



Minutes of the Metro Central Joint Development Assessment Panel

Meeting Date and Time: 11 September 2017; 2:04pm
Meeting Number: MCJDAP/255
Meeting Venue: City of South Perth
Cnr Sandgate Street & South Terrace
South Perth

Attendance

DAP Members

Mr Charles Johnson (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Michael Hardy (Specialist Member)
Cr Colin Cala (Local Government Member, City of South Perth) – *Item 8.1*
Cr Glenn Cridland (Local Government Member, City of South Perth) – *Item 8.1*
Cr Keith Hayes (Local Government Member, Town of Victoria Park) – *Item 8.2 & 10.1*
Cr Vicki Potter (Local Government Member, Town of Victoria Park) – *Item 8.2 & 10.1*
Cr Gerry Pule (Local Government Member, Town of Bassendean) – *Item 9.1*
Cr Renee McLennan (Local Government Member, Town of Bassendean) – *Item 9.1*

Officers in attendance

Mr Stevan Rodic (City of South Perth) – *Item 8.1*
Ms Vicki Lummer (City of South Perth) – *Item 8.1*
Mr Erik Dybdahl (City of South Perth) – *Item 8.1*
Mr Robert Cruickshank (Town of Victoria Park) – *Item 8.2 & 10.1*
Ms Rochelle Lavery (Town of Victoria Park) – *Item 8.2 & 10.1*
Mr Julio Gonzalez (Town of Victoria Park) – *Item 8.2 & 10.1*
Mr Dylan Stokes (Town of Bassendean) – *Item 9.1*

Local Government Minute Secretary

Ms Narelle Cecchi (City of South Perth)

Applicants and Submitters

Mr Frank Moloney – *Item 8.1*
Mrs Sofia Carson – *Item 8.1*
Ms Belinda Moharich (Moharich & More) – *Item 8.1*
Mr Ross Underwood (Planning Solutions) – *Item 8.1*
Mr Aidan Gorjy (Yaran) – *Item 8.1*
Mr Faryar Gorjy (Yaran) – *Item 8.1*
Ms Alison Healey (TPG & Place Match) – *Item 8.2*
Mr Brad Quartermaine (T&Z Architects) – *Item 8.2*

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Mr Behnam Bordbar (Transcore) – *Item 9.1*
Mr Scott Vincent (Planning Solutions) – *Item 9.1*
Mr Andrew Peirce (Celsius Developments) – *Item 10.1*
Mr David Caddy (TPG & Place Match) – *Item 10.1*
Mr Tom Letherbarrow (Hillam Architects) – *Item 10.1*

Members of the Public / Media

There were approximately 15 members of the public in attendance.

1. Declaration of Opening

The Presiding Member, Mr Charles Johnson declared the meeting open at 2:04pm on 11 September 2017 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was 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 the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017, 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 Metro Central JDAP Meeting No. 254 held on 8 September 2017 were not available at the time of the meeting.

5. Declarations of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Panel member, Cr Gerry Pule and Cr Renee McLennan, declared an impartiality interest in item 9.1.

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In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Gerry Pule and Cr Renee McLennan, declared that they participated in a prior Council meeting in relation to item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Pule and Cr McLennan acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with Section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, were permitted to participate in discussion and voting on the items.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Mr Charles Johnson, declared that he participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Mr Johnson acknowledged that he is not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before him, which will be considered on its planning merits.

PROCEDURAL MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Michael Hardy

That the application at Item 9.1 be heard prior to the application at Item 8.2.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

7. Deputations and Presentations

- 7.1** Mr Frank Moloney addressed the JDAP against the application for Item 8.1.
- 7.2** Mrs Sofia Carson addressed the JDAP against the application for Item 8.1.
- 7.3** Mr Ross Underwood (Planning Solutions) addressed the JDAP in support of the application for Item 8.1, and answered questions from the panel.
- 7.4** Ms Belinda Moharich (Moharich & More) addressed the JDAP in support of the application for Item 8.1.
- 7.5** Ms Vicki Lummer, Mr Stevan Rodic and Mr Erik Dybdahl (City of South Perth) answered questions for Item 8.1 from the panel.

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The presentations at Item 7.1 – 7.5 were heard prior to the application at Item 8.1

- 7.6 Ms Alison Healey (TPG & Place Match) addressed the JDAP against the application for Item 8.2
- 7.7 Mr Brad Quartermaine (T&Z Architects) addressed the JDAP in support of the application for Item 8.2, and answered questions from the panel.
- 7.8 Ms Rochelle Lavery (Town of Victoria Park) answered questions for Items 8.2 from the panel.

The presentations at Item 7.6 - 7.8 were heard prior to the application at Item 8.2

- 7.9 Mr Behnam Bordbar (Transcore) addressed the JDAP in support of the application for Item 9.1, and answered questions from the panel.
- 7.10 Mr Scott Vincent (Planning Solutions) addressed the JDAP in support of the application for Item 9.1.
- 7.11 Mr Dylan Stokes (Town of Bassendean) answered questions for Item 9.1 from the panel.

The presentations at Item 7.9 – 7.11 were heard prior to the application at Item 9.1

- 7.12 Mr Andrew Peirce (Celsius Developments) addressed the JDAP in support of the application for Item 10.1, and answered questions from the panel.
- 7.13 Mr David Caddy (TPG & Place Match) addressed the JDAP in support of the application for Item 10.1, and answered questions from the panel.
- 7.14 Mr Tom Letherbarrow (Hillam Architects) addressed the JDAP in support of the application for Item 10.1.
- 7.15 Ms Rochelle Lavery (Town of Victoria Park) answered questions for Items 10.1 from the panel.

The presentations at Item 7.12 – 7.15 were heard prior to the application at Item 10.1

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8. Form 1 – Responsible Authority Reports – DAP Applications

8.1	Property Location:	Lot 413 (No. 47) Clydesdale Street, Como
	Application Details:	21 Multiple Dwellings within a 5 Level Development
	Applicant:	Aidan Gorjy (47 Clydesdale Pty Ltd)
	Owner:	Ruben & Lois Lane
	Responsible Authority:	City of South Perth
	DAP File No.	DAP/17/01235

REPORT RECOMMENDATION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Colin Cala

That the Metro Central JDAP resolves to:

Approve DAP Application reference DAP/17/01235 and accompanying plans - A001, A102, A106, A030 (dated 2 June 2017), A103, A104, A105 (dated 11 July 2017), A010, A012, A100 & A101 (dated 31 July 2017) and A200 & A201 (dated 10 August 2017) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 7.9 of the City of South Perth Town Planning Scheme No. 6 subject to the following conditions:

Conditions

1. The applicant is required to pay an amount of **\$55,000.00** to the City to upgrade the seal and drainage-of the right-of-way which services the rear of the development site.
2. Prior to the submission of a Building Permit, provision shall be made in the design of the floor and walls of the building for adequate protection against subsoil water seepage, and the applicant shall:
 - (i) Provide the City with certification from a consulting engineer that adequate water-proofing has been achieved; and
 - (ii) Satisfy the City that the proposed levels are acceptable, having regard to the 100 year flood levels applicable to the lot;

As required by Clause 6.9(3) of Town Planning Scheme No. 6.

3. Prior to the submission of a Building Permit, A Construction Management Plan shall be submitted and approved by the City. The management plan shall include but not limited to dilapidation survey report of adjoining buildings, protection of public & adjoining buildings and traffic management, noise & vibration from demolition and construction activities, dust from demolition & construction works, stormwater runoff, removal of hazardous materials, waste water and construction traffic. The approved plan shall be implemented, unless otherwise approved by the City.
4. In accordance with the requirements of clause 6.14 of Town Planning Scheme No. 6, no person shall occupy or use the land or any building the subject of this

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approval for the purpose for which this approval is given unless and until the approved landscaping plan has been implemented. The landscaping shall be maintained in good order and condition in perpetuity.

5. No street trees shall be removed, pruned or disturbed in any way without prior approval from the City.
6. *Prior to the issue of a building permit*, the applicant shall prepare and submit a Parking Management Plan for the development, with a focus on the mechanical vehicle stackers, to the satisfaction of the City.
7. Prior to the occupation of the approved development, a public art concept for the subject development, or elsewhere in the Canning Bridge Activity Centre, with a minimum value of 1.0% of the total capital cost of development, be submitted to the City for endorsement. The approved public art concept shall be implemented to the satisfaction of the City prior to the occupation of the building.
8. The development is to achieve a 5 Star Green Star rating or the equivalent under another formally recognised ecologically sustainable rating system. At the building permit stage, the applicant is to submit a sustainability report confirming the final green star strategy that will guide the construction stage of the development and beyond; this report shall clearly demonstrate that an equivalent sustainable design rating is to be achieved for the development. Where relevant, elements of the sustainability report and strategy should clearly be reflected in documentation and plans submitted with the building permit application.
9. Unless otherwise approved by the City, waste management shall occur in accordance with the Waste Management Plan prepared by Planning Solutions (Rev 2) which has been endorsed by the City and is to be implemented accordingly.
10. Prior to the submission of a building permit, should dewatering be required for the placement of footings or on-site storage tanks, the applicant will be required to prepare a Dewatering Management Plan to the satisfaction of the City. Special attention will need to be made in relation to the disposal of dewatering effluent.
11. In accordance with the provisions of Clause 6.8(2) of *Town Planning Scheme No. 6*, all subsoil water and stormwater from the property shall be discharged into soak wells or sumps located on the site unless special arrangements can be made to the satisfaction of the City for discharge into the street drainage system.
12. The comprehensive new development shall incorporate illumination in accordance with the following Australian Standards:
 - (a) AS 1680 regarding safe movement;
 - (b) AS 1158 regarding lighting of roads and public spaces; and
 - (c) AS 4282 Control of obtrusive effects of outdoor lighting.

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13. To meet the intent of Clause 6.4.6 of the R-Codes, external fixtures such as air conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.
14. The applicant shall construct a crossover between the road and the property boundary. The crossover shall be constructed in accordance with the approved drawings, associated conditions and the requirements contained within Management Practice M353, which is available at the City's website. The existing verge levels at the front property boundary shall not be altered.
15. The car parking bays shall be marked on site as indicated on the approved site plan, in order to comply with the requirements of clause 6.3(10)(c) of Town Planning Scheme No. 6 and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.
16. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained in accordance with the requirements of Clause 6.3 (10) of Town Planning Scheme No. 6.
17. Prior to construction the applicant is to submit a statement from a qualified traffic engineer that demonstrates that all car parking bays within the basement, the width and grade of access ways are designed in accordance with AS/NZS 2890.1:2004.
18. The height of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge within 1.5 metres of any vehicle driveway where it meets a street alignment or within the street corner truncation shall not exceed 0.75 metres, in accordance with clause 6.3(6) of Town Planning Scheme No. 6.
19. All plumbing fittings on external walls shall be concealed from external view as required by Clause 7.5(k) of Town Planning Scheme No. 6.
20. External clothes drying facilities shall be screened from view from the street or any other public place.
21. All fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades.
22. The property shall not be used for the approval hereby granted until an inspection has been carried out by a City Officer and the City is satisfied that the conditions of planning approval have been complied with.
23. The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of determination.

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Advice Notes

1. Prior to lodging a building permit, the owner is required to satisfactorily address the outstanding planning matters identified in the Conditions of approval. A planning condition matrix is to be submitted to the City outlining how each condition has been addressed.

The applicant / owner are advised that prior to submitting a building permit application, written confirmation is to be obtained from the City's Planning Services that all outstanding requirements relating to the submission of additional information have been met. A copy of this confirmation is to be submitted along with the building permit application. If associated actions are incomplete, Building Services will not accept the associated building permit application.

Therefore, to avoid delays in obtaining a building permit and a certificate of occupancy, it is important for the owner to commence the related processes at the earliest.

2. Any dewatering at the site will require approval from the Department of Water through a water abstraction permit.
3. The applicant is advised of the need to comply with any relevant requirements of the City's Infrastructure Services, including but not limited to those detailed in the memorandums, dated 29 June 2017 & 3 August 2017, attached to this approval.
4. The applicant is advised of the need to comply with any relevant requirements of the City's Environmental Health Services, including but not limited to those detailed in the memorandums, dated 5 July 2017 & 16 August 2017, attached to this approval.
5. Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.
6. In relation to Condition 7, the City will be required to give final consent for the proposed public art, including any art fund contribution arrangement. The public art contribution must be in line with the guidelines as indicated in the City's Developer's Toolkit. Once the developer has sourced an artist, determined the design and artwork they are to lodge an 'Artwork Concept Application' form and supporting material to the City for assessment. See Appendix 1 of City Policy P316 – 'Developer Contribution for Public Art and Public Art Spaces' for the full Public Art Toolkit document
7. The applicant/developer and the owners are to comply with the requirements set out in Council Policy P352 "Final Clearance Requirements for Completed Buildings". As detailed in the policy, the applicant is to engage a licensed land

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surveyor to undertake survey measurements and to submit progress reports and the final report to the City for approval. The City will only issue the final clearance letter when all relevant requirements have been met.

8. Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed 50 ppm per hour in accordance with the *Health Act (Carbon Monoxide) Regulations 1975*.
9. Please ensure that all service and other equipment are compliant with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* in relation to other premises.
10. Any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be incorporated in the working drawings submitted in support of a building permit application.
11. Any required retaining walls along lot boundaries shall be constructed immediately after excavation or filling has been carried out.
12. With regard to the fee required to upgrade the right-of-way, the costing was prepared by the City's Infrastructure Services and agreed upon by the applicant.

AMENDING MOTION

Moved by: Cr Glenn Cridland

Seconded by: Cr Colin Cala

- That the conditions be numbered correctly, and an additional Condition 24 be added to read; *"The car stacking system shall have minimum internal dimensions of 2.1 metres in height, 5.5 metres in length, 2.5 metres in width, and have a minimum weight bearing capacity of 2,600 kgs."*

Reason: The additional condition imposes the minimum standards for car stackers, in accordance with Council Policy 350.03 - Car Parking Access, Siting and Design.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Mr Michael Hardy

- That Condition 1 be amended with the addition of; *"and occupation of the development is not to occur until the upgrade of the right-of-way is completed."* So as to read as follows:
 1. The applicant is required to pay an amount of **\$55,000.00** to the City to upgrade the seal and drainage-of the right-of-way which services the rear of the development site, and occupation of the development is not to occur until the upgrade of the right-of-way is completed.

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Reason: To ensure that the required upgrade works are in place at the time of occupation of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Central JDAP resolves to:

Approve DAP Application reference DAP/17/01235 and accompanying plans - A001, A102, A106, A030 (dated 2 June 2017), A103, A104, A105 (dated 11 July 2017), A010, A012, A100 & A101 (dated 31 July 2017) and A200 & A201 (dated 10 August 2017) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 7.9 of the City of South Perth Town Planning Scheme No. 6 subject to the following conditions:

Conditions

1. The applicant is required to pay an amount of **\$55,000.00** to the City to upgrade the seal and drainage of the right-of-way which services the rear of the development site, and occupation of the development is not to occur until the upgrade of the right-of-way is completed.
2. Prior to the submission of a Building Permit, provision shall be made in the design of the floor and walls of the building for adequate protection against subsoil water seepage, and the applicant shall:
 - (i) Provide the City with certification from a consulting engineer that adequate water-proofing has been achieved; and
 - (ii) Satisfy the City that the proposed levels are acceptable, having regard to the 100 year flood levels applicable to the lot;

As required by Clause 6.9(3) of Town Planning Scheme No. 6.

3. Prior to the submission of a Building Permit, A Construction Management Plan shall be submitted and approved by the City. The management plan shall include but not limited to dilapidation survey report of adjoining buildings, protection of public & adjoining buildings and traffic management, noise & vibration from demolition and construction activities, dust from demolition & construction works, stormwater runoff, removal of hazardous materials, waste water and construction traffic. The approved plan shall be implemented, unless otherwise approved by the City.
4. In accordance with the requirements of clause 6.14 of Town Planning Scheme No. 6, no person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until the approved landscaping plan has been implemented. The landscaping shall be maintained in good order and condition in perpetuity.

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5. No street trees shall be removed, pruned or disturbed in any way without prior approval from the City.
6. *Prior to the issue of a building permit*, the applicant shall prepare and submit a Parking Management Plan for the development, with a focus on the mechanical vehicle stackers, to the satisfaction of the City.
7. Prior to the occupation of the approved development, a public art concept for the subject development, or elsewhere in the Canning Bridge Activity Centre, with a minimum value of 1.0% of the total capital cost of development, be submitted to the City for endorsement. The approved public art concept shall be implemented to the satisfaction of the City prior to the occupation of the building.
8. The development is to achieve a 5 Star Green Star rating or the equivalent under another formally recognised ecologically sustainable rating system. At the building permit stage, the applicant is to submit a sustainability report confirming the final green star strategy that will guide the construction stage of the development and beyond; this report shall clearly demonstrate that an equivalent sustainable design rating is to be achieved for the development. Where relevant, elements of the sustainability report and strategy should clearly be reflected in documentation and plans submitted with the building permit application.
9. Unless otherwise approved by the City, waste management shall occur in accordance with the Waste Management Plan prepared by Planning Solutions (Rev 2) which has been endorsed by the City and is to be implemented accordingly.
10. Prior to the submission of a building permit, should dewatering be required for the placement of footings or on-site storage tanks, the applicant will be required to prepare a Dewatering Management Plan to the satisfaction of the City. Special attention will need to be made in relation to the disposal of dewatering effluent.
11. In accordance with the provisions of Clause 6.8(2) of *Town Planning Scheme No. 6*, all subsoil water and stormwater from the property shall be discharged into soak wells or sumps located on the site unless special arrangements can be made to the satisfaction of the City for discharge into the street drainage system.
12. The comprehensive new development shall incorporate illumination in accordance with the following Australian Standards:
 - (a) AS 1680 regarding safe movement;
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 - (c) AS 4282 Control of obtrusive effects of outdoor lighting.
13. To meet the intent of Clause 6.4.6 of the R-Codes, external fixtures such as air conditioning infrastructure, shall be integrated into the design of the building so

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as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.

14. The applicant shall construct a crossover between the road and the property boundary. The crossover shall be constructed in accordance with the approved drawings, associated conditions and the requirements contained within Management Practice M353, which is available at the City's website. The existing verge levels at the front property boundary shall not be altered.
15. The car parking bays shall be marked on site as indicated on the approved site plan, in order to comply with the requirements of clause 6.3(10)(c) of Town Planning Scheme No. 6 and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.
16. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained in accordance with the requirements of Clause 6.3 (10) of Town Planning Scheme No. 6.
17. Prior to construction the applicant is to submit a statement from a qualified traffic engineer that demonstrates that all car parking bays within the basement, the width and grade of access ways are designed in accordance with AS/NZS 2890.1:2004.
18. The height of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge within 1.5 metres of any vehicle driveway where it meets a street alignment or within the street corner truncation shall not exceed 0.75 metres, in accordance with clause 6.3(6) of Town Planning Scheme No. 6.
19. All plumbing fittings on external walls shall be concealed from external view as required by Clause 7.5(k) of Town Planning Scheme No. 6.
20. External clothes drying facilities shall be screened from view from the street or any other public place.
21. All fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades.
22. The property shall not be used for the approval hereby granted until an inspection has been carried out by a City Officer and the City is satisfied that the conditions of planning approval have been complied with.
23. The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of determination.
24. In accordance with Council Policy 350.03 "Car Parking Access, Siting and Design", the car stacking system shall have minimum internal dimensions of

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2.1 metres in height, 5.5 metres in length, 2.5 metres in width, and have a minimum weight bearing capacity of 2,600 kgs.

Advice Notes

1. Prior to lodging a building permit, the owner is required to satisfactorily address the outstanding planning matters identified in the Conditions of approval. A planning condition matrix is to be submitted to the City outlining how each condition has been addressed.

The applicant / owner are advised that prior to submitting a building permit application, written confirmation is to be obtained from the City's Planning Services that all outstanding requirements relating to the submission of additional information have been met. A copy of this confirmation is to be submitted along with the building permit application. If associated actions are incomplete, Building Services will not accept the associated building permit application.

Therefore, to avoid delays in obtaining a building permit and a certificate of occupancy, it is important for the owner to commence the related processes at the earliest.

2. Any dewatering at the site will require approval from the Department of Water through a water abstraction permit.
3. The applicant is advised of the need to comply with any relevant requirements of the City's Infrastructure Services, including but not limited to those detailed in the memorandums, dated 29 June 2017 & 3 August 2017, attached to this approval.
4. The applicant is advised of the need to comply with any relevant requirements of the City's Environmental Health Services, including but not limited to those detailed in the memorandums, dated 5 July 2017 & 16 August 2017, attached to this approval.
5. Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.
6. In relation to Condition 7, the City will be required to give final consent for the proposed public art, including any art fund contribution arrangement. The public art contribution must be in line with the guidelines as indicated in the City's Developer's Toolkit. Once the developer has sourced an artist, determined the design and artwork they are to lodge an 'Artwork Concept Application' form and supporting material to the City for assessment. See Appendix 1 of City Policy P316 – 'Developer Contribution for Public Art and Public Art Spaces' for the full Public Art Toolkit document

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7. The applicant/developer and the owners are to comply with the requirements set out in Council Policy P352 "Final Clearance Requirements for Completed Buildings". As detailed in the policy, the applicant is to engage a licensed land surveyor to undertake survey measurements and to submit progress reports and the final report to the City for approval. The City will only issue the final clearance letter when all relevant requirements have been met.
8. Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed 50 ppm per hour in accordance with the *Health Act (Carbon Monoxide) Regulations 1975*.
9. Please ensure that all service and other equipment are compliant with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* in relation to other premises.
10. Any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be incorporated in the working drawings submitted in support of a building permit application.
11. Any required retaining walls along lot boundaries shall be constructed immediately after excavation or filling has been carried out.
12. With regard to the fee required to upgrade the right-of-way, the costing was prepared by the City's Infrastructure Services and agreed upon by the applicant.

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

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

For: Cr Colin Cala
Mr Charles Johnson
Ms Sheryl Chaffer
Mr Michael Hardy

Against: Cr Glenn Cridland

Cr Colin Cala and Cr Glenn Cridland left the meeting following Item 8.1.

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8.2	Property Location:	Lot 1961 Plan 67423, 28 Colombo Street, Victoria Park
	Application Details:	Additions & Alterations to Educational Establishment
	Applicant:	T&Z Architects
	Owner:	Regent College Inc.
	Responsible Authority:	Town of Victoria Park
	DAP File No.	DAP/17/01219

REPORT RECOMMENDATION

Moved by: Mr Michael Hardy

Seconded by: Ms Sheryl Chaffer

That the Metro Central JDAP resolves to:

Approve DAP Application reference DAP/17/01219 and accompanying amended plans received 29 August 2017 in accordance with Deemed Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 30 of the Metropolitan Region Scheme, subject to the following conditions:

1. The total number of student enrolments (not full time equivalents) being no greater than 420 students.
2. The total number of students on-site at any given time being no greater than 395 students.
3. The Traffic Management measures recommended on page 11 - 13 of the Traffic Management Plan prepared by Shawmac Consulting Civil and Traffic Engineers dated 17 August 2017, with the exception of any actions in relation to 'directing traffic' (see Advice Note 7), are to be implemented to the satisfaction of the Town. In addition to these measures, the following Traffic Management measure indicated as 'non-essential' on page 14 of the Shawmac Traffic Management Plan is to be implemented:
 - Staggering student start and finish times within the school (e.g. by surnames).
4. A Memorandum of Understanding between the School and the Town is to be prepared and executed by both parties to the satisfaction of the Town, which includes commitments from the school to implement the required traffic management measures, inform and educate staff and parents of the required traffic management measures and to work with the Town to resolve any issues that may arise (see Advice Note 8) and any recommended additional or modified measures for the future.
5. At the earlier of 400 student enrolments or a period of 3 months after the occupation of the "New ELC/Teaching Block", the applicant is to submit documentation for the Town's approval analysing the effectiveness of the traffic management measures that have been implemented (refer Advice Note 9).

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6. A minimum of 42 car parking bays, including a universal access bay, shall be provided on site in accordance with the approved plans. These bays shall be marked and allocated in accordance with the approved plans. Car bays located adjacent to the boundary with 25 Geddes Street are to be solely used for staff car parking and shall be clearly signed and/or line marked accordingly.
7. Prior to the first use of the carpark hereby approved, a new wall/fence shall be constructed along the entire length of the common boundary with No. 25 Geddes Street to help mitigate against the impact of noise from vehicles manoeuvring within the carpark. The wall is to comprise a masonry wall/fence to a height of 1.8 metres, and in consultation with adjoining landowners is to include a section of open style fencing above to a height of 2.4 metres above ground level. Details of fencing materials to be provided to the satisfaction of the Town.
8. The surface of the boundary fence on the common boundary with 25 Geddes Street to be of face brick construction or have a rendered finish of matching colour to the remainder of the dwellings at 25 Geddes Street, unless otherwise approved in writing by the Town. All exposed surfaces of the boundary wall(s) are to be finished to a clean and tidy state of repair prior to the commencement or occupation of the development.
9. Prior to the first occupation of the development hereby approved, all approved car parking spaces together with their access aisles shall be clearly paved, sealed, marked and drained in accordance with Australian Standards AS2890.1 and arranged so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles shall thereafter be maintained to the satisfaction of the Town.
10. School sirens are not to operate on non-school days.
11. Roof pitches of the proposed structures being increased to the satisfaction of the Town.
12. Use of the recreation deck being limited to daylight hours only. No lighting to the recreation deck is permitted.
13. The translucent material proposed for the privacy screen to the recreation deck to be of a non-reflective material to the satisfaction of the Town. Details of the translucent screen wall to the recreation deck being submitted to the satisfaction of the Town, prior to submission of an application for building permit.
14. The recreation deck is to be secured so it is not accessible during out of school hours to prevent unauthorised use, noise and nuisance for nearby residences.
15. Fencing to the recreation deck to be black chain link fencing to reduce visual impact.

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16. Prior to the submission of an application for a building permit, a lighting plan for the site shall be submitted to and approved in writing by the Town, including the height, location, lux levels and operating hours of all external lighting, in accordance with Australian Standards. The lighting shall be installed in full accordance with the approved details (see Advice Note 11).
17. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Town prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.
18. This approval does not include approval for any signage. Signage is to be the subject of separate approval from the Town.
19. Prior to the submission of an application for a building permit a Construction Management Plan shall be submitted to and approved in writing by the Town which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, temporary parking/transport arrangements for staff, cranes and any other details. Construction works shall take place in accordance with the approved details at all times.
20. Prior to the submission of an application for building permit, a landscaping plan detailing size, location and type of planting is to be provided to the satisfaction of the Town, including details of the proposed shade tree planting adjacent to the carpark and recreation deck.
21. Landscaping is to be completed prior to the occupation of the building(s) and thereafter maintained to the satisfaction of the Town.
22. Prior to the submission of an application for building permit, details demonstrating compliance with disability access requirements to be provided to the satisfaction of the Town, including details of access to the recreation deck (see Advice Notes 11, 12 & 13).
23. All plant, equipment and external fixtures, including but not restricted to airconditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street or secondary street.
24. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
25. The 'temporary administration building' being removed within 60 days of the 'New Admin/Teaching Block' being occupied.

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26. The Town's street trees are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the applicant's cost (see Advice Note 15)
27. Prior to the submission of an application for a building permit, a landscaping plan shall be submitted for the Town's approval detailing the proposed landscaping of the site and the verge adjoining the property. All on-site and verge landscaping is to be completed prior to occupancy and thereafter maintained to the satisfaction of the Town.
28. This approval is valid for a period of twenty four months only. If the subject development is not substantially commenced within the twenty four month period, the approval shall lapse and be of no further effect.

Advice to Applicant

1. In order to confirm compliance with this development approval and all relevant Council requirements, approval is to be obtained from the following Council Business Units prior to the submission of a certified application for a building permit:
 - Urban Planning;
 - Street Life;
 - Park Life;
 - Environmental Health.
2. Stormwater drainage design is to cater for a 1:100 year storm event. All stormwater drainage for commercial developments shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
3. Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Life Sub Program (tel 9311 8115) for approval prior to construction of a new crossover. Residential Vehicle crossovers shall be constructed from the following approved materials: Brick / Block Pavers, In-Situ concrete, In-Situ Lime-Crete, In-Situ Exposed aggregate or any other material approved by the Town.
4. The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street that the building faces.
5. Any modifications to the approved drawings, other than those authorised by this approval, may require the submission of an application for an Amendment to Planning Approval and reassessment of the proposal.
6. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region

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Scheme and the applicant may apply for a review of the determination by the State Administrative Tribunal within 28 days of the date of this decision.

7. The direction of traffic should only be undertaken by suitably qualified individuals and should only be considered after a formal risk evaluation has been undertaken. Direction of traffic resulting in a collision/incident could lead to the individuals involved being held liable. The Town does not recommend, endorse or encourage school staff directing traffic. The Town does, however, recommend parents of students being informed/educated/reminded of traffic rules.
8. In relation to Condition 4, the Memorandum of Understanding should include the following commitments:
 - to implement the traffic management measures referred to in condition 3;
 - to submit relevant documentation referred to in condition 5;
 - the measures that the school employ to inform and educate staff and parents of the traffic management measures that have been implemented and need to adhere to these ;
 - to provide evidence of total enrolment and actual attendance numbers for students when requested by Council;
 - to work with the Town to resolve any traffic related concerns that may arise from the operation of the School; and
 - to continually monitor the management of traffic in and around the school and where necessary implement any modified or additional measures.
9. In relation to Condition 5, the documentation should include at a minimum a section acknowledging any traffic/congestion complaints received by the Town and School in relation to the School within the previous 12 months, identification of practices that have or have not been effective at minimising congestion, and detailing what (if any) actions were or need to be undertaken.
10. In relation to Condition 16, lighting design should minimise light spill onto nearby residential properties, and should not result in buildings visible from the road or nearby properties being highly illuminated.
11. Attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia - Access for People with Disabilities, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.
12. Plans are to be assessed by a practicing qualified disability Access Consultant who is an accredited member of the Association of Consultants in Access, Australia Inc (ACAA) to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A Copy of the certified plans is to be provided as part of the building permit application.
13. In addition to the disabled access and facility requirements of the Building Code of Australia, it is the responsibility of the building owner/developer to

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ensure the development complies with the Disability Discrimination Act 1992. Further information may be obtained from the Disability Services Commission.

14. Unauthorised verge tree pruning or removal is subject to a penalty under the *Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions.*

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

The Report Recommendation was put and CARRIED 3/2.

For: Mr Charles Johnson
Ms Sheryl Chaffer
Mr Michael Hardy

Against: Cr Keith Hayes
Cr Vicki Potter

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

9.1	Property Location:	Lot 25 (No. 300) Collier Road, Bassendean
	Application Details:	Convenience Store
	Applicant:	Planning Solutions
	Owner:	Hicon (WA) Pty Ltd
	Responsible Authority:	Town of Bassendean
	DAP File No.	DAP/17/01187

REPORT RECOMMENDATION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Renee McLennan

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01187 as detailed on the DAP Form 2 dated 11 July 2017 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/17/01187 as detailed on the DAP Form 2 date 11 July 2017 in accordance with the provisions of the Town of Bassendean Local Planning Scheme No. 10, for the proposed minor amendment to the approved Convenience Store at Lot 25 (No. 300) Collier Road, subject to the following conditions:

Amended Conditions

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1. Modification of Condition 6 so as to now read - No vehicle used for the delivery of fuel is permitted on site between 7:30am to 9:00am and 2:30pm to 4:00pm on weekdays.

Advice Notes

All other conditions and requirements detailed on the previous approval dated 6 June 2017 shall remain unless altered by this application.

AMENDING MOTION

Moved by: Cr Gerry Pule

Seconded by: Ms Sheryl Chaffer

- That Condition 1 be amended to state; 5:00pm instead of 4:00pm.

Reason: The time would provide a greater degree of safety during peak-hour traffic and is consistent with a recent approval at a nearby development.

The Amending Motion was put and CARRIED 3/2.

For:
Cr Gerry Pule
Cr Renee McLennan
Ms Sheryl Chaffer

Against: Mr Charles Johnson
Mr Michael Hardy.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01187 as detailed on the DAP Form 2 dated 11 July 2017 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/17/01187 as detailed on the DAP Form 2 date 11 July 2017 in accordance with the provisions of the Town of Bassendean Local Planning Scheme No. 10, for the proposed minor amendment to the approved Convenience Store at Lot 25 (No. 300) Collier Road, subject to the following conditions:

Amended Conditions

1. Modification of Condition 6 so as to now read - No vehicle used for the delivery of fuel is permitted on site between 7:30am to 9:00am and 2:30pm to 5:00pm on weekdays.

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Advice Notes

All other conditions and requirements detailed on the previous approval dated 6 June 2017 shall remain unless altered by this application.

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

For: Cr Gerry Pule
Cr Renee McLennan
Mr Charles Johnson
Ms Sheryl Chaffer

Against: Mr Michael Hardy

Cr Gerry Pule and Cr Renee McLennan left the meeting following Item 9.1.

10. Appeals to the State Administrative Tribunal

10.1 Property Location: 646-660 Albany Highway & 1-3 Miller Street, Victoria Park
Application Details: Amendment to Development Approval – Additional partial Seventh Storey with 4 Multiple Dwellings to approved Mixed Use Development comprising Shops, Restaurants, Offices, Tavern, 101 Multiple Dwellings & One (1) Grouped Dwelling
Applicant: Hillam Architects
Owner: FowlJeff Holdings Pty Ltd & Fowler Group Holdings Pty Ltd
Responsible Authority: Town of Victoria Park
DAP File No. DAP/16/01046

REPORT RECOMMENDATION

Moved by: Cr Keith Hayes

Seconded by: Nil

That the Metro Central Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 72 of 2017, resolves to:

1. **Reconsider** its decision dated 27 July 2017 and **refuse** the JDAP Application reference JDAP/16/01046 and accompanying amended plans dated received 25 August 2017 in accordance with Deemed Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 30 of the Metropolitan Region Scheme, for the proposed Amendment to Development Approval – Additional Partial Seventh Storey with 4 Multiple Dwellings, to the approved Mixed Use Development Comprising Shops, Restaurants, Offices, Tavern, 101 Multiple Dwellings & One (1) Grouped Dwelling at 646 - 660 Albany Highway and 1-3 Miller Street, Victoria Park, for the following reasons:

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Reasons

1. The proposed additional building height and plot ratio further increase the extent of non-compliance with the relevant development standards in the Town of Victoria Park Town Planning Scheme No. 1 Precinct Plan 11, to an extent that it is considered to be excessive and out of context with the likely future development of the locality. As such it is considered that the proposal does not satisfy relevant considerations under Clause 29(3) of Town Planning Scheme No. 1 Scheme Text and Deemed Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. The approval of this development will set a precedent for future similar applications along Albany Highway contrary to the orderly and proper planning of the locality.

The Report Recommendation LAPSED for want of a Secunder.

ALTERNATE MOTION

Moved by: Cr Vicki Potter

Seconded by: Cr Sheryl Chaffer

That the Metro Central Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 72 of 2017, resolves to:

Reconsider its decision dated 27 July 2017 and **approve** the JDAP Application reference JDAP/16/01046 and accompanying amended plans dated received 25 August 2017 in accordance with Deemed Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 30 of the Metropolitan Region Scheme, for the proposed Amendment to Development Approval – Additional Partial Seventh Storey with 4 Multiple Dwellings, to the approved Mixed Use Development Comprising Shops, Restaurants, Offices, Tavern, 101 Multiple Dwellings & One (1) Grouped Dwelling at 646-660 Albany Highway and 1-3 Miller Street, Victoria Park, subject to the following conditions:

Conditions

- (1) Prior to the issuing of an occupancy permit for the development, a lease being executed between the owner and the Town for the proposed community meeting rooms to be leased to the Town for community use. The lease is to be for a 50 year period, with the rent to be set at \$1 per annum if demanded, and the owner being responsible for the cost of the fitout to the satisfaction of the Town, and The Town being responsible for all outgoings and maintenance applicable to a commercial lease.
- (2) This approval is valid until 21 September 2019 only. If development is not substantially commenced within this period, further approval must be obtained before commencing or continuing the development.

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- (3) Compliance with conditions 1 to 21 of Development Approval DA 5.2016.151.2 dated 21 September 2016, except as varied by Condition No. 2 above.

Advice Notes

- (1) Refer to Advice Notes contained in Development Approval DA 5.2016.151.2 dated 21 September 2016.
- (2) Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

AMENDING MOTION

Moved by: Mr Michael Hardy

Seconded by: Cr Keith Hayes

- That Condition 1 be replaced with; *“For the life of the building the subject of this approval, the applicant shall provide community meeting rooms for the use of the community under the supervision of the Town on the basis that no rent or occupation charges are to be levied for that community use, but the Town to meet all outgoings otherwise incurred by the applicant in respect to that use.”*

Reason: The majority of the Panel held that it was not appropriate that the condition should specify the requirement for a specific lease but should instead be a general requirement for the community meeting rooms to be made available to Council for the life of the building on a no rent basis but with Council meeting outgoings.

The Amending Motion was put and CARRIED 3/2.

For: Cr Keith Hayes
Cr Vicki Potter
Mr Michael Hardy

Against: Mr Charles Johnson
Ms Sheryl Chaffer

ALTERNATE MOTION (AS AMENDED)

That the Metro Central Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 72 of 2017, resolves to:

Reconsider its decision dated 27 July 2017 and **approve** the JDAP Application reference JDAP/16/01046 and accompanying amended plans dated received 25 August 2017 in accordance with Deemed Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 30 of the Metropolitan Region Scheme, for the proposed Amendment to Development Approval – Additional Partial Seventh Storey with 4 Multiple Dwellings, to the

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approved Mixed Use Development Comprising Shops, Restaurants, Offices, Tavern, 101 Multiple Dwellings & One (1) Grouped Dwelling at 646-660 Albany Highway and 1-3 Miller Street, Victoria Park, subject to the following conditions:

Conditions

- (1) For the life of the building the subject of this approval, the applicant shall provide community meeting rooms for the use of the community under the supervision of the Town on the basis that no rent or occupation charges are to be levied for that community use, but the Town to meet all outgoings otherwise incurred by the applicant in respect to that use.
- (2) This approval is valid until 21 September 2019 only. If development is not substantially commenced within this period, further approval must be obtained before commencing or continuing the development.
- (3) Compliance with conditions 1 to 21 of Development Approval DA 5.2016.151.2 dated 21 September 2016, except as varied by Condition No. 2 above.

Advice Notes

- (1) Refer to Advice Notes contained in Development Approval DA 5.2016.151.2 dated 21 September 2016.
- (2) Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

REASON: The majority of the panel determined that the proposed development incorporating a partial 7th storey has sufficient amenity and design attributes, together with community benefits, to warrant approval to the extent of discretion requested in the application.

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

As invited by the State Administrative Tribunal under Section 31 of the *State Administrative Act 2004*, the Metro Central JDAP will reconsider Lot 552 (No. 25) Willcock Street, Ardross on the 12 September 2017.

11. General Business / Meeting Closure

The Presiding Member reminded the meeting 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 5:26pm.

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