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## Minutes of the Metro North-West JDAP Development Assessment Panel

**Meeting Date and Time:** 25 June 2018; 9:00am  
**Meeting Number:** MNWJDAP/216  
**Meeting Venue:** Department of Planning, Lands and Heritage  
140 William Street, Perth

### Attendance

#### DAP Members

Ms Karen Hyde (Presiding Member)  
Mr Ray Haeren (Deputy Presiding Member)  
Mr John Ellis (A/Specialist Member)

#### *Item 8.1*

Cr Philippa Taylor (Local Government Member, City of Joondalup)  
Cr Sophie Dwyer (Local Government Member, City of Joondalup)

#### *Item 8.2a and 8.2b*

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

#### Officers in attendance

#### *Item 8.1*

Mr Tim Thornton (City of Joondalup)  
Mr Glenn Shaw (City of Joondalup)  
Ms Dale Page (City of Joondalup)  
Mr Chris Leigh (City of Joondalup)

#### *Item 8.2a and 8.2b*

Mr Greg Bowering (City of Stirling)  
Ms Giovanna Lumbaca (City of Stirling)  
Mr Garreth Chivell (Western Australian Planning Commission)  
Mr Michael Daymond (Western Australian Planning Commission)

#### Minute Secretary

Ms Andrea Dawson (Department of Planning, Lands and Heritage)  
Ms Zoe Hendry (Department of Planning, Lands and Heritage)

#### Applicants and Submitters

#### *Item 8.1*

Mr Carlo Famiano (CF Town Planning & Development)  
Mr Michael Ruggiero (Individual Developments)



*Item 8.2a and 8.2b*

Mr Nik Hidding (Peter Webb & Associates)  
Mr Andrew Roberts (McLeods)  
Mr Brendan Foley (Lavan)  
Mr Matthew Yearsley (Regent Motors Group)

**Members of the Public / Media**

There was one member of the public in attendance.

**1. Declaration of Opening**

The Presiding Member declared the meeting open at 9:00am on 25 June 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member, announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

**2. Apologies**

Mr John Syme (Specialist Member)  
Ms Christine Hamilton-Prime (Local Government Member, City of Joondalup)

**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 Carlo Famiano (CF Town Planning & Development) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2 Ms Dale Page and Mr Chris Leigh (City of Joondalup) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Andrew Roberts (McLeods) addressed the DAP against the application at Item 8.2a and 8.2b and responded to questions from the panel.
- 7.4 Mr Brendan Foley (Lavan) addressed the DAP in relation to the application at Item 8.2a and 8.2b and responded to questions from the panel.
- 7.5 Mr Nik Hidding (Peter Webb & Associates) addressed the DAP in relation to the application at Item 8.2a and 8.2b. Mr Nik Hidding and Mr Matthew Yearsley (Regent Motors Group) responded to questions from the panel.
- 7.6 Mr Michael Daymond from the Western Australian Planning Commission responded to questions from the panel at Item 8.2a and 8.2b.
- 7.7 Mr Greg Bowering from the City of Stirling addressed the DAP in relation to the application at Item 8.2a and 8.2b. Mr Greg Bowering and Ms Giovanna Lumbaca responded to questions from the panel.

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

- 8.1 Property Location: Lots 348 and 347 (50 and 52) Littorina Avenue, Heathridge  
Development Description: Construction of fourteen (14) multiple dwellings  
Applicant: Mr Carlo Famiano (CF Town Planning & Development)  
Owner: Mr Harley William Francis Burke  
Responsible Authority: City of Joondalup  
DAP File No: DAP/18/01377

### REPORT RECOMMENDATION

**Moved by:** Cr Philippa Taylor

**Seconded by:** Cr Sophie Dwyer

That the Metro North-West JDAP resolves to:

**Refuse** DAP Application reference DAP/18/01377 and accompanying plans (Attachment 2) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Joondalup District Planning Scheme No.2 for the following reasons:

1. In accordance with Schedule 2, Clause 67 (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the deemed-to-comply provisions or the design principles of clauses 6.3.3 of *State Planning Policy 3.1: Residential Design Codes of Western Australia*, as



- the number of visitor car parking bays provided on-site is inadequate based on the expected demand that would be generated by the 14 multiple dwellings.
2. In accordance with Schedule 2, Clause 67 (c) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not meet the deemed-to-comply provisions or the design principles of clauses 6.3.4 of *State Planning Policy 3.1: Residential Design Codes of Western Australia*, as the proposed grade of the three on-site visitor bays is unacceptable as it does not comply with the Australian Standard (A2890.1).
  3. In accordance with Schedule 2, Clause 67 (g) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not comply with the provisions of the City's *Residential Development Local Planning Policy* as the proposed development is not considered to provide:
    - 3.1 Safe, functional or an adequate amount of visitor car parking.
  4. In accordance with Schedule 2, Clause 67(s) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed means of vehicle access and parking is not adequate in respect to the following:
    - 4.1 Non-compliant gradient of the three on-site proposed visitor car parking bays.
    - 4.2 Location of proposed on-street parking bays.
    - 4.3 Resultant shortfall for visitor car parking.
  5. In isolation the discretion being sought in relation to building height and lot boundary setbacks is not considered to unduly impact on the amenity of individual neighbours or the streetscape. However, when considered collectively and in conjunction with the deficiencies relating to visitor parking, the extent of proposed development is considered greater than what the site should accommodate.

**REASON:** In accordance with details contained in the Responsible Authority Report.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

*Cr Philippa Taylor and Cr Sophie Dwyer (City of Joondalup) left the panel at 9:28am.*

*Cr Giovanni Italiano and Cr David Boothman (City of Stirling) joined the panel at 9:28am.*

<b>8.2a</b> Property Location:	Lot 100 (304) Scarborough Beach Road, Osborne Park
Development Description:	Motor Vehicle Sales and Repair
Applicant:	Mr Nik Hidding (Peter Webb & Associates)
Owner:	Mechanical Holdings Pty Ltd & Ryder Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/17/01353



## REPORT RECOMMENDATION

**Moved by:** Cr David Boothman

**Seconded by:** Ms Karen Hyde

That the Metro North-West JDAP resolves to:

**Refuse** DAP Application reference DAP/17/01353 and accompanying plans (Attachment 1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Local Planning Scheme No.3, for the following reasons:

1. The proposed form of development and the insufficient mix of land uses proposed will prejudice the development of the site and surrounding area as a planned 'District Centre'.
2. The proposed development is inconsistent with Development Control Policy 1.6 Planning to Support Transit Use and Transit as the proposal does not include a mix of uses and activities that will benefit from their proximity and accessibility to public transport, and which will in turn generate a demand for the use of transit infrastructure and service.
3. The application does not satisfy *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions)*, specifically the following:
  - i. 67(a) the aims and provisions of this Scheme;
  - ii. 67(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving, such as Amendment No.39 and the Herdsman Glendalough Structure Plan;
  - iii. 67(c) any approved State planning policy such as State Planning Policy 4.2 – Activity Centres for Perth and Peel and the identification of the subject site as a 'District Centre';
  - iv. 67(f) any policy of the State such as Development Control Policy 1.6 Planning to Support Transit Use and Transit;
  - v. 67(g) any local planning policy for the Scheme area such as the City's Landscaping Policy (Local Planning Policy 6.6);
  - vi. 67(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
  - vii. 67(n) the amenity of the locality including the following —
    - i. environmental impacts of the development;
    - ii. the character of the locality; and
    - iii. social impacts of the development;
  - viii. 67(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.
4. The proposed development is inconsistent with the objectives of the Herdsman Glendalough Special Control Area as set out in Amendments No.39 to Local Planning Scheme No.3.



5. The proposed development does not achieve the objectives of the Glendalough Station Special Control Area as set out in Clause 6.4 of the City's Local Planning Scheme No. 3, as the development does not *'capitalise on the strategic advantages of the Special Control Area's excellent public transport, accessibility and proximity to the Central Business District'*. The proposed development is an underutilisation of the site, which will compromise the planned development of the area.
6. The proposed 'Motor Vehicle Repair' use is contrary to the intended future character of the area and is inconsistent with the principles of orderly and proper planning. The proposed use and form of development will prejudice the intent and objectives of the planning framework for the area.
7. The proposed development is contrary to the objectives and development provisions of Local Planning Policy 6.6 - Landscaping as it does not improve the visual appeal of the development, does not provide a buffer to the primary street boundary and does not provide 'green relief' from the constructed features of the proposed development.

**REASON:** In accordance with details contained in the Responsible Authority Report.

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

For: Ms Karen Hyde  
Mr John Ellis  
Cr David Boothman

Against: Mr Ray Haeren  
Cr Giovanni Italiano

**8.2b** Property Location: Lot 100 (304) Scarborough Beach Road, Osborne Park  
 Development Description: Motor Vehicle Sales and Repair  
 Applicant: Mr Nik Hidding (Peter Webb & Associates)  
 Owner: Mechanical Holdings Pty Ltd & Ryder Pty Ltd  
 Responsible Authority: Western Australian Planning Commission  
 DAP File No: DAP/17/01353

**REPORT RECOMMENDATION**

**Moved by:** Cr David Boothman

**Seconded by:** Ms Karen Hyde

That the Metro North-West JDAP resolves to:

**Refuse** DAP Application reference DAP/17/01353 and accompanying plans date stamped 10 May 2018 in accordance with Clause 30(1) of the Metropolitan Region Scheme for the following reasons:

**Refusal reasons**

1. The proposal is contrary to the intent of clause 32 resolution 2015/01, as it is inconsistent with Transit Oriented Development principles and provides no ability for adaptive re-use of the site in the future.

*Karen Hyde*



2. The application does not comply with *Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development*, as the proposed land use is inconsistent with the delivery of a transit oriented development surrounding Glendalough train station.

**REASON:** In accordance with details contained in the Responsible Authority Report.

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

For: Ms Karen Hyde  
Mr John Ellis  
Cr David Boothman

Against: Mr Ray Haeren  
Cr Giovanni Italiano

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

Nil

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

The Presiding Member noted the following State Administrative Tribunal Applications –

<b>Current Applications</b>		
<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>
City of Stirling	Lots 32, 105 and 400 Tenth Avenue and Lot 33 Eleventh Avenue, Inglewood	ALDI Shop and Associated Parking WITHDRAWN
City of Stirling	Lot 18 (6) Wanneroo Road, Yokine	Extension to the Shopping Centre (Dog Swamp) – MEDIATION IN JULY
City of Stirling	Lot 356 (152) Scarborough Beach Road, Scarborough	Mixed Use Development – DEFERRED UNDER SAT – 28 JULY
City of Wanneroo	Lot 140 (81) Ghost Gum Boulevard, Banksia Grove	Motor Vehicle Repair

<b>Finalised Applications</b>		
<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>
City of Stirling	Lot 14691 (2) Plantation Street, Menora	Retirement Complex

**11. General Business / Meeting Close**

The Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 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.

*Karen Hyde*



There being no further business, the Presiding Member declared the meeting closed at 10.27am.