



Metro North-West Development Assessment Panel Minutes

Meeting Date and Time: 18 November 2019; 9:30am
Meeting Number: MNWJDAP/274
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street, Perth

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr Christine Hamilton-Prime (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

Mr Chris Leigh (City of Joondalup)
Mr Jeremy Thompson (City of Joondalup)
Mr Tim Thornton (City of Joondalup)
Ms Grace Neamtu (City of Joondalup)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1
Mr Josh Watson (Planning Solutions)
Ms Alysha Cass (BP Australia)
Ms Ana Kovacevic (Hodge Collard Preston)

Item 10.1
Mr Giles Harden Jones (H J Architects)
Mr Kevin McKay
Mr Denis Charron
Mr Kevan McGill

Members of the Public / Media

There were 5 members of the public in attendance. One of which attended via teleconference.



1. Declaration of Opening

The Presiding Member declared the meeting open at 9:31am on 18 November 2019 and acknowledged the traditional owners and paid 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

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Josh Watson (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

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

The presentation at Item 7.1 – 7.2 was heard prior to the application at Item 8.1.



- 7.3 Mr Kevin McKay addressed the DAP against the application at Item 10.1.
- 7.4 Mr Denis Charron addressed the DAP against the application at Item 10.1.
- 7.5 Ms Suzanne Thompson (on behalf of Mr Kevan McGill) addressed the DAP against the application at Item 10.1.
- 7.6 Mr Giles Harden Jones (H J Architect) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.7 City of Joondalup Officers addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

The presentations at Items 7.3 - 7.7 were heard prior to the application at Item 10.1.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot 153 (128) West Coast Drive and Lot 154 (1)
Raleigh Road, Sorrento
- Development Description: Redevelopment of existing BP service station with associated access, signage, landscaping and parking
- Applicant: Planning Solutions
- Owner: BP Australia Pty Ltd
- Responsible Authority: City of Joondalup
- DAP File No: DAP/19/01628

REPORT RECOMMENDATION

Moved by: Cr Hamilton-Prime

Seconded by: Cr Philippa Taylor

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DAP/19/01628 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* for the following reasons:

1. In accordance with Schedule 2, clause 67 (h) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the requirements of the *Sorrento Activity Centre Plan* as:
 - a. The proposed development does not meet the minimum development standards and therefore does not achieve the intent of providing a consistent built form outcome within the activity centre.
 - b. The retention of the vehicle access point to West Coast Drive, lack of active building frontage to the street and visibility of car parking to the street does not enhance the public realm and pedestrian environment.



The Report Recommendation was put and LOST (1/4).

For: Cr Hamilton-Prime

Against: Ms Karen Hyde
Ms Sheryl Chaffer
Mr Fred Zuideveld
Cr Philippa Taylor

ALTERNATE MOTION

Moved by: Ms Karen Hyde

Seconded by: Ms Sheryl Chaffer

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/19/01628 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:

1. This approval only relates to the service station, signage and associated works as indicated on the approved plans. Development shall be undertaken in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lots.
2. The lots included within the application shall be granted approval for amalgamation prior to commencement of development and amalgamation concluded prior to occupancy certification.
3. A six metre wide public access easement is to be provided to connect Raleigh Road to the adjoining lot, generally in accordance with the alignment depicted in the Sorrento Activity Centre Plan. The easement shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of titles, prior to the occupation of the development.
4. A Construction Management Plan shall be 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 dust during the construction process;
 - minimising obstruction of the vehicle access linking to the northern boundary;
 - other matters likely to impact on the surrounding properties;

and works shall be undertaken in accordance with the approved Construction Management Plan.



5. A schedule of colours and materials for all exterior parts to the development (including any 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.
6. Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. 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.
7. 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), Offstreet 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.
8. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development.
9. 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 both sites and the adjoining road verge(s), and shall:
 - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - Include the required shade trees within new car parking areas;
 - Show spot levels and/or contours of the site;
 - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - Be based on water sensitive urban design principles to the satisfaction of the City;
 - Outline what works are required within the subject sites and adjacent verges to ensure compliance with AS3959;
 - Be based on Designing out Crime principles to the satisfaction of the City; and,
 - Show all irrigation design details.
10. Landscaping and reticulation within the subject sites and the adjacent West Coast Drive and Raleigh Road verge shall be established and thereafter maintained by, and at the cost of, the landowner/applicant in accordance with the approved landscaping plans, Australian Standards (including AS3959) and best trade practice prior to the development first being occupied to the satisfaction of the City.



11. A Delivery Management Plan indicating the timing of deliveries shall be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied. Delivery management shall then be undertaken in accordance with the approved plan.
12. A Waste Management Plan, indicating the method of rubbish collection, shall be submitted to and approved by the City prior to the commencement of development. All waste collection shall be in accordance with the approved Waste Management Plan.
13. A Lighting Plan shall be submitted to the City for approval prior to the commencement of construction. The Lighting Plan shall include details on how any lighting, including lighting associated with any signage, has been designed and managed to minimise the impact on any surrounding residential development. Lighting shall be maintained in accordance with the Lighting Plan to the satisfaction of the City.
14. All development shall be contained within the property boundaries.
15. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
16. The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City.
17. The signage must not include fluorescent, reflective or retro reflective colours.
18. Illuminated signage shall use low illumination that does not flash, pulsate or chase.

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. 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 <http://www.joondalup.wa.gov.au/Live/Streetscapes/StreetVergeGuidelines.aspx>.
3. Food storage, preparation, display and sale to be in accordance with the *Food Act 2008*.
4. Bin storage areas are required to have a graded floor connected to sewer and a hose cock for water supply.
5. The development shall comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*.
6. A Site Management Plan to address the potential exposure of impacted soil or groundwater during earthworks is to be provided to the Department of Water and Environmental Regulation prior to any siteworks commencing.



AMENDING MOTION 1

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Fred Zuideveld

That condition 2 be amended to read as follows:

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

Prior to applying for a Building Permit, arrangements being made to the satisfaction of the City of Joondalup for the amalgamation of Lots 153 and 154 into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The rewording allows for the amalgamation application of lots 153 and 154 to be progressed in conjunction with the commencement of construction.

AMENDING MOTION 2

Moved by: Ms Sheryl Chaffer

Seconded by: Ms Karen Hyde

That condition 3 be amended to read as follows:

~~A six metre wide public access easement is to be provided to connect Raleigh Road to the adjoining lot, generally in accordance with the alignment depicted in the Sorrento Activity Centre Plan on the approved site plan. The easement shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of titles, prior to the occupation of the development.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The public access easement should be in accordance with the easement shown on the site plan, as this is more accurate than the location shown on the Sorrento Activity Centre Plan map.

AMENDING MOTION 3

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Fred Zuideveld

That condition 14 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition may have unintended consequences, as the retail building awning extends outside of the property boundaries. There is support for and acceptance of the awning providing shade and shelter to the public domain and therefore the condition is not required.



ALTERNATE RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

Approve DAP Application reference DAP/19/01628 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:

1. This approval only relates to the service station, signage and associated works as indicated on the approved plans. Development shall be undertaken in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lots.
2. Prior to applying for a Building Permit, arrangements being made to the satisfaction of the City of Joondalup for the amalgamation of Lots 153 and 154 into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.
3. A six metre wide public access easement is to be provided to connect Raleigh Road to the adjoining lot, in accordance with the alignment depicted on the approved site plan. The easement shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of titles, prior to the occupation of the development.
4. A Construction Management Plan shall be 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 dust during the construction process;
 - minimising obstruction of the vehicle access linking to the northern boundary;
 - other matters likely to impact on the surrounding properties;

and works shall be undertaken in accordance with the approved Construction Management Plan.

5. A schedule of colours and materials for all exterior parts to the development (including any 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.
6. Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. 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.

7. 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), Offstreet 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.
8. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development.
9. 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 both sites and the adjoining road verge(s), and shall:
 - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - Include the required shade trees within new car parking areas;
 - Show spot levels and/or contours of the site;
 - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - Be based on water sensitive urban design principles to the satisfaction of the City;
 - Outline what works are required within the subject sites and adjacent verges to ensure compliance with AS3959;
 - Be based on Designing out Crime principles to the satisfaction of the City; and,
 - Show all irrigation design details.
10. Landscaping and reticulation within the subject sites and the adjacent West Coast Drive and Raleigh Road verge shall be established and thereafter maintained by, and at the cost of, the landowner/applicant in accordance with the approved landscaping plans, Australian Standards (including AS3959) and best trade practice prior to the development first being occupied to the satisfaction of the City.
11. A Delivery Management Plan indicating the timing of deliveries shall be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied. Delivery management shall then be undertaken in accordance with the approved plan.
12. A Waste Management Plan, indicating the method of rubbish collection, shall be submitted to and approved by the City prior to the commencement of development. All waste collection shall be in accordance with the approved Waste Management Plan.



13. A Lighting Plan shall be submitted to the City for approval prior to the commencement of construction. The Lighting Plan shall include details on how any lighting, including lighting associated with any signage, has been designed and managed to minimise the impact on any surrounding residential development. Lighting shall be maintained in accordance with the Lighting Plan to the satisfaction of the City.
14. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
15. The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City.
16. The signage must not include fluorescent, reflective or retro reflective colours.
17. Illuminated signage shall use low illumination that does not flash, pulsate or chase.

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. 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 <http://www.joondalup.wa.gov.au/Live/Streetscapes/StreetVergeGuidelines.aspx>.
3. Food storage, preparation, display and sale to be in accordance with the *Food Act 2008*.
4. Bin storage areas are required to have a graded floor connected to sewer and a hose cock for water supply.
5. The development shall comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*.
6. A Site Management Plan to address the potential exposure of impacted soil or groundwater during earthworks is to be provided to the Department of Water and Environmental Regulation prior to any siteworks commencing.

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

REASON: The recommendation contained in the RAR failed and so the alternate recommendation was moved seconded and put to the vote. The application had responded and been revised in accordance with the reasons for the previous deferral by the JDAP. The conditional approval as amended by the panel provided the appropriate guidance for the development which generally supports the activation of the centre, responds to the built form requirements as much as possible and provides appropriate landscape interface to the public realm.



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

Nil

10. Appeals to the State Administrative Tribunal

10.1	Property Location:	Lot 96 & 97 (9 & 11) Davallia Road, Duncraig
	Development Description:	13 Multiple Dwellings
	Applicant:	C/- Harden Jones Architects
	Owner:	Magdalena Korycka, Mark Grynglas, Ewa Harwas, John Harwas
	Responsible Authority:	City of Joondalup
	DAP File No:	DAP/18/01536

REPORT RECOMMENDATION

Moved by: Cr Philippa Taylor

Seconded by: Cr Christine Hamilton-Prime

That the Metro North-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 80 of 2019, resolves to:

Reconsider its decision dated 2 April 2019 and **refuse** DAP Application reference DAP/18/01536 and amended 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* for the following reasons:

Reasons

1. The proposal does not satisfy the matters to be considered under clause 67(c), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
 - i. The proposal does not satisfy the element objectives of 3.2 Orientation of *State Planning Policy 7.3*, as the building form and orientation does not minimise overshadowing of habitable rooms of the neighbouring property to the south during mid-winter.
 - ii. The proposal does not satisfy the element objective of 3.3 Tree canopy and deep soil areas of *State Planning Policy 7.3*, as inadequate measures have been taken to improve tree canopy over the long term.
 - iii. The proposal does not satisfy the element objectives of 3.4 Communal open space of *State Planning Policy 7.3*, as the communal open space is not designed and oriented to minimise impact on adjoining habitable rooms and private open spaces.
 - iv. The proposal does not satisfy the element objective of 3.5 Visual privacy of *State Planning Policy 7.3*, as the orientation and design of the Unit 4 terrace does not minimise direct overlooking of neighbouring sites, and the design of



- the common area access passage does not minimise direct overlooking of habitable rooms within the site to Units 1 and 2.
- v. The proposal does not satisfy the element objectives of 4.5 Circulation and common spaces of *State Planning Policy 7.3*, as the circulation spaces have inadequate size and capacity to provide safe and attractive access with good amenity for residents and visitors.
 - vi. The proposal does not satisfy the element objectives of 4.12 Landscape design of *State Planning Policy 7.3*, as the landscape design is not sufficiently integrated with communal open space to improve the visual appeal and comfort.
2. The proposal does not satisfy the matters to be considered under clause 67(m) of Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
- i. The orientation, tree canopy and visual privacy of the development is not compatible with its setting particularly the relationship of development to development on adjoining land.
3. The proposal does not satisfy the matters to be considered under clause 67(p) of Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
- i. There is inadequate provision made for the landscaping of the land to which the application relates.

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

For: Cr Philippa Taylor
Cr Christine Hamilton-Prime

Against: Ms Karen Hyde
Ms Sheryl Chaffer
Mr Fred Zuideveld

ALTERNATE MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Fred Zuideveld

That the Metro North-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 80 of 2019, resolves to:

1. **Reconsider** its decision dated 2 April 2019 and **approve** DAP Application reference DAP/18/01536 and amended 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

- 1.1 This approval relates to the 13 multiple dwelling development only and development shall be undertaken in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
- 1.2 The lots included within the application shall be granted approval for amalgamation prior to commencement of development and amalgamation concluded prior to occupancy certification.
- 1.3 A Construction Management Plan shall be 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 dust during the construction process;
 - other matters likely to impact on the surrounding properties;

and works shall be undertaken in accordance with the approved Construction Management Plan.

- 1.4 The corridor access to the communal open space, and the interface between the communal open space and Units 1 and 3 shall be designed to satisfy the element objectives of clause 3.4, 3.5 and 4.5 of *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*. The communal open space is to be designed to minimise impact on adjoining habitable rooms and private open spaces, and the corridor access is to provide safe and attractive access with good amenity for residents and visitors, and minimise direct overlooking of habitable rooms within the site to Units 1 and 2. Details of the corridor access and interface between the communal and private open space shall be submitted to and approved by the City prior to commencement of construction.
- 1.5 Units 5, 6, 11 and 12 shall be designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of construction, and works shall be undertaken in accordance with the approved details.
- 1.6 The 'street embayment for service vehicles' shall be constructed at the developer's expense, prior to the occupation of the development. The detailed design shall be approved by the City prior to the commencement of construction.
- 1.7 A schedule of colours and materials for all exterior parts of the development (including retaining walls) shall be 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.



- 1.8 Any proposed building plant and equipment, including air conditioning units, piping, meter boxes, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. 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.
- 1.9 A detailed landscaping plan shall be submitted to, and approved by, the City prior to the commencement of development. The plan is to address the element objectives of clause 3.3 and 4.12 of *State Planning Policy 7.3: Residential Design Codes Volume 2 - Apartments* and indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
- Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - Provide all details relating to paving and treatment of verges;
 - Show spot levels and/or contours of the site;
 - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - Indicate the provision of one medium tree within a suitably sized deep soil area in accordance with *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*;
 - Be based on water sensitive urban design principles to the satisfaction of the City;
 - Be based on Designing out Crime principles to the satisfaction of the City; and
 - Show all irrigation design details.
- 1.10 Landscaping and reticulation shall be established in accordance with the approved landscaping plan, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
- 1.11 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 occupation of the development. All rubbish collection shall be in accordance with the approved Waste Management Plan.
- 1.12 Lighting shall be installed along all driveways and pedestrian pathways and in all common areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of construction. Lighting shall be in accordance with the approved light plan.
- 1.13 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) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.



- 1.14 The on-site visitor bays shall be marked and permanently made available for visitor parking and shall remain accessible to visitors. A Security and Access Management Plan detailing security gate operation, management of intercom controls, signage and other methods to direct and enable visitor access to private areas shall be submitted to the City for approval prior to occupation of the development, and shall be implemented in accordance with the approved plan.
 - 1.15 Bicycle parking facilities shall be provided in accordance with the approved plans, however shall not include the wall-mounted "10x steady bike racks" adjacent to the Unit 9 storeroom. Bicycle parking facilities shall be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). Details of bicycle parking area(s) shall be provided to and approved by the City prior to the commencement of construction.
 - 1.16 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street to the satisfaction of the City. Clothes drying is not permitted on balconies or in courtyards.
 - 1.17 All development shall be contained within the property boundaries.
 - 1.18 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
 - 1.19 Gates and visitor bay screening to the undercroft as shown on the approved plans, shall be visually permeable as defined under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*.
 - 1.20 Screening to balconies shall comply with the definition of screening under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*. All screening shall be a minimum of 1.6 metres above the finished floor level, at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed to the satisfaction of the City prior to occupation.
2. **Notify** the State Administrative Tribunal of its decision.

Advice Notes

1. Any existing footpath and kerbing is to be retained and protected during construction of the development and is not to be removed or altered for the purposes of a vehicle crossover. Should the footpath/kerb be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.
2. 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.ioondalup.wa.gov.au/verge-treatments/>
3. *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* define visually permeable as:



In reference to a wall, gate, door or fence that the vertical surface has:

- *continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
 - *continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
 - *a surface offering equal or lesser obstruction to view.*
4. In relation to the schedule of colours and materials the City encourages the applicant to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
 5. 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.
 6. 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.
 7. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

AMENDING MOTION 1

Moved by: Ms Karen Hyde

Seconded by: Ms Sheryl Chaffer

That condition 1.3 be amended to read as follows:

A Construction Management Plan shall be 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 dust during the construction process;*
- *other matters likely to impact on the surrounding properties;*
- ***protection of vegetation (including the appointment of a horticulturalist) and structures to adjoining properties;***

and works shall be undertaken in accordance with the approved Construction Management Plan.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide sufficient consideration of the protection of vegetation and



structures of adjoining properties within the Construction Management Plan.

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Ms Christine Hamilton-Prime

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2017 to allow members to speak more than once on the same item.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To speak than once on the same item and gain clarity around the role of the Joondalup Design Review Panel.

The Standing Orders were suspended at 11:15am.

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Ms Christine Hamilton-Prime

To reinstate Development Assessment Panel Standing Orders 2017.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: Recommence the Standing Orders.

The Standing Orders were reinstated at 11:18am.

AMENDING MOTION 2

Moved by: Ms Karen Hyde

Seconded by: Cr Christine Hamilton-Prime

The following amendments were made en bloc:

(i) That condition 1.7 be amended to read as follows:

*A schedule of colours and materials for all exterior parts of the development (including retaining walls) shall be **reviewed by the Joondalup Design Review Panel** 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.*

REASON: To ensure consistency of approved plans and conditions prior to commencement of development

(ii) That condition 1.9 be amended to read as follows:

*A detailed landscaping plan shall be ~~submitted to~~ **reviewed by the Joondalup Design Review Panel**, and approved by, the City prior to the commencement of development. The plan is to address the element objectives of clause 3.3 and 4.12 of State Planning Policy 7.3: Residential Design Codes Volume 2 - Apartments and indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:*



- *Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;*
- *Provide all details relating to paving and treatment of verges;*
- *Show spot levels and/or contours of the site;*
- *Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;*
- *Indicate the provision of one medium tree within a suitably sized deep soil area in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;*
- *Be based on water sensitive urban design principles to the satisfaction of the City;*
- *Be based on Designing out Crime principles to the satisfaction of the City;*
and
- *Show all irrigation design details.*

The Amending Motion was put and CARRIED (4/1).

For: Ms Karen Hyde
Mr Fred Zuideveld
Cr Christine Hamilton-Prime
Cr Philippa Taylor

Against: Ms Sheryl Chaffer

REASON: To ensure consistency of approved plans and conditions prior to commencement of development

AMENDING MOTION 3

Moved by: Ms Karen Hyde **Seconded by:** Cr Christine Hamilton-Prime

That condition 1.9 be amended to read as follows:

A detailed landscaping plan shall be reviewed by the Joondalup Design Review Panel, and approved by, the City prior to the commencement of development. The plan is to address the element objectives of clause 3.3 and 4.12 of State Planning Policy 7.3: Residential Design Codes Volume 2 - Apartments and indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:

- *Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;*
- *Provide all details relating to paving and treatment of verges;*
- *Show spot levels and/or contours of the site;*
- *Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;*
- *Indicate the provision of one medium ~~tree~~ **and one large tree** within a suitably sized deep soil area in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;*
- *Be based on water sensitive urban design principles to the satisfaction of the City;*
- *Be based on Designing out Crime principles to the satisfaction of the City;*
and
- *Show all irrigation design details;*
- ***Identify additional soft landscape to southern boundary to provide screening; and***



- **Show boundary fencing to provide adequate screening and privacy to adjoining lots.**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide sufficient screening to respond to matters raised regarding privacy issues.

ALTERNATE RECOMMENDATION (AS AMENDED)

That the Metro North-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 80 of 2019, resolves to:

1. **Reconsider** its decision dated 2 April 2019 and **approve** DAP Application reference DAP/18/01536 and amended 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

- 1.1 This approval relates to the 13 multiple dwelling development only and development shall be undertaken in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
- 1.2 The lots included within the application shall be granted approval for amalgamation prior to commencement of development and amalgamation concluded prior to occupancy certification.
- 1.3 A Construction Management Plan shall be 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 dust during the construction process;
 - other matters likely to impact on the surrounding properties;
 - protection of vegetation (including the appointment of a horticulturalist) and structures to adjoining properties;

and works shall be undertaken in accordance with the approved Construction Management Plan.

- 1.4 The corridor access to the communal open space, and the interface between the communal open space and Units 1 and 3 shall be designed to satisfy the element objectives of clause 3.4, 3.5 and 4.5 of *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*. The communal open space is to be designed to minimise impact on adjoining habitable rooms and private open spaces, and the corridor access is to



provide safe and attractive access with good amenity for residents and visitors, and minimise direct overlooking of habitable rooms within the site to Units 1 and 2. Details of the corridor access and interface between the communal and private open space shall be submitted to and approved by the City prior to commencement of construction.

- 1.5 Units 5, 6, 11 and 12 shall be designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of construction, and works shall be undertaken in accordance with the approved details.
- 1.6 The 'street embayment for service vehicles' shall be constructed at the developer's expense, prior to the occupation of the development. The detailed design shall be approved by the City prior to the commencement of construction.
- 1.7 A schedule of colours and materials for all exterior parts of the development (including retaining walls) shall be reviewed by the Joondalup Design Review Panel 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.
- 1.8 Any proposed building plant and equipment, including air conditioning units, piping, meter boxes, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. 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.
- 1.9 A detailed landscaping plan shall be reviewed by the Joondalup Design Review Panel, and approved by, the City prior to the commencement of development. The plan is to address the element objectives of clause 3.3 and 4.12 of State Planning Policy 7.3: Residential Design Codes Volume 2 - Apartments and indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - Provide all details relating to paving and treatment of verges;
 - Show spot levels and/or contours of the site;
 - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - Indicate the provision of one medium and one large tree within a suitably sized deep soil area in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;
 - Be based on water sensitive urban design principles to the satisfaction of the City;
 - Be based on Designing out Crime principles to the satisfaction of the City;
 - Show all irrigation design details;
 - Identify additional soft landscape to southern boundary to provide



- screening; and
 - Show boundary fencing to provide adequate screening and privacy to adjoining lots.
- 1.10 Landscaping and reticulation shall be established in accordance with the approved landscaping plan, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
 - 1.11 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 occupation of the development. All rubbish collection shall be in accordance with the approved Waste Management Plan.
 - 1.12 Lighting shall be installed along all driveways and pedestrian pathways and in all common areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of construction. Lighting shall be in accordance with the approved light plan.
 - 1.13 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) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
 - 1.14 The on-site visitor bays shall be marked and permanently made available for visitor parking and shall remain accessible to visitors. A Security and Access Management Plan detailing security gate operation, management of intercom controls, signage and other methods to direct and enable visitor access to private areas shall be submitted to the City for approval prior to occupation of the development, and shall be implemented in accordance with the approved plan.
 - 1.15 Bicycle parking facilities shall be provided in accordance with the approved plans, however shall not include the wall-mounted "10x steady bike racks" adjacent to the Unit 9 storeroom. Bicycle parking facilities shall be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). Details of bicycle parking area(s) shall be provided to and approved by the City prior to the commencement of construction.
 - 1.16 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street to the satisfaction of the City. Clothes drying is not permitted on balconies or in courtyards.
 - 1.17 All development shall be contained within the property boundaries.
 - 1.18 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.



- 1.19 Gates and visitor bay screening to the undercroft as shown on the approved plans, shall be visually permeable as defined under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*.
 - 1.20 Screening to balconies shall comply with the definition of screening under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*. All screening shall be a minimum of 1.6 metres above the finished floor level, at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed to the satisfaction of the City prior to occupation.
2. **Notify** the State Administrative Tribunal of its decision.

Advice Notes

1. Any existing footpath and kerbing is to be retained and protected during construction of the development and is not to be removed or altered for the purposes of a vehicle crossover. Should the footpath/kerb be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.
2. 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/>
3. *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* define visually permeable as:

In reference to a wall, gate, door or fence that the vertical surface has:
 - *continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
 - *continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
 - *a surface offering equal or lesser obstruction to view.*
4. In relation to the schedule of colours and materials the City encourages the applicant to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
5. 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.
6. 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.



7. Ventilation to toilets and any other room which contains a w/c must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

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

For: MS Karen Hyde
Ms Sheryl Chaffer
Mr Fred Zuideveld
Cr Christine Hamilton-Prime

Against: Cr Philippa Taylor

REASON: The recommendation contained in the RAR was not carried and so the alternate was moved, seconded and put to the vote. The majority of the panel felt that the development had been revised since the previous consideration and refusal by the JDAP. The application had adequately responded to the reasons for refusal and the application could be supported. The conditional approval as amended by the JDAP provided sufficient guidance on a number of issues raised in the panel discussion and through formal submissions.

The Presiding Member noted the following State Administrative Tribunal Applications

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 11:24am.