



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 16 October 2019, 1:00 PM
Meeting Number: MNWJDAP/270
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street, Perth

Attendance

DAP Members

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Clayton Higham (A/Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)

Item 9.1

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

Item 9.2

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

Officers in attendance

Item 9.1

Mr Chris Leigh (City of Joondalup)
Mr Ryan Bailey (City of Joondalup)
Mr Stevan Zecevic (City of Joondalup)

Item 9.2

Mr Stevan Rodic (City of Stirling)
Ms Giovanna Lumbaca (City of Stirling)
Mr Dean Williams (City of Stirling)
Mr Lom Piggot (Public Transport Authority of Western Australia)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Item 9.1

Mr Julius Skinner (Thomson Greer)
Mr Darren Levey (Uloth and Associates)
Mr Neil Teo (Dynamic Planning and Development)
Mr Chris Harman (AGEM Property Group)



Item 9.2

Mr Scott Nugent (AMP)
Mr Antony Johnstone (Aurecon)
Mr Sean Fairfoul (Rowe Group)

Members of the Public / Media

There was 1 member of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 1:02pm on 16 October 2019 and acknowledged the traditional owners and pay respect to Elders past and present 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

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, Ms Sheryl Chaffer, declared an indirect pecuniary interest in item 9.2. Ms Chaffer's husband is employed by the builder of the project.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Julius Skinner (Thomson Greer) addressed the DAP in support of the application at Item 9.1 and responded to questions from the panel.

7.2 Mr Darren Levey (Uloth and Associates) addressed the DAP in support of the application at Item 9.1 responded to questions from the panel.

7.3 Mr Chris Harman (AGEM Property Group) responded to questions from the panel.

7.4 City of Joondalup Officers addressed the DAP in relation to the application at Item 9.1 responded to questions from the panel.

The presentation at Items 7.1 – 7.4 were heard prior to the application at Item 9.1

7.5 Mr Scott Nugent (AMP) addressed the DAP in support of the application at Item 9.2 responded to questions from the panel.

7.6 Mr Antony Johnstone (Aurecon) addressed the DAP in support of the application at Item 9.2 and responded to questions from the panel.

7.7 Mr Sean Fairfoul (Rowe Group) addressed the DAP in support of the application at Item 9.2 and responded to questions from the panel.

7.8 City of Stirling Officers addressed the DAP in relation to the application at Item 9.2 and responded to questions from the panel.

7.9 Mr Lom Piggot (Public Transport Authority of Western Australia) responded to questions from the panel.

The presentations at Items 7.5 - 7.9 were heard prior to the application at Item 9.2.

8. Form 1 – Responsible Authority Reports – DAP Application

Nil



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

9.1	Property Location:	Lots 7 (22), 8 (24) and 9 (26) Monkhouse Way & Lots 5 (4) and 6 (2) Banks Avenue, Hillarys
	Development Description:	Mixed use commercial development
	Proposed Amendment:	Form 2.1 - Amendment to Condition 5
	Applicant:	Dynamic Planning and Developments
	Owner:	Perpetual Corporate Trust Limited ACF The Hillarys Investment Trust
	Responsible Authority:	City of Joondalup
	DAP File No:	DAP/17/01267

REPORT RECOMMENDATION

Moved by: Cr Christine Hamilton-Prime

Seconded by: Cr Philippa Taylor

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

1. **Accept** that the DAP Application reference DAP/17/01267 as detailed on the DAP Form 2 dated 18 July 2019 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/17/01267 as detailed on the DAP Form 2 dated 18 July 2019 and accompanying plans in Attachment 2 in accordance with Clause 77 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*, for the proposed minor amendment to the approved mixed use commercial development at Lots 7 (22), 8 (24) and 9 (26) Monkhouse Way and Lots 5 (4) and 6 (2) Banks Avenue, Hillarys, subject to:

Amended Condition:

5. A maximum of sixteen (16) practitioners shall be permitted to operate from tenancies 1, 3, 4, 5, 6 and 7 at any given time under the approved land use of 'Medical Centre' and/or 'Consulting Rooms'.

New Condition:

25. A Practitioner Management Plan shall be submitted to and approved by the City prior to occupation of development. The practitioner management plan shall detail the number of practitioners allocated to tenancies 1, 3, 4, 5, 6 and 7 to ensure the maximum number of permitted practitioners is not exceeded onsite. Development shall be undertaken in accordance with the approved Practitioner Management Plan and must not be modified without first obtaining written consent from the City.



New Advice Note:

6. Further to the conditions regarding practitioner numbers and the Practitioner Management Plan, should the land use of tenancies 1, 3, 4, 5, 6 and 7 change from 'medical centre' or 'consulting rooms', the maximum number of practitioners permitted shall be reduced by the number of practitioners allocated to that tenancy under the Practitioner Management Plan to ensure the parking demand generated by the development site is not exceeded.

All other conditions and requirements detailed on the previous approval dated 20 December 2017 shall remain unless altered by this application.

AMENDING MOTION 1

Moved by: Mr Fred Zuideveld

Seconded by: Mr Clayton Higham

That condition 5 be amended to read as follows:

*A maximum of ~~sixteen (16)~~ **eighteen (18)** practitioners shall be permitted to operate from tenancies 1, 3, 4, 5, 6 and 7 at any given time under the approved land use of 'Medical Centre' and/or 'Consulting Rooms'.*

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

For: Ms Karen Hyde
Mr Clayton Higham
Mr Fred Zuideveld

Against: Cr Christine Hamilton-Prime
Cr Philippa Taylor

REASON: The parking provisions set within the Structure Plan relate to the floorspace and land use rather than the number of practitioners and allow for reciprocal parking, so the proponent's submission to include 18 consultants was considered to be reasonable in this instance, particularly when the development is also required to be in accordance with a Practitioner Management Plan (condition 25).

REPORT RECOMMENDATION (AS AMENDED)

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

1. **Accept** that the DAP Application reference DAP/17/01267 as detailed on the DAP Form 2 dated 18 July 2019 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/17/01267 as detailed on the DAP Form 2 dated 18 July 2019 and accompanying plans in Attachment 2 in accordance with Clause 77 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*, for the proposed minor amendment to the approved mixed use commercial development at Lots 7 (22), 8 (24) and 9 (26) Monkhouse Way and Lots 5 (4) and 6 (2) Banks Avenue, Hillarys, subject to:



Amended Condition:

- 5. A maximum of eighteen (18) practitioners shall be permitted to operate from tenancies 1, 3, 4, 5, 6 and 7 at any given time under the approved land use of 'Medical Centre' and/or 'Consulting Rooms'

New Condition:

- 25. A Practitioner Management Plan shall be submitted to and approved by the City prior to occupation of development. The practitioner management plan shall detail the number of practitioners allocated to tenancies 1, 3, 4, 5, 6 and 7 to ensure the maximum number of permitted practitioners is not exceeded onsite. Development shall be undertaken in accordance with the approved Practitioner Management Plan and must not be modified without first obtaining written consent from the City.

New Advice Note:

- 6. Further to the conditions regarding practitioner numbers and the Practitioner Management Plan, should the land use of tenancies 1, 3, 4, 5, 6 and 7 change from 'medical centre' or 'consulting rooms', the maximum number of practitioners permitted shall be reduced by the number of practitioners allocated to that tenancy under the Practitioner Management Plan to ensure the parking demand generated by the development site is not exceeded.

All other conditions and requirements detailed on the previous approval dated 20 December 2017 shall remain unless altered by this application.

The Report Recommendation (as amended) was put and CARRIED (4/1).

For: Ms Karen Hyde
Mr Clayton Higham
Mr Fred Zuideveld
Cr Christine Hamilton-Prime

Against: Cr Philippa Taylor

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motion. The panel was in support of the development proposal for additional practitioners in the development (18) and a Practitioner Management Plan.

9.2	Property Location:	Lots 166 and 66 Davenport Street and Lot 11 (200) Karrinyup Road, Karrinyup
	Development Description:	Mixed Use Development Expansion - Karrinyup Shopping Centre
	Proposed Amendment:	Form 2.7 - Removal of Condition
	Applicant:	Rowe Group
	Owner:	AMP Capital Funds Management Ltd Scott Nugent
	Responsible Authority:	City of Stirling
	DAP File No:	DAP/15/00741

Karen Hyde



REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 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/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 and accompanying plans 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 Stirling Local Planning Scheme No. 3, for the proposed modified condition of the approved Major Expansion of Karrinyup Shopping Centre at Lots 166 and 66 Davenport Street and Lot 11, House Number 200, Karrinyup Road, Karrinyup, subject to:

Amended Condition

2. Prior to opening of the retail centre, the applicant is to enter into a legally binding funding agreement with the Public Transport Authority (PTA) to fund the cost of improving public transport access. The agreement is to provide for the applicant to fund the PTA's estimated cost of delivering additional Transperth bus service kilometres for a minimum period of five years from the opening of the retail centre, to the satisfaction of the City of Stirling and upon the advice of Main Roads WA and PTA.

New Advice Note

1. The mixed use development in the north-east corner of the site does not form part of this approval.

All other conditions and requirements detailed on the original approval DAP/15/00741 dated 14 August 2015, including any amendments to conditions and requirements on succeeding amendments to the approval, shall remain unless altered by this application.

Where an approval has so lapsed, no development shall be carried out without further approval first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under Regulation 17(1)(a) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

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



PROCEDURAL MOTION

Moved by: Mr Clayton Higham

Seconded by: Ms Karen Hyde

That the meeting be adjourned for a period of 5 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To enable the panel to be provided with the hard copies of the alternate motions.

The meeting was adjourned at 2:42pm.

PROCEDURAL MOTION

Moved by: Mr Clayton Higham

Seconded by: Ms Karen Hyde

That the meeting be reconvened.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting reconvened at 2:46pm.

ALTERNATE MOTION (City of Stirling Addendum)

Moved by: Cr David Boothman

Seconded by: Cr Giovanni Italiano

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 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/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 and accompanying plans 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 Stirling Local Planning Scheme No. 3, for the proposed modified condition of the approved Major Expansion of Karrinyup Shopping Centre at Lots 166 and 66 Davenport Street and Lot 11, House Number 200, Karrinyup Road, Karrinyup, subject to:

Amended Condition

2. Prior to the occupation of any additional retail floorspace, the applicant is to enter into a legally binding funding agreement with the Public Transport Authority (PTA) to fund the cost of improving public transport access. The agreement is to provide for the applicant to fund the PTA's estimated cost of delivering additional Transperth bus service kilometres for a minimum period of five years from the opening of the retail centre, to the satisfaction of the City of Stirling and upon the advice of Main Roads WA and PTA.



New Advice Note

1. The mixed use development in the north-east corner of the site does not form part of this approval.

All other conditions and requirements detailed on the original approval DAP/15/00741 dated 14 August 2015, including any amendments to conditions and requirements on succeeding amendments to the approval, shall remain unless altered by this application.

Where an approval has so lapsed, no development shall be carried out without further approval first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under Regulation 17(1)(a) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

The Alternate Motion was put and LOST UNANIMOUSLY.

ALTERNATE MOTION

Moved by: Mr Clayton Higham

Seconded by: Mr Fred Zuideveld

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 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/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 and accompanying plans 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 Stirling Local Planning Scheme No. 3, for the proposed modified condition of the approved Major Expansion of Karrinyup Shopping Centre at Lots 166 and 66 Davenport Street and Lot 11, House Number 200, Karrinyup Road, Karrinyup, subject to:
 - a. The deletion of Condition 2;
 - b. Modification to Condition 23 (Transport Plan) as follows:
23. Unless otherwise amended and approved, all necessary measures as identified by the approved Transport Plan and Rowe Group correspondence dated 29 April 2019, shall be implemented and constructed by the landowner at their expense and to the satisfaction of the City, in accordance with the Site Management Plan.



AMENDING MOTION 1

Moved by: Ms Karen Hyde

Seconded by: Mr Clayton Higham

That the following be added to the alternate motion:

All other conditions and requirements detailed on the original approval DAP/15/00741 dated 14 August 2015, including any amendments to conditions and requirements on succeeding amendments to the approval, shall remain unless altered by this application.

Where an approval has so lapsed, no development shall be carried out without further approval first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under Regulation 17(1)(a) of the Planning and Development (Development Assessment Panel) Regulations 2011.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that the conditions and advice notes associated with previous approvals are carried forward with this approval, unless otherwise amended and approved. Also to advise of the timeframe for the approvals.

ALTERNATE MOTION (AS AMENDED)

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 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/15/00741 as detailed on the DAP Form 2 dated 14 June 2019 and accompanying plans 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 Stirling Local Planning Scheme No. 3, for the proposed modified condition of the approved Major Expansion of Karrinyup Shopping Centre at Lots 166 and 66 Davenport Street and Lot 11, House Number 200, Karrinyup Road, Karrinyup, subject to:
 - a. The deletion of Condition 2;
 - b. Modification to Condition 23 (Transport Plan) as follows:
23. Unless otherwise amended and approved, all necessary measures as identified by the approved Transport Plan and Rowe Group correspondence dated 29 April 2019, shall be implemented and constructed by the landowner at their expense and to the satisfaction of the City, in accordance with the Site Management Plan.

All other conditions and requirements detailed on the original approval DAP/15/00741 dated 14 August 2015, including any amendments to conditions and requirements on succeeding amendments to the approval, shall remain unless altered by this application.



Where an approval has so lapsed, no development shall be carried out without further approval first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under Regulation 17(1)(a) of the Planning and Development (Development Assessment Panel) Regulations 2011.

The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The alternate motion was put and carried as the panel supported the development application and the detailed Transport Plan which will facilitate improved public transport and pedestrian amenity and walkability in the catchment area of the development to the satisfaction of the City of Stirling.

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application

Current Applications		
LG Name	Property Location	Application Description
City of Joondalup	Lot 96 & 97 (9 & 11) Davallia Road, Duncraig	13 Multiple Dwellings
City of Joondalup	Lot 104 & 105 (8 & 10) Brechin Court, Duncraig	3 Levels, 16 Apartments, Multiple Dwellings
City of Stirling	Lot 101 (191) Balcatta Road, Balcatta	Extension to the Existing Bunnings Warehouse
City of Stirling	Lot 90 (38) Geneff Street & Lot 89 (59) Hertha Road, Innaloo	Multiple Dwelling Development

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 3:00pm.

Karen Hyde