



Metro North-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 13 January 2020, 9:00 AM
Meeting Number: MNWJDAP/276
Meeting Venue: City of Wanneroo
23 Dundebur Road, Wanneroo

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)

Item 8.1

Cr Frank Cvitan (Local Government Member, City of Wanneroo)
Cr Sonet Coetzee (Local Government Member, City of Wanneroo)

Item 9.1

Cr David Boothman (Local Government Member, City of Stirling)
Cr Bianca Sandri (Local Government Member, City of Stirling)

Officers in attendance

Item 8.1

Ms Mel Sun (City of Wanneroo)
Mr Greg Bowering (City of Wanneroo)

Item 9.1

Ms Giovanna Lumbaca (City of Stirling)
Mr Cheyenne Ellis (City of Stirling)

Minute Secretary

Mr Frank Callisto (City of Wanneroo)

Applicants and Submitters

Item 8.1

Mr Nathan Stewart (Rowe Group)

Item 9.1

Mr Scott Vincent (Planning Solutions)
Mr Connor Morrison (Primewest)

Members of the Public / Media

Nil

Ms Karen Hyde 
Presiding Member, Metro North-West JDAP



1. Declaration of Opening

The Presiding Member declared the meeting open at 9:00am on 13 January 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Karen Hyde, declared an impartiality interest in item 8.1 as the firm Ms Hyde works for (Taylor Burrell Barnett) drafted Activity Centre Plan No. 90 for the City of Wanneroo. This role has now concluded.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Deputy Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.



7. Deputations and Presentations

7.1 Mr Nathan Stewart (Rowe Group) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

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

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

7.3 Mr Scott Vincent (Planning Solutions) addressed the DAP in support of the application at Item 9.1.

7.4 City of Stirling Officers addressed the DAP in relation to the application at Item 9.1.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 9.1.

PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Cr Frank Cvitan

That the application at Item 9.1a & 9.1b be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel members deemed it appropriate to allow the extension of time application at Item 9.1 to be determined prior to the new application at Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 1000 (950) Wanneroo Road, Wanneroo
Development Description:	Child Care Centre
Applicant:	Rowe Group
Owner:	Bieson Pty Ltd
Responsible Authority:	City of Wanneroo
DAP File No:	DAP/19/01681



REPORT RECOMMENDATION

Moved by: Cr Frank Cvitan

Seconded by: Cr Sonet Coetzee

That the Metro North-West JDAP resolves to:

1. **Refuse** DAP Application reference DAP/19/01681 and accompanying plans included in **Attachment 2** in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the City's District Planning Scheme No. 2 and the Metropolitan Region Scheme, for the following reasons:

Reasons

1. The proposal does not provide a built form, siting and design outcome that is consistent with the desired character, streetscape, scale, and urban form along Wanneroo Road which is contrary to the objectives and provisions of Local Planning Policy 5.2 Wanneroo Town Centre.
2. The proposed built form and siting of proposal does not achieve intended character of the Wanneroo Town Centre with a continuous façade along Wanneroo Road, street activation and development intensity that is appropriate for Wanneroo Road which has been identified as key priority being the primary view line into the town centre. Therefore, this proposal does not satisfy the objectives and provisions within Draft Wanneroo Town Centre Activity Centre Plan No. 90 and is contrary to Clause 67(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. The proposed built form does not achieve the scale and intensity required to screen the existing shopping centre and provide activity and building orientation to adjoining streets. This is contrary to the objectives and provisions within Agreed Structure Plan No. 23 Wanneroo Town Centre.
4. The proposed built form and design is incompatible in its setting and does not achieve the character appropriate within the Wanneroo Town Centre by way of height, bulk, scale, orientation and appearance of the development. This is contrary to Clause 67 (m), and Clause 67 (n) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. The proposal does not sufficiently address the recommendations outlined by the Design Review Panel and therefore is contrary to Clause 67(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
6. The provided acoustic report prepared by Wood and Grieve Engineers dated 11 October 2019 does not satisfy the provisions outlined in State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning and is not supported by Main Roads Western Australia. This is contrary to Clause 67(f) and Clause 67(za) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Report Recommendation was put and LOST UNANIMOUSLY (0/5).



PROCEDURAL MOTION

Moved by: Ms Karen Hyde

Seconded by: Ms Sheryl Chaffer

That the consideration of DAP Application DAP/19/01681 be deferred until 21 February 2020, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- To allow the applicant in collaboration with the City to consider the built form, siting, street engagement and design quality including but not limited to bulk and scale, street activation, the continuous facade and to prepare an updated acoustic report and seek Main Roads comments on the report.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the applicant to address the design issues of the proposal as discussed by the City's Design Review Panel and Planning Officers to achieve a positive outcome.

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

9.1a Property Location:	Lots 25 (384), 26 (380), and 27 (384A) Scarborough Beach Road, Innaloo
Development Description:	Modifications and Expansion to Existing Warehouse Development
Proposed Amendments:	Form 2.1 - Extension of Time
Applicant:	Planning Solutions
Owner:	Primewest Pty Ltd John Bond
Responsible Authority:	City of Stirling
DAP File No:	DAP/17/01243

REPORT RECOMMENDATION

Moved by: Cr David Boothman

Seconded by: Ms Karen Hyde

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01243 as detailed on the DAP Form 2 dated 4 October 2019 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/17/01243 as detailed on the DAP Form 2 dated 9 October 2019 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No.3 for the proposed Extension of Time to the Term of Approval of the Additions and Alterations to the Existing Hardware Showroom at Lot 25, House Number 384 Scarborough Beach Road, Innaloo, Lot 26, House Number 280 Scarborough Beach Road, Innaloo and Lot 27, House Number 384A Scarborough Beach Road, Innaloo, subject to the following conditions:



New Condition

20. The Significant tree located south of the northernmost vehicle access point of Odin Road and the Significant tree located to the south of the 12 bay row of car parking on the western side of Lot 26 shall be retained and protected on site during construction works and maintained for the duration of the development to the satisfaction of the City.

Remaining Conditions and Advice Notes

- i. All other conditions and requirements detailed on the previous approval dated 27 September 2017 shall remain unless altered by this application.

AMENDING MOTION 1

The following amendments were made en bloc:

Moved by: Ms Karen Hyde

Seconded by: Cr David Boothman

- (i) That the preamble be amended to read as follows:

Approve the DAP Application reference DAP/17/01243 as detailed on the DAP Form 2 dated 9 October 2019 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Stirling Local Planning Scheme No.3 for the proposed Extension of Time to the Term of Approval of the Additions and Alterations to the Existing Hardware Showroom at Lot 25, House Number 384 Scarborough Beach Road, Innaloo, Lot 26, House Number 280 Scarborough Beach Road, Innaloo and Lot 27, House Number 384A Scarborough Beach Road, Innaloo, **for a further four years** subject to the following conditions:

REASON: To ensure the extension of time is referred to in the preamble.

- (ii) That the new condition 20 be renumbered to condition 19 to correctly reflect the continuation of numbering.

REASON: To correct an error in the numbering of the new condition

- (iii) That a new advice note i. be added to read as follows and all remaining advice notes be renumbered starting at roman numeral ii:

If the development has not substantially commenced by 27 September 2023 this approval shall no longer be valid. Notwithstanding, if a further application is made under regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011, the responsible authority will assess any new application under the operative planning framework at that point in time.

REASON: To ensure that the applicant is provided with appropriate advice regarding the validity of the extended approval and the requirement for substantial commencement within the approval timeframe.

The Amending Motion was put and CARRIED UNANIMOUSLY



REPORT RECOMMENDATION (AS AMENDED)

That the Metro North-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01243 as detailed on the DAP Form 2 dated 4 October 2019 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/17/01243 as detailed on the DAP Form 2 dated 9 October 2019 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Stirling Local Planning Scheme No.3 for the proposed Extension of Time to the Term of Approval of the Additions and Alterations to the Existing Hardware Showroom at Lot 25, House Number 384 Scarborough Beach Road, Innaloo, Lot 26, House Number 280 Scarborough Beach Road, Innaloo and Lot 27, House Number 384A Scarborough Beach Road, Innaloo, for a further four years subject to the following conditions:

New Condition

19. The Significant tree located south of the northernmost vehicle access point of Odin Road and the Significant tree located to the south of the 12 bay row of car parking on the western side of Lot 26 shall be retained and protected on site during construction works and maintained for the duration of the development to the satisfaction of the City.

Remaining Conditions and Advice Notes

- i. If the development has not substantially commenced by 27 September 2023 this approval shall no longer be valid. Notwithstanding, if a further application is made under regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the responsible authority will assess any new application under the operative planning framework at that point in time.
- ii. All other conditions and requirements detailed on the previous approval dated 27 September 2017 shall remain unless altered by this application.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motion.



9.1b Property Location:	Lots 25 (384), 26 (380), and 27 (384A) Scarborough Beach Road, Innaloo
Development Description:	Modifications and Expansion to Existing Warehouse Development
Applicant:	Form 2.1 - Extension of Time
Owner:	Planning Solutions
Responsible Authority:	Primewest Pty Ltd John Bond
DAP File No:	Western Australian Planning Commission DAP/17/01243

REPORT RECOMMENDATION

Moved by: Cr David Boothman

Seconded by: Cr Bianca Sandri

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

1. **Accept** that DAP application reference DAP/17/01243 as detailed on the DAP Form 2 date stamped 04 October 2019 by the Department of Planning, Lands and Heritage, on behalf of the Western Australian Planning Commission, is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. **Approve** DAP application reference DAP/17/01243 as detailed on the DAP Form 2 date stamped 04 October 2019 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission, in accordance with Clause 30(1) of the *Metropolitan Region Scheme*, subject to the amended condition set out below.

Amended Conditions

Condition 2 of the Part B - Metropolitan Region Scheme approval is amended as follows:

2. *The development approval is valid until the 2 October 2023. If the subject development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*

Advice Note

All other conditions and requirements detailed on the previous approval dated 02 October 2017 remain unchanged.

AMENDING MOTION 1

Moved by: Ms Karen Hyde

Seconded by: Cr Bianca Sandri

That condition 2 be amended to read as follows:

*The development approval is valid until the ~~2 October 2023~~ **27 September 2023**. If the subject development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*



REASON: To ensure the dates of the development approval are consistent and aligned.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

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

1. **Accept** that DAP application reference DAP/17/01243 as detailed on the DAP Form 2 date stamped 04 October 2019 by the Department of Planning, Lands and Heritage, on behalf of the Western Australian Planning Commission, is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. **Approve** DAP application reference DAP/17/01243 as detailed on the DAP Form 2 date stamped 04 October 2019 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission, in accordance with Clause 30(1) of the *Metropolitan Region Scheme*, subject to the amended condition set out below.

Amended Conditions

Condition 2 of the Part B - Metropolitan Region Scheme approval is amended as follows:

2. The development approval is valid until the 27 September 2023. If the subject development is not substantially commenced by this date, the approval shall lapse and be of no further effect.

Advice Note

All other conditions and requirements detailed on the previous approval dated 02 October 2017 remain unchanged.

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

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motion.

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application -

Current Applications		
LG Name	Property Location	Application Description
City of Joondalup	Lot 104 & 105 (8 & 10) Brechin Court, Duncraig	3 Levels, 16 Apartments, Multiple Dwellings
City of Stirling	Lot 101 (191) Balcatta Road, Balcatta	Extension to the Existing Bunnings Warehouse



11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 9:28am.