheme.

REASON: In accordance with the zoning of the City of Joondalup's Planning Scheme.

- iii) That a new Advice Note 1 be added to read as follows:

Definition of aged and dependant persons is as per the R Codes.

REASON: To provide clarity for new Condition 1.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Ms Karen Hyde

Seconded by: Mr John Syme

That Condition 3 (now Condition 4) be amended to read as follows:

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 treatments of the subject site and the adjoining road verges, and shall:

- i. provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;*
- ii. provide all details relating to paving, treatment of verges and tree planting;*
- iii. be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;*
- iv. show spot levels and/or contours of the site; and*
- v. be drawn at an appropriate scale of either 1:100 or 1 :200*
- vi. identify 10% deep root zone and detailed landscaping plans**
- vii. provide landscape around the communal open space to provide adequate privacy measures for residents adjacent and opposite to the communal open space.**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure appropriate landscaping and open space provision and amenity privacy of occupants of the development.

ALTERNATE MOTION (AS AMENDED)

Approve DAP Application reference DAP/19/01576 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 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:

1. This approval is for a restricted use for aged or dependant persons in accordance with the City of Joondalup's scheme.



2. This approval relates to the ten aged persons' multiple dwellings and associated works only. It does not relate to any other development on the lot.
3. The verge adjacent to the lot shall be landscaped to the specifications and satisfaction of the City and shall include one street tree for every 10 metres of frontage.
4. 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 treatments of the subject site and the adjoining road verges, and shall:
 - i. provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - ii. provide all details relating to paving, treatment of verges and tree planting;
 - iii. be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
 - iv. show spot levels and/or contours of the site; and
 - v. be drawn at an appropriate scale of either 1:100 or 1 :200
 - vi. identify 10% deep root zone and detailed landscaping plans
 - vii. provide landscape around the communal open space to provide adequate privacy measures for residents adjacent and opposite to the communal open space.
5. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to occupation of the development and thereafter maintained to the satisfaction of the City.
6. 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 occupation of the development. All rubbish collection shall be in accordance with the approved Waste Management Plan.
7. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Construction Management Plan shall detail how it is proposed to manage:
 - i. construction working hours;
 - ii. all forward works for the site;
 - iii. the delivery of materials and equipment to the site;
 - iv. the storage of materials and equipment on the site;
 - v. the parking arrangements for the contractors and subcontractors;
 - vi. the management of dust during the construction process;
 - vii. other matters likely to impact on the surrounding properties;and works shall be undertaken in accordance with the approved Construction Management Plan.
8. A full schedule of colours and materials for all exterior parts of the development 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. Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes, antennas, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding 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.
10. A permanent, enclosed storage area shall be provided for each dwelling. This storage area shall have a minimum area of at least four (4) square metres, a minimum dimension of 1.5 metres, and be accessible from outside the dwelling. This storage area shall be provided prior to occupation of the development, and to the satisfaction of the City.
11. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.
12. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points, where the driveway meets Marri Road.
13. Prior to occupation of the development, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street or alternatively provide mechanical clothes dryers to the satisfaction of the City.
14. The infill panels of the fencing in the street setback area are to be visually permeable as defined in the Residential Design Codes.
15. The car parking bays, driveway and crossover shown on the approved plans shall be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) prior to occupation of the development, and thereafter maintained to the satisfaction of the City.
16. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Carparking - Bicycles (AS2890.3-1993 as amended) prior to occupation of the development, and thereafter maintained to the satisfaction of the City.
17. Lighting shall be installed within the carpark and in all common service areas prior to occupation of the development, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of development.
18. All development shall be contained within the property boundaries.
19. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

Advice Note

1. Definition of aged and dependant persons is as per the R Codes.



The Alternate Motion (as amended) was put and CARRIED (3/1).

For: Ms Karen Hyde
Mr Brian Curtis
Mr John Syme

Against: Cr Philippa Taylor

REASON: Following the presentations and the response to questions, panel members felt that the site which is surrounded by a PaW, Road, Park and Commercial land use did not impact to any significant extent and that the variations sought on setbacks and height were of a degree that they were acceptable in this location. Furthermore, the requirements of greater detail and on landscape and provision of open space on the site could be adequately dealt with by way of conditions. The panel therefore considered an alternate resolution to approve the development subject to conditions was appropriate.

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 Joondalup	Lot 96 & 97 (9 & 11) Davallia Road, Duncraig	13 Multiple Dwellings
City of Stirling	Lot 101 (191) Balcatta Road, Balcatta	Extension to the Existing Bunnings Warehouse

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 11:15am.

Karen Hyde