



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: 23 September 2013; 3pm
Meeting Number: MNWJDAP/39
Meeting Venue: Department of Planning – 140 William Street Perth
Meeting Room L3.22

Attendance

DAP Members

Karen Hyde (Presiding Member)
Paul Drechsler (Deputy Presiding Member)
Fred Zuideveld (Specialist Member)
Cr Liam Gobbert (Local Government Member, City of Joondalup) *until 3.40pm*
Cr Mike Norman (Local Government Member, City of Joondalup) *until 3.40pm*
Cr Giovanni Italiano (Local Government Member, City of Stirling) *from 3.40pm*
Cr Rod Willox (Local Government Member, City of Stirling) *from 3.40pm until 4.45pm*

Officers in attendance

Mr Craig Shepherd (DAP Secretariat)
Ms Karen Newman (DAP Secretariat)
Ms Hayley Richardson (State Solicitor's Office)
Mr Julian Carroll (State Solicitor's Office)
Ms Dale Page (City of Joondalup)
Ms Melinda Bell (City of Joondalup)
Ms Lydia Dwyer (City of Joondalup)
Mr Garry Hunt (City of Joondalup)
Mr Ross Povey (City of Stirling)
Mr Neil Maull (City of Stirling)

Department of Planning Minute Secretary

Ms Fiona Sze (DAP Secretariat)

Applicants and Submitters

Mr Trevor Hutchings (Submitter)
Mr Ford Murray and Ms Janine Murray (Submitters)
Mr Giles Harden Jones (Harden Jones Architects)
Mr David Caddy (TPG)
Mr Chris Harman (TPG)
Mr Glen McLeod (Lawyer)
Mr Andrew Roberts (McLeods Barristers and Solicitors)
Mr Nigel Oakey (Submitter)
Mr Kim Munroe (Coles)
Mr Scott Robinson (Coles)
Mr Nick Wallis (Coles)
Mr Nick Casson (T&Z Architects)
Mr Chris Nolan (Urbis)

Members of the Public

23 Members of the Public

Ms Karen Hyde

Presiding Member, Metro North-West JDAP

Karen Hyde



1. Declaration of Opening

The Presiding Member, Ms Karen Hyde declared the meeting open at 3.00pm on 23 September 2013 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 *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of absence

Nil

4. Noting of minutes

The Minutes of the Metro North-West JDAP Meeting No.38 held on 11 September 2013 were not available at time of meeting.

5. Disclosure of interests

Panel member, Cr Mike Norman, declared an Impartiality Interest in item 8.1. Cr Norman has received objections from City of Joondalup constituents.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in discussion and voting on the items.

Panel member, Cr Rod Willox, declared a Direct Pecuniary Interest in item 8.2. Cr Willox holds shares in Coles.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member determined that the member listed above, who had disclosed a Pecuniary Interest, was not permitted to participate in the discussion or voting on the items.

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

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7. Deputations and presentations

- 7.1 Mr Ford Murray presented against the application at Item 8.1 and answered questions from the panel.
- 7.2 Mr Trevor Hutchings presented against the application at Item 8.1.
- 7.3 Mr Giles Harden Jones (Harden Jones Architects) presented for the application at Item 8.1 and answered questions from the panel.
- 7.4 Mr Chris Harman (TPG) presented for the application at Item 8.2 and answered questions from the panel.

The presentation at Item 7.4 was heard prior to the application at Item 8.2.

- 7.5 Mr Andrew Roberts (McLeods Barristers and Solicitors) presented against the application at Item 10.1 and answered questions from the panel.
- 7.6 Mr Glen McLeod (Lawyer) presented for the application at Item 10.1 and answered questions from the panel.
- 7.7 Mr Nigel Oakey presented against the application at Item 10.1.

The presentations at Items 7.5, 7.6 and 7.7 were heard prior to the application at Item 10.1.

8. Form 1 - Responsible Authority Reports – DAP Applications

- 8.1 Property Location: Lot 39 (14) Lennard Street, Marmion
Application Details: Proposed Two Storey Multiple Dwelling Development
Applicant: Harden Jones Architects
Owner: Pref Nominees Pty Ltd
Responsible authority: City of Joondalup
Report date: 13 September 2013
DoP File No: DP/13/00370

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Fred Zuideveld

Seconded by: Cr Mike Norman

That the Metro North-West JDAP resolves to:

Refuse DAP application (reference DP/13/00370) and accompanying plans (refer to Attachment 2) in accordance with Clause 6.9 of the City of Joondalup District Planning Scheme No 2, for the following reason:

1. The proposed plot ratio of 0.68, which exceeds the deemed to comply standard of 0.6 and the proposed open space of 40.8% which is less than the deemed to

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comply standard of 45%, represents over-development of the site and results in a bulk and scale of development that is excessive in the context of the existing and desired built form of the locality.

PROCEDURAL MOTION

Moved by: Mr Fred Zuideveld

Seconded by: Cr Mike Norman

That the application be deferred to enable the applicant to submit amended plans to the City of Joondalup addressing the issues of plot ratio, use of open space and visitor parking.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

8.2	Property Location:	Lot 51 (No 83) Salisbury Street, Inglewood (lot 51 dp26645; volume 1459; folio 994; lot area: 10,540 m2)
	Application Details:	Extension and refurbishment of existing shop - Coles supermarket
	Applicant:	TPG Town Planning & Urban Design
	Owner:	Framington Nominees Pty Ltd
	Responsible authority:	City of Stirling
	Report date:	17 September 2013
	DoP File No:	DP13/00428

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Giovanni Italiano

Seconded by: Mr Paul Drechsler

That the Metro North-West JDAP resolves to:

APPROVE DAP Application DP13/00428 and accompanying plans (ATTACHMENT 1) for Additions & Refurbishment to Existing Shop (Coles Supermarket) at Lot 561, House Number 83 Salisbury Street, Inglewood in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No. 3 subject to the following conditions:

CONDITIONS:

- The fire doors abutting the north eastern (Salisbury Street) lot boundary being modified so as not to encroach the Salisbury Street road reserve when open.
- Openings to Salisbury Street to be clear glazing to the satisfaction of the City's Manager Approvals.
- Landscaping being installed in accordance with an approved landscaping plan upon completion of the development and maintained thereafter to the satisfaction of the City. A landscaping plan shall be submitted to, and approved by the City's Manager Approvals prior the submission of an application for a Building Permit.

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- d. The exterior finish of the additions shall be in accordance with a Schedule of Colors and Materials approved by the City. A Schedule of Colors and Materials shall be submitted to, and approved by the City's Manager Approvals prior to the submission of an application for a Building Permit.
- e. A Shopping Trolley Management Plan shall be submitted to, and approved by the City's Manager Community Safety prior to the submission of an application for a Building Permit.
- f. A waste management plan shall be submitted to, and approved by the City's Manager Health and Compliance prior to the submission of an application for a Building Permit.
- g. The development being designed and constructed in accordance with the recommendations of a qualified acoustic consultant to the satisfaction of the Manager Health and Compliance. The recommendations of an acoustic consultant are to be submitted to, and approved by the City's Manager Health and Compliance prior to the submission of an application for a Building Permit. The ongoing operation of the use is to comply with relevant Environmental Protection (Noise) Regulations 1997.
- h. The external face of additions being finished with an anti graffiti coating and thereafter maintained in good repair by the owner/occupant to the satisfaction of the City's Manager Community Safety.
- i. A security and lighting strategy being prepared by a qualified security consultant and implemented upon completion of the development to the satisfaction of the City. The security and lighting strategy shall be submitted to, and approved by the City's Manager Community Safety prior to the submission of an application for a building permit.
- j. On-site lighting not being positioned or operated in such a manner so as to cause nuisance or annoyance to surrounding uses or passing traffic.
- k. All plant and equipment shall screened to the satisfaction of the Manager Approvals.
- l. Vehicular parking manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City. The 170 parking spaces shall be marked out and maintained in good repair to the satisfaction of the City's Manager Engineering Design.
- m. The dimensions of all parking bays and manoeuvring areas to be in accordance with the Australian Standards for Off Street Parking AS2890.1.
- n. Any existing crossovers not included as part of the proposed development on the approved plan are to be removed. New kerbing

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and verge to be reinstated to the satisfaction of the City's Manager Engineering Operations.

- o. Signage is to be installed in accordance with a signage strategy submitted to, and approved by the City's Manager Approvals prior to the submission of an application for a Building Permit.
- p. The applicant/owner submitting a request to amend the street address of the property to HN. 9 Wood Street, Inglewood prior to the submission of an application for a Building Permit.
- q. A Site Management Plan addressing the safe and efficient management of earthworks and construction is to be submitted to, and approved by the City's Manager Approvals prior to the submission of an application for a Building Permit. The Site Management Plan shall address dust, noise, waste management, storage of materials, traffic, pedestrian and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.

ADVICE:

- a. The applicant is advised that a separate development application is to be made to, and approved by the City of Bayswater prior to the commencement of development within the Salisbury Street road reserve.
- b. With regards to Condition 'c', landscaping plans are to include hard and soft landscaping and street furniture proposed within the car parking area and landscaped square abutting Salisbury Street.
- c. With regards to Condition 'd', the City will accept a color scheme as discussed with the applicant prior to the determination of the applicable, whereby the color of brickwork is to be consistent with colors illustrated on the approved elevation plans.
- d. With regards to Condition 'e' and 'i', the applicant is advised to refer to the City of Stirling Local Planning Policy 4.2 – Mixed Use and Commercial Centre Design Guidelines for further information.
- e. With regards to Condition 'p', the applicant is advised to refer to the City of Stirling Local Planning Policy 6.9 – Street Addressing and complete the 'Change of Street Addressing' form available on the City's website.
- f. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- g. Where an approval has so lapsed, no development shall be carried out without the further approval of the City of Stirling having first been sought and obtained.

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- h. Except where the land the subject of this approval is the subject of a notice under Clause 32 of the Metropolitan Region Scheme or is reserved by that Scheme, this approval shall be deemed to be an approval under the Metropolitan Region Scheme.
- i. This is a Development Approval made under the City of Stirling's Local Planning Scheme No. 3 and related policies. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- j. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
- k. Development is to comply in all respects with the attached approved plan which have been stamped accordingly.
- l. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
- m. Compliance with the provisions of the Building Code of Australia.
- n. In areas where power is supplied by overhead street mains new installations must be serviced by underground service mains to the satisfaction of Western Power.
- o. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
- p. Submission of acceptable plans showing the details of paving, stormwater drainage and disposal with the Building Permit application. Such plans and any other stormwater drainage requirements and/or conditions of approval are to be to the satisfaction of the Manager, Engineering Operations.
- q. Connection to Deep Sewer in the locality.

AMENDING MOTION

Moved by: Mr Fred Zuideveld

Seconded by: Cr Italiano

That Condition b. be amended to read as follows:

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'Openings to Salisbury Street to be obscure glazing to a height of 1 metre above the footpath and thereafter to be clear glazing to the satisfaction of the City's Manager Approvals.'

REASON: To ensure sufficient privacy measures are met.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Amending Motion

Moved by: Mr Fred Zuideveld

Seconded by: Mr Paul Drechsler

That Condition h. be amended to read as follows:

'The external face of additions being finished with an anti graffiti coating or measure and thereafter maintained in good repair by the owner/occupant to the satisfaction of the City's Manager Community Safety.'

REASON: To provide more scope for the implementation of anti graffiti measures.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Amending Motion

Moved by: Mr Fred Zuideveld

Seconded by: Mr Paul Drechsler

That Condition m. be amended to read as follows:

'The dimensions of all new parking bays and manoeuvring areas to be in accordance with the Australian Standards for Off Street Parking AS2890.1.'

REASON: To clarify that the condition will only be applied all new parking bays and not applied retrospectively to existing parking bays.

The Amending Motion was put and CARRIED (3/1).

For: Ms Karen Hyde, Mr Paul Drechsler and Mr Fred Zuideveld
Against: Cr Giovanni Italiano

PRIMARY MOTION (AS AMENDED)

That the Metro North-West JDAP resolves to:

APPROVE DAP Application DP13/00428 and accompanying plans (ATTACHMENT 1) for Additions & Refurbishment to Existing Shop (Coles Supermarket) at Lot 561, House Number 83 Salisbury Street, Inglewood in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No. 3 subject to the following conditions:

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CONDITIONS:

- a. The fire doors abutting the north eastern (Salisbury Street) lot boundary being modified so as not to encroach the Salisbury Street road reserve when open.
- b. Openings to Salisbury Street to be obscure glazing to a height of 1 metre above the footpath and thereafter to be clear glazing to the satisfaction of the City's Manager Approvals.
- c. Landscaping being installed in accordance with an approved landscaping plan upon completion of the development and maintained thereafter to the satisfaction of the City. A landscaping plan shall be submitted to, and approved by the City's Manager Approvals prior the submission of an application for a Building Permit.
- d. The exterior finish of the additions shall be in accordance with a Schedule of Colors and Materials approved by the City. A Schedule of Colors and Materials shall be submitted to, and approved by the City's Manager Approvals prior to the submission of an application for a Building Permit.
- e. A Shopping Trolley Management Plan shall be submitted to, and approved by the City's Manager Community Safety prior to the submission of an application for a Building Permit.
- f. A waste management plan shall be submitted to, and approved by the City's Manager Health and Compliance prior to the submission of an application for a Building Permit.
- g. The development being designed and constructed in accordance with the recommendations of a qualified acoustic consultant to the satisfaction of the Manager Health and Compliance. The recommendations of an acoustic consultant are to be submitted to, and approved by the City's Manager Health and Compliance prior to the submission of an application for a Building Permit. The ongoing operation of the use is to comply with relevant Environmental Protection (Noise) Regulations 1997.
- h. The external face of additions being finished with an anti graffiti coating or measure and thereafter maintained in good repair by the owner/occupant to the satisfaction of the City's Manager Community Safety.
- i. A security and lighting strategy being prepared by a qualified security consultant and implemented upon completion of the development to the satisfaction of the City. The security and lighting strategy shall be submitted to, and approved by the City's Manager Community Safety prior to the submission of an application for a building permit.
- j. On-site lighting not being positioned or operated in such a manner so as to cause nuisance or annoyance to surrounding uses or passing traffic.
- k. All plant and equipment shall screened to the satisfaction of the Manager Approvals.

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- l. Vehicular parking manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City. The 170 parking spaces shall be marked out and maintained in good repair to the satisfaction of the City's Manager Engineering Design.
- m. The dimensions of all new parking bays and manoeuvring areas to be in accordance with the Australian Standards for Off Street Parking AS2890.1.
- n. Any existing crossovers not included as part of the proposed development on the approved plan are to be removed. New kerbing and verge to be reinstated to the satisfaction of the City's Manager Engineering Operations.
- o. Signage is to be installed in accordance with a signage strategy submitted to, and approved by the City's Manager Approvals prior to the submission of an application for a Building Permit.
- p. The applicant/owner submitting a request to amend the street address of the property to HN. 9 Wood Street, Inglewood prior to the submission of an application for a Building Permit.
- q. A Site Management Plan addressing the safe and efficient management of earthworks and construction is to be submitted to, and approved by the City's Manager Approvals prior to the submission of an application for a Building Permit. The Site Management Plan shall address dust, noise, waste management, storage of materials, traffic, pedestrian and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.

ADVICE:

- a. The applicant is advised that a separate development application is to be made to, and approved by the City of Bayswater prior to the commencement of development within the Salisbury Street road reserve.
- b. With regards to Condition 'c', landscaping plans are to include hard and soft landscaping and street furniture proposed within the car parking area and landscaped square abutting Salisbury Street.
- c. With regards to Condition 'd', the City will accept a color scheme as discussed with the applicant prior to the determination of the applicable, whereby the color of brickwork is to be consistent with colors illustrated on the approved elevation plans.
- d. With regards to Condition 'e' and 'i', the applicant is advised to refer to the City of Stirling Local Planning Policy 4.2 – Mixed Use and Commercial Centre Design Guidelines for further information.
- e. With regards to Condition 'p', the applicant is advised to refer to the City of Stirling Local Planning Policy 6.9 – Street Addressing and complete the 'Change of Street Addressing' form available on the City's website.
- f. If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified

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in the approval after the date of the determination, the approval shall lapse and be of no further effect.

- g. Where an approval has so lapsed, no development shall be carried out without the further approval of the City of Stirling having first been sought and obtained.
- h. Except where the land the subject of this approval is the subject of a notice under Clause 32 of the Metropolitan Region Scheme or is reserved by that Scheme, this approval shall be deemed to be an approval under the Metropolitan Region Scheme.
- i. This is a Development Approval made under the City of Stirling's Local Planning Scheme No. 3 and related policies. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- j. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
- k. Development is to comply in all respects with the attached approved plan which have been stamped accordingly.
- l. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
- m. Compliance with the provisions of the Building Code of Australia.
- n. In areas where power is supplied by overhead street mains new installations must be serviced by underground service mains to the satisfaction of Western Power.
- o. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
- p. Submission of acceptable plans showing the details of paving, stormwater drainage and disposal with the Building Permit application. Such plans and any other stormwater drainage requirements and/or conditions of approval are to be to the satisfaction of the Manager, Engineering Operations.
- q. Connection to Deep Sewer in the locality.

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

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

Nil

10. Appeals to the State Administrative Tribunal

PROCEDURAL MOTION

Moved by: Ms Karen Hyde Seconded by: Cr Giovanni Italiano

That Item 10.1 be heard before the application at Item 8.2.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

PROCEDURAL MOTION

Moved by: Cr Giovanni Italiano Seconded by: Ms Karen Hyde

That the meeting be closed from the public in accordance with 5.10.1.g of the Standing Orders.

REASON: To seek legal advice from the State Solicitor's Office.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was closed to the public at 4.25pm.

The Presiding Member re-opened the meeting to the public at 4.42pm.

10.1 Property Location:	Lot 123, House Number 731, Beaufort Street, Mount Lawley
Application Details:	Additions to St Patrick's Anglican Church – Offices & Rectory
Applicant:	TPG Town Planning & Urban Design
Owner:	Perth Diocesan Trustees
Responsible authority:	City of Stirling
Report date:	17 September 2013
DoP File No:	DP/12/01331

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Rod Willox Seconded by: Cr Giovanni Italiano

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 205 of 2013, resolves to:

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Reconsider its decision dated 11 April 2013 and **refuse** DAP Application reference DP/12/01331 and accompanying plans in accordance with Clause 10.3.1 of the City of Stirling's Local Planning Scheme No. 3, for the following reasons:

- a) In accordance with clause 4.4.2 of Local Planning Scheme No. 3, the proposed development is not capable of being treated a use not listed as the proposed land use is consistent with the type, class or genus of the definition of Office as provided in the Scheme; and
- b) In accordance with part 4.3 of Local Planning Scheme No. 3, an Office use is not permitted in the Residential zone.

The Report Recommendation/Primary Motion was put and CARRIED (4/1).

For: Ms Karen Hyde, Mr Fred Zuideveld, Cr Rod Willox and
Cr Giovanni Italiano
Against: Mr Paul Drechsler

Cr Rod Willox exited the meeting at 4.45pm.

11. Meeting Close

The Presiding Member reminded the meeting that in accordance with Standing Order 7.3 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 5.00pm.

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