



## **Metro North-West Joint Development Assessment Panel Agenda**

**Meeting Date and Time:** 2 April 2015; 3pm  
**Meeting Number:** MNWJDAP/82  
**Meeting Venue:** City of Joondalup  
90 Boas Avenue Joondalup - and via teleconference

### **Attendance**

#### **DAP Members**

Ms Karen Hyde (Presiding Member)  
Mr Paul Drechsler (Deputy Presiding Member)  
Mr Fred Zuideveld (Specialist Member)  
Cr John Chester (Local Government Member, City of Joondalup)  
Cr Mike Norman (Local Government Member, City of Joondalup)

#### **Officers in attendance**

Mr John Byrne (City of Joondalup)  
Ms Melinda Bell (City of Joondalup)

#### **Local Government Minute Secretary**

Ms Lydia Dwyer (City of Joondalup)

#### **Applicant and Submitters**

Mr Peter Goff (MGA Town Planners)

#### **Members of the Public**

Nil

### **1. Declaration of Opening**

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

### **2. Apologies**

Nil

### **3. Members on Leave of Absence**

Nil

### **4. Noting of Minutes**

Note the Minutes of the MNWJDAP meeting No.81 held on the 19 March 2015.



**5. Declarations of Due Consideration**

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

**6. Disclosure of Interests**

Nil

**7. Deputations and Presentations**

Nil

**8. Form 1 - Responsible Authority Reports – DAP Application/s**

Nil

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

<b>9.1</b>	Property Location:	Lot 12 (493) Beach Road, Duncraig
	Application Details:	Proposed amendment to approval for shop extension (Dan Murphy's Liquor Outlet)
	Applicant:	MGA Town Planners
	Owner:	ALH Group Property Holdings Pty Ltd
	Responsible authority:	City of Joondalup
	DoP File No:	DP/12/00977

**10. Appeals to the State Administrative Tribunal**

Nil

**11. General Business / Meeting Closure**



## **Metro North-West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 19 March 2015 - 10.00am  
**Meeting Number:** MNWJDAP/81  
**Meeting Venue:** City of Stirling  
25 Cedric Street Stirling

### **Attendance**

#### **DAP Members**

Ms Karen Hyde (Presiding Member)  
Mr Paul Drechsler (Deputy Presiding Member)  
Mr Fred Zuideveld (Specialist Member)  
Cr David Boothman (Local Government Member, City of Stirling)  
Cr Rod Willox (Local Government Member, City of Stirling)

#### **Officers in attendance**

Mr Neil Maull (City of Stirling)  
Mr Greg Bowering (City of Stirling)  
Mr Peter Webster (City of Stirling)  
Ms Patricia Wojcik (City of Stirling)  
Ms Christine Collins (City of Stirling)  
Ms Sally Grebe (Department of Planning)

#### **Local Government Minute Secretary**

Ms Regan Clyde (City of Stirling)

#### **Applicants and Submitters**

Mr Mark Darling (Hawkesbridge Capital)  
Mr Mark Stapleton (Established & Company Pty Ltd)  
Mr Andrew Williams (Resident)  
Ms Laura Swinton (Dynamic Planning and Developments)  
Mr Joseph Albahari (Resident)  
Mr Craig Wallace (Lavan Legal)  
Mr Alex Glue (Lavan Legal)  
Mr Malcolm Mackay (Mackay Urbandesign)  
Mr Kym MacCormac (MacCormac Architects)  
Ms Heidi Lansdell (Shawmac)  
Mr Martin Flint (Flint Moharich)

#### **Members of the Public**

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## **1. Declaration of Opening**

The Presiding Member, Karen Hyde, declared the meeting open at 10.00am on 19 March 2015 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**

Mayor Giovanni Italiano (Local Government Member, City of Stirling)

## **3. Members on Leave of Absence**

Nil.

## **4. Noting of Minutes**

The Minutes of the Metro North-West JDAP Meeting No.80 held on 11 March 2015 were not available at time of Agenda preparation.

## **5. Declarations of Due Consideration**

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

Councillor Boothman considered Item 10.2 at a recent Council Meeting, in accordance with his duties as a Councillor of the City of Stirling. Councillor Boothman declared that he is able to use his independent judgement on the matter today. On that basis, the Presiding Member accepted Councillor Boothman's presence, participation, and capacity to vote on the item at the meeting today.

## **7. Deputations and Presentations**

- 7.1** Mr Mark Stapleton (Established & Company Pty Ltd) presented for the application at Item 8.1.
- 7.2** Mr Andrew Williams presented against the application at Item 10.1.
- 7.3** Ms Laura Swinton (Dynamic Planning and Developments) presented



- for the application at Item 10.1.
- 7.4** Mr Joseph Albahari presented against the application at Item 10.2.
- 7.5** Mr Craig Wallace and Mr Alex Glue (Lavan Legal) presented against the application at Item 10.2.
- 7.6** Mr Malcolm Mackay (Mackay Urbandesign), Mr Kym MacCormac (MacCormac Architects) and Ms Heidi Lansdell (Shawmac) presented for the application at Item 10.2.
- 7.7** Mr Martin Flint (Flint Moharich) presented for the application at Item 10.2.

## **8. Form 1 - Responsible Authority Reports – DAP Applications**

- 8.1** Property Location: Lot 600, House Number 967, Lot 14, House Number 969 and Lot 13, House Number 971, Beaufort Street, Inglewood
- Application Details: Mixed Use Development
- Applicant: Established & Company Pty Ltd
- Owner: Tan M Hoang & Lanh T Vuong
- Racing & Wagering WA
- Tricoli Nominees Pty Ltd
- Responsible authority: City of Stirling
- DoP File No: DAP/14/00632

## **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Rod Willox

**Seconded by:** Cr David Boothman

That the Metro North-West JDAP resolves to:-

**Refuse** DAP Application reference DAP/14/00632 and accompanying plans (Attachment 1) in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No. 3, for the following reasons:-

1. The proposed building height does not satisfy the objectives of Local Planning Policy 4.2 – Mixed Use and Commercial Centre Design Guidelines.
2. The proposed building height does not satisfy the objectives of Local Planning Policy 3.1 – Character Retention Guidelines of Mt Lawley, Menora and Inglewood.
3. The proposal does not satisfy the objectives of Local Planning Policy 4.2 – Mixed Use and Commercial Centre Design Guidelines relating to corner sites and parapets.
4. The proposal does not satisfy objective b) of the Civic zone as the proposed development is not in keeping with the scale and form of surrounding development.



5. The proposed level 1, 2 and 3 nil street setbacks to the north of the site fronting Wood Street do not satisfy the objectives of the Local Planning Policy 4.1 – Reserves and Other Zones Design Guidelines.
6. The proposed plot ratio does not satisfy the design principles of Clause 6.1.1 of the R-Codes as the development is inconsistent with the existing or future desired built form of the locality.
7. The proposed development does not allow for the required 6m x 6m corner truncation as required by clause 3.7.3 of Development Control Policy 1.7 – General Road Planning.
8. The proposed development has not provided sufficient information to demonstrate compliance with Local Planning Policy 6.7 - Parking & Access, and in particular the Australian Standard referred to therein.

**The Primary Motion was put and LOST (2/3).**

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

**ALTERNATE RECOMMENDATION**

**Moved by:** Ms Karen Hyde                      **Seconded by:** Mr Paul Drechsler

That the Metro North-West JDAP resolves to:-

**Approve** DAP Application reference DAP/14/00632 and accompanying plans (Attachment 1) in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No. 3, subject to the following conditions:-

**Conditions**

1. The proposed aged and dependent persons dwellings are to be used for the accommodation of aged or dependent persons with one occupant of each dwelling being disabled or physically dependent or aged over 55 years, or is the surviving spouse of such a person, in accordance with Clause 5.5.2 (vii) of the Residential Design Codes and a notification to this effect being placed on the title of the subject lot prior to occupancy.
2. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
3. Where the satisfaction of any condition requires the preparation of a notification, such notification shall be prepared by the City's solicitors McLeods & Co.
4. Amalgamation of Lot 600, HN 967 Beaufort St, Lot 14, HN 969 Beaufort St



and Lot 13, House Number 971, Beaufort St, Inglewood prior to completion of the development.

5. Compliance with the approved Waste Management Plan submitted as part of this application.
6. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yard where provided.
7. All off street parking to be available onsite during business hours for all customers and staff to the satisfaction of the City.
8. All landscaped areas are to be planted, reticulated and mulched in accordance with the approved landscape plan and maintained in good condition thereafter to the satisfaction of the City.
9. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City and the parking spaces being marked out and maintained in good repair.
10. All driveways, parking and manoeuvring areas are to be constructed of brick paving, drained and maintained to the City's satisfaction. Alternative finishes such as concrete or bitumen are acceptable if it has a decorative type finish to the satisfaction of the City.
11. Stormwater from all roofed and paved areas to be collected and contained on site.
12. Prior to occupation of the development, all multiple dwellings shall be provided with a screened outdoor area for clothes drying or a mechanical dryer.
13. No structures above 0.75 metres in height to be constructed within 1.5 metres of where:-
  - a. walls or fences adjoin vehicular access points to the site, or
  - b. a driveway meets a public street, or unless the further approval of Council is obtained.
14. All colours and materials of the development shall be in strict accordance with the approved plans.
15. Lighting shall be provided under all awnings, in all parking areas, service areas, of all footpaths, of all entry points and additional lighting of key elements and features of the building and landscaping is encouraged to add vitality.
16. One wheelchair bay for the proposed aged and dependent persons'



dwelling is required.

17. One new street tree is to be planted in the Wood Street verge abutting the site by the City at the applicant's expense. The cost for planting is payable prior to commencement of works is \$490.00.
18. A site management plan for the construction phase is to be provided at the time of building permit application. This plan is to include assessment of, and methods to address any potential effects from dust, noise, vibration and site safety/security. The plan is to be submitted at the time of building permit application, and be to the satisfaction of the Manager of Health & Compliance.
19. All customer bays shall be located on level 1 of the car parking basement to the satisfaction of the City.
20. An additional commercial car parking bay is to be provided on level 2 of the basement to the satisfaction of the City.
21. A 2m by 2.5m visual truncation is required to the south of the truck access.
22. The proposed parapets shall include patterned and coloured texture to the satisfaction of the City.
23. The proposed entry points are to comply with the requirements of Local Planning Policy 4.2 – Mixed Use and Commercial Centre Design Guidelines, to the satisfaction of the City.
24. A 6m by 6m curved truncation shall be ceded to the crown at the corner of Wood Street and Beaufort Street prior to completion of the development, to the satisfaction of the Department of Planning. All development shall be contained within the new lot boundary.
25. The proposed car parking is to comply with AS/NZS2890.1-2004.

#### **Advice Notes**

1. The applicant is to liaise with the Department of Planning and the City's Parks and Reserves Business Unit regarding the location of the proposed street trees.
2. A separate development approval is to be obtained for any signage that does not comply with the provisions of the City's Local Planning Policy 6.1 – Advertising Signs.
3. In the preparation of any legal agreement or notification required by these conditions, the City's solicitors act for the City. You are advised to take your own legal advice in connection with any documentation prepared in connection





with these conditions.

4. 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
5. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
6. If an applicant is aggrieved by this determination there is a right of appeal under Part 14 of the *Planning and Development Act 2005*. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.
7. 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.
8. The lot/s has/have been identified as potentially being in an area affected by acid sulphate soils and, as such, it is your responsibility to ensure that all building works comply with WAPC Bulletin 64. For more information, contact the Department for Environment and Conservation on (08) 6364.6500.
9. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.
10. Submission of acceptable plans showing the details of paving, stormwater drainage and disposal with the Building Licence 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.
11. Compliance with the Building Code of Australia.
12. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
13. Connection to deep sewerage in the locality.
14. The street address for this development will be 967 Beaufort Street, 969A-E Beaufort Street, 6A-6C Wood Street, 1-32/967 Beaufort Street, 1-38/969 Beaufort Street and 1-30/6 Wood Street, Inglewood. These numbers must be clearly displayed on the letterboxes and be visible from the street on completion of development



15. All wastewater plumbing is to be connected to the local sewer main, with liquid waste being treated and discharged to sewer in accordance with the Trade Waste Section of Water Corporation.
16. Air discharges and all ventilation to be certified as compliant with the requirements of Building Code of Australia and related Australian Standard.
17. Food business tenancies must comply with design and operational requirements of the Food Standards Code, and relevant City Local Laws. Details of the fit-out, including plans at a scale of not less than 1:100 indicating the position and type of all proposed fittings, fixtures and details of floor, wall, ceiling finishes and floor drainage should be submitted to City's Health & Compliance services for review and feedback. Before commencing trading operations, food business proprietors are to apply for registration and certification under the Food Act 2008, using the City's Notification form.
18. Car parking bays opposite walls require the aisle to be widened by 300mm.
19. Level 1 bay 16 and 20 and Level 2 bay v18 are adjacent to lift wells which restrict sightlines. Speed bumps are required to reduce vehicle speeds.
20. Blind aisles longer than 6 spaces need to provide a means of allowing a vehicle to turn around (a turning bay).
21. Mirrors are required at the top and bottom of internal ramps to assist with sightlines.

#### **PROCEDURAL MOTION**

**Moved:** Cr Rod Willox

**Seconded by:** Mr Fred Zuideveld

The procedural motion is to DEFER the item for one month, to allow sufficient time for the applicant to consult with the City to resolve outstanding matters raised and the issues of height.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

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

Nil.



## 10. Appeals to the State Administrative Tribunal

10.1	Property Location:	No.65 Hutton Street Stirling
	Application Details:	Sixteen Single Bedroom Dwellings and Two Grouped Dwellings
	Applicant:	Dynamic Planning and Developments
	Owner:	Giuseppe and Maria Marchesani
	Responsible authority:	City of Stirling
	DoP File No:	DAP/14/00568

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Ms Karen Hyde

**Seconded by:** Mr Zuideveld

That the Metropolitan North-West JDAP Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 355 of 2014, resolves to:

**Reconsider** its decision dated 25 September 2014 and **Approve** DAP Application reference DAP/14/00568 and amended plans dated 9 February and 26 February 2015 in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No 3, subject to the following conditions:

#### Conditions

1. A Restrictive Covenant to be placed on the certificates of titles of the proposed single bedroom lots to make prospective purchasers aware that use of the lot and / or dwelling is to be in strict accordance with the Single Bedroom Dwelling definition of the Residential Design Codes, being:

*"A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom."*

1. The covenant is to be lodged on the applicable certificates of title of the lots at the full expense of the applicant / owner, to the satisfaction of the City.
2. Pursuant to section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009*, a covenant preventing vehicular access onto Hutton Street is to be lodged on the certificates of title of the proposed lots at the full expense of the applicant / owner. The covenant is to prevent vehicular access, to the benefit of the City of Stirling, and is to specify:

*"No vehicular access is permitted to or from Hutton Street except where an approved vehicle crossover is provided."*

3. A 1.5m wide public access easement is to be provided across the common property to facilitate pedestrian connectivity between the subject lots and the Hutton Street road reserve. The easement is to enable pedestrian access, to the benefit of the City of Stirling, and will also be required to prevent the erection of structures, including retaining walls and fencing, which would act to prevent pedestrian access across the lot. The easement is to be lodged on



the certificates of title of the proposed common property lot at the full expense of the applicant / owner, to the satisfaction of the City.

4. Materials and finishes of the dwellings shall comply with the rendered perspective drawings dated 12 February 2015, to the satisfaction of the City.
5. The corner truncation of Lot 29 is to be 3.0m x 3.0m, with no development to occur within a 6.0m x 6.0m truncation as illustrated on the approved Development Application Plans.
6. Pursuant to Section 70A of the Transfer of Land Act, a notification being placed on the title of proposed Lot 29 to the following effect:

No development is to occur within the 6.0m x 6.0m corner truncation of Lot 29.

7. The Potenza Avenue road extension shall be created as a 14.0m minimum width road reserve and ceded to the Crown free of cost, prior to the occupation of any dwelling.
8. A Geotechnical report is to be provided with certification that all deleterious and unsuitable material has been removed from the site and that all backfilling has been carried out and tested to ensure the area is suitable for normal residential building constructions without additional ground stabilisation, in compliance with relevant Australian Standards.
9. Filling material must consist of clean uncontaminated sand.
10. The land to be filled and / or drained to the satisfaction of the City.
11. Potenza Avenue is to be designed, constructed and drained to the satisfaction of the City.
12. Street lighting to Potenza Avenue is to be designed and installed prior to the completion of the development at the owner/ applicants expense to Western Power specifications and to the satisfaction of the City.
13. The existing footpath within the constructed section of Potenza Avenue is to be extended along the proposed Potenza Avenue through the site to link with the path near the Gaeta Way / Potenza Avenue intersection prior to the completion of development.
14. A combined bin pad is to be provided along Potenza Avenue near Lot 7 to accommodate bins from Lots 1 to 9.
15. All fencing abutting Hutton Street is to be of masonry construction (rendered or face brickwork) and is to be treated with an anti-graffiti coating upon completion.
16. The store rooms are to be constructed as non-habitable rooms with 2.1m high ceilings and single skin brickwork consistent with the use of store rooms.



17. Ten street trees are to be planted on the verge/s by the City at the applicant's expense. A fee of \$4400 is payable prior to occupation. The trees will be recorded for planting within the City's winter planting program.
18. The common driveway is to be designed, constructed and drained to the satisfaction of the City.
19. A site management plan is to be provided detailing all aspects of the proposed works, and to the satisfaction of the City.
20. Redundant crossovers on Hutton Street are to be removed and the verge and footpath are to be reinstated to the satisfaction of the City prior to the completion of development.
21. Prior to commencement of site works, investigation for soil and groundwater contamination is to be carried out in accordance with the Department of Environment and Conservation's *Contaminated Sites Management Series* guidelines, and shall be submitted to and approved by the Department of Environment and Conservation prior to issuing a Building Licence.
22. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation prior to issuing a Building Licence. Where an acid sulphate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan.
23. All remediation works, including validation of remediation, of any contamination identified are to be completed prior to issuing a Building Permit, to ensure that the site is suitable for the proposed use.
24. The boundary walls not to exceed the height shown on the approved drawings. The surface finish of the wall facing a neighbour shall be to the satisfaction of the adjoining neighbour or, in the case of a dispute, to the satisfaction of the City.
25. The proposed crossover/s shall be designed and constructed in accordance with the City's Crossover Policy to the satisfaction of the Manager Engineering Operations.
26. All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.
27. Stormwater from all roofed and paved areas to be collected and contained on site.
28. No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
  - a) walls, letterboxes or fences adjoin vehicular access points to the site, or
  - b) a driveway meets a public street, or



- c) two streets intersect,  
unless approval of the City is obtained.
29. All land indicated as landscaped area on the approved plan being developed on practical completion of the building/s to the satisfaction of the City. All landscaped areas are to be maintained in good condition thereafter.
30. This approval is granted on the condition that all dwellings that include a two storey boundary wall be constructed simultaneously.
31. Unless otherwise specified all costs of and incidental to the satisfaction of these conditions must be paid by the owner including, without limitation, the City's legal costs and all registration fees and stamp duty (if any).
32. Where the satisfaction of any condition requires the preparation of a notification, such notification shall be prepared by the City's nominated legal representatives.

### **Advice Notes**

- a) In the preparation of any legal agreement or notification required by these conditions, the City's solicitors act for the City. You are advised to take your own legal advice in connection with any documentation prepared in connection with these conditions.
- b) The proposed crossover configurations are subject to the approval of the City's Engineering Operations Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of any crossover installation.
- c) Submission of plans showing the details of paving, stormwater drainage and disposal will be required as part of the Building Permit application.
- d) The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
- e) 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.
- f) Where an approval has so lapsed, no development shall be carried out without the further approval under the City of Stirling Local Planning Scheme No. 3 having first been sought and obtained.
- g) If an applicant is aggrieved by this determination there is a right of appeal under Part V of the *Planning and Development Act 2005*. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.
- h) This is a Development Approval under the City of Stirling 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.

- i) 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.
- j) 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.
- k) The street address for this development will be: HN's 62-65, 65A, 66 and 68 – 90 Potenza Avenue Stirling as indicated on the approved plan. On completion of the development, these numbers must be clearly displayed on the letter boxes and be visible from the street.
- l) Development is to comply in all respects with the attached approved plans which have been stamped accordingly.

**The Report Recommendation/Primary Motion was put and CARRIED (3/2).**

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

<b>10.2</b>	Property Location:	Lot 20, House Number 99, Flora Terrace and Lot 21, House Number 24, Lawley Street, North Beach
	Application Details:	Mixed Use Development
	Applicant:	MacCormac Architects
	Owner:	Michael Smith & Shirley R Smith
	Responsible authority:	City of Stirling
	DoP File No:	DAP/14/00618

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr David Boothman

**Seconded by:** Cr Rod Willox

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 420 of 2014, resolves to:-

**Refuse** DAP Application reference DAP/14/00618 and accompanying plans (Attachment 1) in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No.3, for the following reasons:-





1. The proposed building height does not satisfy the objectives of Local Planning Policy 4.2 – Mixed Use and Commercial Centre Design Guidelines.
2. The proposed building height does not satisfy the objectives of the Coastal Height Limit – Non Residential Zone Special Control Area of Local Planning Scheme No.3.
3. The proposed plot ratio does not comply with the design principles of Clause 6.1.1 as the development is inconsistent with the existing or future desired built form of the locality.
4. The proposed parking provision does not satisfy the objectives of Local Planning Policy 6.7 – Parking and Access as inadequate parking facilities have been provided and a major parking problem is likely to occur.
5. The proposed setbacks abutting Residential zoned land do not satisfy the relevant design principles of the Residential Design Codes of Western Australia.
6. The proposed development does not provide active land uses at the Flora Terrace frontage, and does not satisfy the relevant objectives of the City's Mixed Use and Commercial Centres Design Guidelines.

### **The Primary Motion was put and LOST (2/3)**

For: Cr David Boothman and Cr Rod Willox

Against: Mr Paul Drechsler, Ms Karen Hyde and Mr Fred Zuideveld

### **ALTERNATE RECOMMENDATION**

**Moved by:** Ms Karen Hyde

**Seconded by:** Mr Paul Drechsler

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 420 of 2014, resolves to:-

**Approve** DAP Application reference DAP/14/00618 and accompanying plans (Attachment 1) in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No.3, subject to the following conditions:-

### **Conditions**

1. Revised drawings are to be submitted to the satisfaction of the City demonstrating:-
  - a) The removal of the upper floor entertainment deck area;
  - b) Greater articulation and incorporation of a variety of complementing materials to the eastern and southern facades of the proposed development, including the boundary walls.
2. A cash in lieu contribution shall be paid for the land value at current land value rates for the site and for the cost of construction of 13 at-grade sealed drained, line marked and lit car parking bays at the time of payment for the 13 car parking bay shortfall. The land area subject of this condition is 21 square metres per car parking bay being a total of 273 square metres. A land





valuation from the Valuer Generals Office shall be obtained by the City at the applicant's expense at the time of payment. Construction cost estimates are to be to the satisfaction of the City (Manager Engineering Design).

3. All non-residential and visitors bays to be marked and signposted accordingly and to be accessible for all visitors, customers and staff to the satisfaction of the City.
4. A vehicle turning bay is required to be provided at the end of the non-secure parking area and is to be marked and sign posted as a "No Parking" area.
5. The proposed verge parking bay in the Lawley Street road reserve does not form part of this approval.
6. Modifications to the existing bus stop depicted on the approved plans do not form part of this approval. Separate approval for any works must be obtained from the Public Transport Authority, in consultation with the City.
7. Lot 20, House Number 99 Flora Terrace and Lot 21, House Number 24 Lawley Street, North Beach are to be amalgamated into a single green title lot, prior to completion of development.
8. A footpath is to be constructed within the road reserve connecting the proposed development along Lawley Street to Flora Terrace at the applicant's expense, to the satisfaction of the City, prior to completion of development.
9. All privacy screening shown on the plans is to be visually impermeable and to comply in all respects with the requirements of Clause 6.4.1 of the Residential Design Codes (Visual Privacy) to the satisfaction of the City.
10. The boundary walls are not to exceed the height(s) shown on the approved plans.
11. All areas indicated as landscaped area on the approved plan being developed on practical completion of the building/s to the satisfaction of the City. All landscaped areas are to be maintained in good condition thereafter.
12. The proposed crossover shall be designed and constructed in accordance with the City's Crossover Policy to the satisfaction of the City.
13. All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.
14. Vehicular parking manoeuvring and circulation areas indicated on the approved plan being sealed and drained, the parking spaces being marked out and maintained in good repair to the satisfaction of the City.
15. Any on-site floodlights not being positioned or operated in such a manner so as to cause annoyance to surrounding residents or passing traffic.



16. Verge treatments are to be upgraded to match the existing treatments within the Flora Terrace Local Centre, to the satisfaction of the City's, prior to the occupation of the development.
17. Control measures and recommendations identified in the acoustic report are to be incorporated into the design of the development to the satisfaction of the City's Manager Health and Compliance. The applicant is to provide confirmation to the City that the acoustic report has been implemented into the building design to the satisfaction of the City.
18. The Waste Management Plan shall be complied with, subject to a requirement that all commercial bins are to be collected by private contractors.
19. A minimum number of 17 bicycle parking bays to be provided on site, prior to completion of the development in accordance with Local Planning Policy 6.2 (Bicycle Parking).
20. The height of the awning to the Flora Terrace frontage shall match the height of the awning to the building at No. 97 Flora Terrace, North Beach.
21. No development (including building, wall, fence or other form of visual obstruction), is to be placed on the lot within a visual truncation of 2m x 2m at the intersection of Lawley Street and the Right of Way.
22. No walls fences or letterboxes above 0.75 metres in height to be constructed within 1.5 metres of where:
  - a. walls or fences adjoin vehicular access points to the site, or
  - b. a driveway meets a public street, orunless the further approval of Council is obtained.
23. One new street tree shall be planted within the Lawley Street verge by the City at the applicant's expense of \$490.00 (includes GST).
24. Climbing vegetation (vertical landscaping) on the western elevation of the building abutting the Right of Way shall be established and thereafter maintained to the satisfaction of the City.
25. Any existing crossovers not included as part of the proposed development on the approved plan are to be removed. New kerbing and the verge shall be reinstated to the satisfaction of the City with all costs to be borne by the owner/applicant.
26. Glazed areas to the commercial component of the development are not to be painted or obscured from the exterior and, on the ground floor, are not to be obscured from the interior or exterior in any way.
27. All signage is to be in accordance with the City's Advertising Signs Policy, unless further approval of the City is obtained.
28. No goods or materials being stored, either temporarily or permanently, in the car parking or landscaped areas or within access driveways.



29. Balcony balustrades shall be at least 50% visually permeable as defined by the R- Codes to the satisfaction of the City.
30. The ground floor level of all external walls are to be treated with an anti-graffiti coating upon practical completion of the development.
31. Air-conditioning units, ducts and other services shall be screened from view and located away from the street fronts.
32. Lighting to be provided under all awnings, in all parking areas, service areas, of all footpaths of all entry points and of key elements and features of the building and landscaping.
33. Stormwater from all roofed and paved areas to be collected and contained on site.
34. Prior to occupation of the development, all multiple dwellings shall be provided with a screened outdoor area for clothes drying or a mechanical dryer.
35. Any on-site clothes drying facilities being screened from public view.
36. A Site Management Plan is to be submitted detailing proposals for the safe and efficient management of bulk earthworks and construction management associated with this site to the satisfaction of the Manager of Approvals. The Site Management Plan must also 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 notes:**

1. Detailed design drawings of the footpath are to be submitted for approval to the City's Engineering Design Business Unit prior to any works commencing on site.
2. The proposed crossover configuration is subject to the approval of the City's Engineering Operations Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
3. With respect to Condition 6 the applicant is advised to liaise with the Public Transport Authority to determine their requirements if any modifications are to be sought.
4. Any outside lighting should meet Australian Standard AS/NZ 4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any residential premises.
5. 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.

6. The bin enclosures and location are to comply with City of Stirling's Waste Management Local Law 2010. Ensure that the receptacles do not cause a nuisance to the occupiers of adjoining boundaries.
7. Fit out plans for any food premises, which may occupy any of the three retail tenancies, are to be approved by the City before fit out commences.
8. All construction works to comply with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
9. Car park ventilation is required to conform to Australian Standard 1668.2.

### **AMENDING MOTION**

**Moved by:** Ms Karen Hyde

**Seconded by:** Mr Fred Zuideveld

That an additional Condition 37 be inserted to read as follows:

"A parking management plan to be agreed to the satisfaction of the City."

**REASON:** To ensure adequate parking management including any reciprocal arrangements.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

### **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 420 of 2014, resolves to:-

**Approve** DAP Application reference DAP/14/00618 and accompanying plans (Attachment 1) in accordance with Clause 10.3.1 of the City of Stirling Local Planning Scheme No.3, subject to the following conditions:-

### **Conditions**

1. Revised drawings are to be submitted to the satisfaction of the City demonstrating:-
  - c) The removal of the upper floor entertainment deck area;
  - d) Greater articulation and incorporation of a variety of complementing materials to the eastern and southern facades of the proposed development, including the boundary walls.
2. A cash in lieu contribution shall be paid for the land value at current land value rates for the site and for the cost of construction of 13 at-grade sealed drained, line marked and lit car parking bays at the time of payment for the 13



car parking bay shortfall. The land area subject of this condition is 21 square metres per car parking bay being a total of 273 square metres. A land valuation from the Valuer Generals Office shall be obtained by the City at the applicant's expense at the time of payment. Construction cost estimates are to be to the satisfaction of the City (Manager Engineering Design).

3. All non-residential and visitors bays to be marked and signposted accordingly and to be accessible for all visitors, customers and staff to the satisfaction of the City.
4. A vehicle turning bay is required to be provided at the end of the non-secure parking area and is to be marked and sign posted as a "No Parking" area.
5. The proposed verge parking bay in the Lawley Street road reserve does not form part of this approval.
6. Modifications to the existing bus stop depicted on the approved plans do not form part of this approval. Separate approval for any works must be obtained from the Public Transport Authority, in consultation with the City.
7. Lot 20, House Number 99 Flora Terrace and Lot 21, House Number 24 Lawley Street, North Beach are to be amalgamated into a single green title lot, prior to completion of development.
8. A footpath is to be constructed within the road reserve connecting the proposed development along Lawley Street to Flora Terrace at the applicant's expense, to the satisfaction of the City, prior to completion of development.
9. All privacy screening shown on the plans is to be visually impermeable and to comply in all respects with the requirements of Clause 6.4.1 of the Residential Design Codes (Visual Privacy) to the satisfaction of the City.
10. The boundary walls are not to exceed the height(s) shown on the approved plans.
11. All areas indicated as landscaped area on the approved plan being developed on practical completion of the building/s to the satisfaction of the City. All landscaped areas are to be maintained in good condition thereafter.
12. The proposed crossover shall be designed and constructed in accordance with the City's Crossover Policy to the satisfaction of the City.
13. All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.
14. Vehicular parking manoeuvring and circulation areas indicated on the approved plan being sealed and drained, the parking spaces being marked out and maintained in good repair to the satisfaction of the City.
15. Any on-site floodlights not being positioned or operated in such a manner



so as to cause annoyance to surrounding residents or passing traffic.

16. Verge treatments are to be upgraded to match the existing treatments within the Flora Terrace Local Centre, to the satisfaction of the City's, prior to the occupation of the development.
17. Control measures and recommendations identified in the acoustic report are to be incorporated into the design of the development to the satisfaction of the City's Manager Health and Compliance. The applicant is to provide confirmation to the City that the acoustic report has been implemented into the building design to the satisfaction of the City.
18. The Waste Management Plan shall be complied with, subject to a requirement that all commercial bins are to be collected by private contractors.
19. A minimum number of 17 bicycle parking bays to be provided on site, prior to completion of the development in accordance with Local Planning Policy 6.2 (Bicycle Parking).
20. The height of the awning to the Flora Terrace frontage shall match the height of the awning to the building at No. 97 Flora Terrace, North Beach.
21. No development (including building, wall, fence or other form of visual obstruction), is to be placed on the lot within a visual truncation of 2m x 2m at the intersection of Lawley Street and the Right of Way.
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  - c. walls or fences adjoin vehicular access points to the site, or
  - d. a driveway meets a public street, orunless the further approval of Council is obtained.
23. One new street tree shall be planted within the Lawley Street verge by the City at the applicant's expense of \$490.00 (includes GST).
24. Climbing vegetation (vertical landscaping) on the western elevation of the building abutting the Right of Way shall be established and thereafter maintained to the satisfaction of the City.
25. Any existing crossovers not included as part of the proposed development on the approved plan are to be removed. New kerbing and the verge shall be reinstated to the satisfaction of the City with all costs to be borne by the owner/applicant.
26. Glazed areas to the commercial component of the development are not to be painted or obscured from the exterior and, on the ground floor, are not to be obscured from the interior or exterior in any way.
27. All signage is to be in accordance with the City's Advertising Signs Policy, unless further approval of the City is obtained.



28. No goods or materials being stored, either temporarily or permanently, in the car parking or landscaped areas or within access driveways.
29. Balcony balustrades shall be at least 50% visually permeable as defined by the R- Codes to the satisfaction of the City.
30. The ground floor level of all external walls are to be treated with an anti-graffiti coating upon practical completion of the development.
31. Air-conditioning units, ducts and other services shall be screened from view and located away from the street fronts.
32. Lighting to be provided under all awnings, in all parking areas, service areas, of all footpaths of all entry points and of key elements and features of the building and landscaping.
33. Stormwater from all roofed and paved areas to be collected and contained on site.
34. Prior to occupation of the development, all multiple dwellings shall be provided with a screened outdoor area for clothes drying or a mechanical dryer.
35. Any on-site clothes drying facilities being screened from public view.
36. A Site Management Plan is to be submitted detailing proposals for the safe and efficient management of bulk earthworks and construction management associated with this site to the satisfaction of the Manager of Approvals. The Site Management Plan must also 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.
37. A parking management plan to be agreed to the satisfaction of the City.

**Advice notes:**

1. Detailed design drawings of the footpath are to be submitted for approval to the City's Engineering Design Business Unit prior to any works commencing on site.
2. The proposed crossover configuration is subject to the approval of the City's Engineering Operations Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
3. With respect to Condition 6 the applicant is advised to liaise with the Public Transport Authority to determine their requirements if any modifications are to be sought.
4. Any outside lighting should meet Australian Standard AS/NZ 4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any





residential premises.

5. 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.
6. The bin enclosures and location are to comply with City of Stirling's Waste Management Local Law 2010. Ensure that the receptacles do not cause a nuisance to the occupiers of adjoining boundaries.
7. Fit out plans for any food premises, which may occupy any of the three retail tenancies, are to be approved by the City before fit out commences.
8. All construction works to comply with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
9. Car park ventilation is required to conform to Australian Standard 1668.2.

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

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

#### **11. General Business / Meeting Closure**

There being no further business, the presiding member declared the meeting closed at 12.13pm.





## Form 2 - Responsible Authority Report (Regulation 17)

<b>Property Location:</b>	Lot 12 (493) Beach Road, Duncraig
<b>Application Details:</b>	Proposed amendment to approval for shop extension (Dan Murphy's Liquor Outlet)
<b>DAP Name:</b>	Metro North-West JDAP
<b>Applicant:</b>	MGA Town Planners
<b>Owner:</b>	ALH Group Property Holdings Pty Ltd
<b>LG Reference:</b>	DA15/0085
<b>Responsible Authority:</b>	City of Joondalup
<b>Authorising Officer:</b>	Dale Page Director Planning and Community Development
<b>Department of Planning File No:</b>	DP/12/00977
<b>Report Date:</b>	23 March 2015
<b>Application Receipt Date:</b>	23 January 2015
<b>Application Process Days:</b>	60 Days
<b>Attachment(s):</b>	1: Location plan 2: Previously approved development plans

### Officer Recommendation:

That the Metro North-West JDAP resolves to:

1. Accept that the DAP Application reference DP/12/00977 as detailed on the DAP Form 2 dated 23 January 2015 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 DP/12/00977 as detailed on the DAP Form 2 date 23 January 2015, in accordance with the provisions of the *City of Joondalup District Planning Scheme No. 2* and the *Metropolitan Region Scheme*, for the amendment to approval for shop extension (Dan Murphy's Liquor Outlet) at Lot 12 (493) Beach Road, Duncraig, subject to:

### Amended Condition

1. This decision constitutes planning approval only and is valid for 18 months from the date of this approval. If the subject development is not substantially commenced within the 18 month period, the approval shall lapse and be of no further effect.

### Amended Advice Note

1. All conditions and requirements detailed on the previous approval dated 27 March 2013 shall remain unless altered by this application.

**Background:**

Property Address:	Lot 12 (493) Beach Road, Duncraig
Insert Zoning	MRS: Urban
	TPS: Commercial
Insert Use Class:	Tavern – Discretionary ‘D’ use Shop - Permitted ‘P’ use
Insert Strategy Policy:	N/A
Insert Development Scheme:	<i>City of Joondalup District Planning Scheme No. 2</i>
Insert Lot Size:	10,339m <sup>2</sup>
Insert Existing Land Use:	Tavern Shop (drive through liquor store)
Value of Development:	\$3,400,000.00

The subject site forms part of the wider Carine Glades shopping complex in Duncraig. The site is zoned ‘Urban’ under the *Metropolitan Region Scheme* (MRS) and ‘Commercial’ under the City’s *District Planning Scheme No. 2* (DPS2).

The surrounding land to the west and north of the site is also zoned ‘Commercial’ under DPS2. In addition to this, the subject site is adjoined by residential properties to the east and Beach Road immediately to the south (Attachment 1 refers).

In June 2012, the City received an application to extend the Carine Tavern for the purposes of a Dan Murphy’s liquor outlet, and associated signage. The proposed additions are to be incorporated into the existing Carine Tavern, with a number of existing structures, including the drive through liquor store, cool room and a part of the function rooms, to be removed in order to facilitate the new development.

The development was originally refused by the Metropolitan North-West Joint Development Assessment Panel (JDAP) at its meeting of 17 October 2012 due to issues relating to the car parking shortfall and the location of the car park on-site.

The applicant subsequently sought a review of this decision through the State Administrative Tribunal (SAT), and through that process made revisions to the proposal. As a result of these amended plans, the SAT invited the JDAP to reconsider its previous decision. At its meeting of 27 March 2013 the JDAP resolved to approve the application subject to a number of conditions, including condition 1 which reads as follows:

- “1. *This decision constitutes planning approval only and is valid for two (2) years from the date of this decision letter. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.*”

**Details: outline of development application**

The applicant seeks an amendment to Condition 1 above so as to extend the period within which the development approved must be substantially commenced.

The applicant has provided justification for the above outlining that, prior to the commencement of development, it is necessary to obtain Liquor Licensing approval from the Department of Racing, Gaming and Liquor. However, due to the length of

this process, it is unlikely that development will have substantially commenced by the 27 March 2015, which is when planning approval for the development expires.

As such, the applicant has requested that condition 1 be amended to enable the approval to be valid for a further 18 months from the date of this decision, by which time the process associated with the Liquor Licence application should be complete and a substantial commencement of the building works made.

## **Legislation & policy:**

### Legislation

- *Planning and Development Act 2005*
- *Metropolitan Region Scheme (MRS)*
- *City of Joondalup District Planning Scheme No. 2 (DPS2)*

### State Government Policies

Not applicable.

### **Local Policies**

- *Environmentally Sustainable Buildings in the City of Joondalup*
- *Signs Policy*

The requirements of these policies, including the City's Environmentally Sustainable Design Checklist, were addressed previously in the original report for DP/12/00977.

## **Consultation:**

### Public Consultation

The proposal was not required to be advertised as it was deemed that the extension to the time in which the development can substantially commence would not result in any additional impact on surrounding landowners.

It is noted that consultation was undertaken previously for the approved development. A summary of concerns raised is contained within the original report for DP/12/00977.

### Consultation with other Agencies or Consultants

The application was not required to be referred to any other agencies or consultants.

## **Planning assessment:**

The application is for an amendment to condition 1 of the previous approval for a Dan Murphy's Liquor Store, to enable the approval to be valid for a further 18 months.

The subject development requires Liquor Licensing approval prior to the commencement of development. Given the complexity of this process, it is

acknowledged that the commencement of development is unlikely to occur prior to the expiration of the development approval on 27 March 2015.

As no changes are proposed to the development itself, there will be no impact on the existing streetscape or character of the area. Furthermore, as there have been no changes or further developments within the locality since the previous approval was granted, the approval is still considered appropriate and in accordance with the objectives of DPS2.

It is therefore recommended that the application be approved.













