



## Minutes of the Metro Central Joint Development Assessment Panel

**Meeting Date and Time:** 17 May 2018; 10.00 am  
**Meeting Number:** MCJDAP/298  
**Meeting Venue:** City of Canning  
1317 Albany Highway  
Cannington

### Attendance

#### DAP Members

Ms Sheryl Chaffer (A/Presiding Member)  
Mr Christopher Antill (A/Deputy Presiding Member)  
Mr Michael Hardy (Specialist Member)

#### *Item 8.1*

Cr Renee McLennan (Local Government Member, Town of Bassendean)  
Cr Jai Wilson (Local Government Member, Town of Bassendean)

#### *Item 8.2*

Cr Sara Saberi (Local Government Member, City of Canning)  
Cr Jesse Jacobs (Local Government Member, City of Canning)

### Officers in Attendance

#### *Item 8.1*

Mr Christian Buttle (Town of Bassendean)

#### *Item 8.2*

Ms Nasrin Dehghani (City of Canning)  
Ms Kelly Vilksen (City of Canning)

### Local Government/Minute Secretary

Ms Barbara Rankin (City of Canning)  
Ms Karen Farrington (City of Canning)

### Applicants and Submitters

#### *Item 8.1*

Mr Nik Hidding (Peter Webb & Associates)  
Mr Guy Grant (Montague Grant Architects)

#### *Item 8.2*

Mr Hide Shigeyoshi (Dynamic Planning)  
Mr Leo Chong (Rechitects Architecture & Design)

**Ms Sheryl Chaffer**  
A/Presiding Member, Metro Central JDAP



## **Members of the Public / Media**

There were 6 members of the public in attendance.

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

The A/Presiding Member, Ms Sheryl Chaffer declared the meeting open at 10.00am on 17 May 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The A/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 A/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**

Mr Charles Johnson (Presiding Member).

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

Panel member, Mr Charles Johnson has been granted leave of absence by the Director General for the period of 7 May 2018 to 30 May 2018 inclusive.

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

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**

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Jai Wilson, declared that he participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Wilson acknowledged that he is 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 him, which will be considered on its planning merits.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Renee McLennan, declared that she participated in a prior Council meeting in

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A/Presiding Member, Metro Central JDAP



relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr McLennan acknowledged that she is 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 her, which will be considered on its planning merits.

The A/Presiding Member advised that, in view of the above acknowledgments that independent judgement will be exercised, Cr Wilson and Cr McLennan are allowed to participate in the meeting.

## 7. Deputations and Presentations

- 7.1 Mr Nik Hidding (Peter Webb & Associates) addressed the DAP in support of the application at Item 8.1. Mr Nik Hidding answered questions from panel.
- 7.2 Mr Guy Grant (Montague Grant Architects) addressed the DAP in support of the application at Item 8.1. Mr Guy Grant answered questions from the panel.
- 7.3 Mr Christian Buttle (Town of Bassendean) answered questions in relation to Item 8.1 from the panel.
- 7.4 Mr Hide Shigeyoshi (Dynamic Planning & Developments) addressed the DAP in support of the application at Item 8.2. Mr Hide Shigeyoshi answered questions from the panel.
- 7.4 Mrs Nasrin Dehghani (City of Canning) addressed the DAP in relation to the application at Item 8.2 and answered questions from the panel.

## 8. Form 1 - Responsible Authority Reports – DAP Application

- 8.1 

Property Location:	Lot 54 (Nos. 25-27) Hamilton Street; Lot 84 (No. 68) Old Perth Road; and Lot 85 (No. 70) Old Perth Road, Bassendean
Development Description:	Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings
Applicant:	Peter Webb & Associates
Owner:	T & T Management Services Pty Ltd
Responsible authority:	Town of Bassendean
DAP File No:	DAP/18/01379

## REPORT RECOMMENDATION

**Moved by:** Mr Michael Hardy

**Seconded by:** Mr Christopher Antill

That the Metro Central JDAP resolves to:

Ms Sheryl Chaffer  
A/Presiding Member, Metro Central JDAP



1. **Accept** that the DAP Application reference DAP/18/01379 is appropriate for consideration as a 'P' and 'D' land use ('P' for Nursing Home component) and compatible with the objectives of the zoning table in accordance with the Town of Bassendean Local Planning Scheme No. 10.
2. **Approve** DAP Application reference DAP/1801379 and accompanying plans dated 31 October 2017:

Drg No. EX1 Issue DA (site analysis plan)

Drg No. SK1 Issue B (site plan)

Drg No. SK2 Issue C (lower ground floor plan)

Drg No. SK3 Issue B (upper ground floor plan)

Drg No. SK4 Issue A (first floor plan)

Drg No. SK5 Issue A (second floor plan)

Drg No. SK6 Issue A (third floor plan)

Drg No. SK7 Issue A (elevations)

Drg No. SK8 Issue A (elevations)

Drg No. SK9 Issue A (sections)

Drg No. SK10 Issue A (shadow plan)

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Bassendean Local Planning Scheme No. 10, subject to the following conditions as follows:

### Conditions

1. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Prior to the issue of a Building Permit for this development, Lots 54, 84 & 85 shall be amalgamated into a single lot on a Certificate of Title or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months of the issue of a building permit, or the completion of the development, whichever occurs earlier.
3. Solid walls or fences that are situated between the street alignment and the building line not exceeding 800mm in height above natural ground level.
4. External finishes according with those identified on the 'Schedule of Finishes' prepared by Montague Grant Architects and dated 8 December 2017 unless otherwise approved.
5. The blank section of wall associated with the fire pump room and transformer compound on the Old Perth Road frontage of the development shall be modified by replacing the solid balustrade to the balcony of the lounge above (which forms a continuation of the wall to the pump room and transformer) with clear glass balustrade and:
  - (a) Replacing the transformer and pump room with shop fronts to match the remainder of the design of the ground floor of the Old Perth Road frontage of the development, including awnings above; or

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- (b) Applying a piece of public art to this location to the satisfaction of the Town, and in accordance with the provisions contained within Local Planning Policy No. 1 Town Centre Strategy and Guidelines and Local Planning Policy No. 15 – Percent for Art Policy.
6. Solid balustrading to balconies shall be replaced with clear glass balustrading to the extent required that when viewed from the street balconies to the development are predominantly open to the satisfaction of the Town.
7. All multiple dwellings being provided with balconies incorporating a minimum usable area of 10 sq.metres within minimum dimensions of 2.4 metres. (see advice note).
8. An updated landscaping plan being provided prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private realm and the public realm adjoining the development site and which updates the plan submitted in conjunction with the application for development approval by:
  - (a) providing accurate details with respect to the Hamilton Street road reserve;
  - (b) providing details of proposed landscape treatment to the Hamilton Street road reserve; and
  - (c) incorporating street tree planting within the Hamilton Street road reserve in accordance with the Town's Street Tree Master Plan.
9. Street trees shall be a minimum height of 2m at the time of planting and shall be spaced generally at 7m centres.
10. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter.
11. Existing street trees within the street verge adjacent to the development site being protected with barricades during construction in accordance with the Town's Policy for street tree protection.
12. The submission of a detailed lighting plan is to be provided showing all security and safety lighting throughout all public and interior circulation areas, along with external lighting to the Old Perth Road and Hamilton Street frontages of the development site for the approval of the Town, prior to the issue of a building permit. Display lighting to commercial premises on both the Old Perth Road and Hamilton Street frontages shall be time-switched to remain on every evening until at least 15 minutes after the last train has left Bassendean Train Station.
13. The redundant crossover on the Old Perth Road frontage of the site and the second redundant crossover at the Hamilton Street / Old Perth Road intersection shall each be removed and the verge / footpath shall be reinstated to the satisfaction of the Town.
14. Works proposed within the road reserve around the perimeter of the site (such as footpath forward of the shop tenancies) shall be the subject of a separate plan to be submitted for the Town's approval in advance of any such works being undertaken.

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15. The on site car parking spaces and access ways being constructed and maintained thereafter to the Town's specifications and those contained within AS2890.1 – Part 1: Off-street parking and Part 6: Off-street parking for people with disabilities. Drawings submitted for a Building Permit shall incorporate the following design changes:
  - (a) The length of the accessible car bay and the adjoining visitor car bay shall each be increased to 5.4m minimum without compromising the prescribed aisle width behind these bays. The column to the rear of the visitor bay shall be positioned in accordance with Figure 5.2 of AS2890.1; and
  - (b) The width of the aisle between shared use car parking bays 19 and 20 shall be increased to a minimum of 6.1 metres, clear of the columns.
16. A longitudinal section of the vehicle access driveway to the lower ground floor car park shall be provided to the satisfaction of the Town prior to or in conjunction with the application for a Building Permit which demonstrates that the ramp to the car park has been designed in accordance with the provisions contained within CI 2.5.3 of AS2890.1 (Circulation roadway and ramp grades).
17. Car parking on any subsequent strata plan shall be allocated in accordance with the approved drawings and the following requirements:
  - (a) Each multiple dwelling shall be allocated 1 car parking bay;
  - (b) Nursing Home being allocated 20 car parking bays;
  - (c) 60 sq.m shop tenancies being allocated 2 car parking bays and the 99 sq.m shop tenancy being allocated 3 car parking bays; and
  - (d) 6 visitor car parking bays and the accessible car parking bay all being retained for the shared use of visitors to all components of the development.
18. Visitor parking spaces being clearly marked for "Visitors Only" and used only as such.
19. Prior to the submission of an application for a building permit, details of the security intercom system are to be provided to demonstrate that visitors can make contact with all components of the development in order to gain access to the visitor parking bays. The security intercom system is required to be installed and operational in accordance with the approved details prior to the occupation of the development on the subject lot and maintained thereafter.
20. A minimum of 12 bicycle parking spaces shall be provided within the secure car park and a minimum of 4 bicycle parking spaces shall be provided for visitors, external to the building. All bicycle parking spaces shall be constructed in accordance with the provisions of AS 2890.3 (as amended). Details of the location and design of the required bicycle parking spaces shall be submitted prior to or in conjunction with the application for a Building Permit.
21. The development shall be designed to accommodate storage of stormwater on site to a minimum of a 1:20 year storm event with any proposal to connect to the Town's drainage infrastructure network to accept stormwater associated with an event beyond 1:20 years incorporating a restricted outlet flow. (see footnote)

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22. The provision of an externally accessed storage unit of not less than 4 sq.metres internal area for each dwelling. All stores to have minimum internal dimensions of 1.5m minimum with the exception of stores 10-14 which are approved with lesser internal dimensions subject to:
  - (a) These stores being allocated to the same dwelling as the car parking bay to which they are predominantly located in front of; and
  - (b) The door to these stores being removed and replaced with a roller door which incorporates a width that matches the car bay width forward of each respective store.
23. A pedestrian path (separate from car parking bays) being provided to stores 6-9.
24. External fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street. Prior to the issue of a building permit, details being submitted of all proposed ventilation systems, including the location of plant equipment, vents and air conditioning units for the Town's approval. All equipment must be adequately screened to the satisfaction of the Town.
25. External clothes drying is prohibited where visible from the street.
26. Each dwelling shall be provided with a mechanical clothes dryer.
27. An updated Waste Management Plan (WMP) is to be submitted for the Town's approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:
  - (a) Consistency with respect to the identified number of bins that will be needed to service the proposed development;
  - (b) The need for an updated WMP to be prepared in the event of future change of use to any of the shop tenancies where any proposed new use would generate additional waste beyond that which the plan has been designed for;
  - (c) The number of bins that are anticipated to require kerbside collection from the development other than the nursing home;
  - (d) The placement of bins only on the Hamilton Street verge area of the development site with no bins being placed on the Old Perth Road frontage while awaiting collection;
  - (e) The number of bins that will be provided to the multiple dwellings and to the shops;
  - (f) Details of advice to be provided to owners and occupiers regarding the WMP; and
  - (g) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development.
28. The bin storage areas on site are:
  - (a) To be surrounded by a 1.8 metre high minimum wall with a self-closing gates (where outside a building) or doors (where inside a building);

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- (b) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
  - (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.
29. Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles.
30. Visually impermeable roller shutters (external and internal), doors, grilles and security bars shall not be installed on any part of the frontage of the development facing Old Perth Road or Hamilton Street.
31. Prior to commencement of development, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.

If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works to the satisfaction of the Town of Bassendean on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

32. 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 Water and Environmental Regulation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.
33. Prior to the issue of a building permit the applicant shall lodge a Construction Management Plan to the satisfaction of the Town of Bassendean that provides details of the following:
- (a) Estimated timeline and phasing of construction;
  - (b) Dust control measures;
  - (c) Noise control measures;
  - (d) Access points for heavy vehicles during demolition and construction; and
  - (e) 24 hours contact details of staff available to deal with either an emergency situation or to respond to complaints.
34. The incorporation of public art into the proposed development or a cash-in-lieu payment of one percent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 "Percent for Art Policy". Detailed arrangements and agreement with respect to art to be provided on site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit.

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35. Prior to the issue of a Building Permit, the applicant shall pay to the Town of Bassendean the 2% contribution of the building construction costs as prescribed under LPP No. 1 - Town Centre Area Strategy and Guidelines for Bassendean. The 2% contribution is inclusive of the 1% public art contribution required in accordance with the previous condition.
36. Prior to the issue of a building permit, a development bond for the sum of \$9,000 being lodged with the Town to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.
37. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Town, unless the applicant has entered into an agreement with the Town to comply with those conditions within a specified period.

### Advice Notes

1. The issue of a Building Permit is required prior to the commencement of any construction works on site.
2. The street number being prominently displayed at the front of the development.
3. Individual unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling.
4. Balconies shall be modified generally in accordance with the design modifications advocated within this report.
5. Dial Before You Dig:  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please telephone 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via Dial Before You Dig "1100" number in advance of any construction activities.
6. Telecommunications Act 1997 (Commonwealth)

The **nbn**<sup>TM</sup> network is Australia's new landline phone and internet network. It's designed to provide all Australians with access to fast and reliable phone and internet services, no matter where you live.

**nbn** (the company) was established in 2009 to design, build and operate Australia's new broadband network. They are responsible for providing wholesale services to phone companies and internet service providers who offer **nbn**<sup>TM</sup> plans for homes and businesses.

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Each building unit or lot in a new real estate development needs to be serviced by “fibre-ready facilities” under the Telecommunications Act. For new homes, nbn enables developers to connect to the **nbn**<sup>TM</sup> network upfront in the new build process – but the developer needs to apply via [www.nbn.com.au/newdevelopments](http://www.nbn.com.au/newdevelopments). **nbn** asks that you apply at least 3 months before civils commence. If you do not have these facilities in place, there may be a delay with your titles process.

Telstra and **nbn** (and its authorised contractors) are the only companies that are permitted to conduct works on network and assets.

Any person interfering with a facility or installation owned by Telstra or **nbn** is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to telecommunication infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on assets in any way, please contact Telstra's Network Integrity Team on 1800 810 443 or **nbn** on [relocationworks@nbnco.com.au](mailto:relocationworks@nbnco.com.au).

7. If the development approval lapses, no development shall be carried out without further approval having first been sought and obtained.
8. Any adjustment to the design that replaces the transformer and pump room with shop fronts to match the remainder of the Old Perth Road frontage will also need to take account of the need to have regard to impacts on the layout of the car park and associated impact on the required number of car parking bays to be provided for the development.
9. If the applicant is aggrieved by this decision there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.
10. Separate approval must be obtained from the Town's Asset Services Department for the proposed crossover.
11. Separate approval must be obtained from the Town's Asset Services Department for any proposed connection to the Town's drainage infrastructure network.
12. A separate application and approval is required for any signage proposed for the development.
13. The applicant must liaise with Main Roads Western Australia with respect to arrangements to be implemented for the required relocation of the electronic 40kph school zone sign.
14. Department of Water and Environmental Regulation related advice:

In accordance with regulation 31(1) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition relating to site contamination. A current list of accredited auditors is available from [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au).”

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An “acid sulphate soils self-assessment form” can be downloaded from the Western Australian Planning Commission’s website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

The “acid sulphate soils self-assessment form” makes reference to the Department of Environment and Conservation’s “Identification and Investigation of Acid Sulphate Soils” guideline. This guideline can be obtained from the Department of Water and Environmental Regulation website at: [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au).”

### **AMENDING MOTION**

**Moved by:** Mr Christopher Antill

**Seconded by:** Mr Michael Hardy

- Part (a) of Condition 5 to be deleted.

**REASON:** Part (a) of Condition 5 would require a major redesign of the development, including changes to the ground floor, basement and additional car spaces. This part of the condition is inappropriate as it would result in a significant change to the development.

**The Amending Motion was put and CARRIED (3/2).**

For: Ms Sheryl Chaffer  
Mr Christopher Antill  
Mr Michael Hardy

Against: Cr Renee McLennan  
Cr Jai Wilson

### **AMENDING MOTION**

**Moved by:** Cr Renee McLennan

**Seconded by:** Cr Jai Wilson

- To delete Condition 6 and renumber the remaining conditions accordingly.

**REASON:** The street facades of the development include a mix of clear glass balustrading and solid balustrading to the balconies, with the solid balustrading used as an integral part of the square arch design feature of the façade. The Panel, in the majority, agreed that this design feature contributed to the aesthetics of the development and that there was sufficient clear glass balustrading open to the street in the overall design. It is preferable to retain the design element as originally proposed.

**The Amending Motion was put and CARRIED (4/1).**

For: Ms Sheryl Chaffer  
Cr Renee McLennan  
Cr Jai Wilson  
Mr Michael Hardy

Against: Mr Christopher Antill

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## AMENDING MOTION

**Moved by:** Cr Renee McLennan

**Seconded by:** Cr Jai Wilson

- To add a new Condition 38, to read as follows:

38. *The applicant to include the following within the development:*

- a) *An electric vehicle charging station;*
- b) *A rooftop garden; and*
- c) *A green wall feature.*

### The Amending Motion was put and LOST (2/3).

For: Cr Renee McLennan  
Cr Jai Wilson

Against: Ms Sheryl Chaffer  
Mr Christopher Antill  
Mr Michael Hardy

## AMENDING MOTION

**Moved by:** Mr Michael Hardy

**Seconded by:** Ms Sheryl Chaffer

- Advice Notes 2 and 3 to be deleted, remaining advice notes to be renumbered accordingly and add, as Conditions 37 and 38, the following:

37. *The street number is to be prominently displayed at the front of the development.*

38. *Individual unit numbers are to be prominently displayed at the pedestrian entrance to each individual dwelling.*

**REASON:** Advice notes 2 and 3 are not truly advisory, and are better expressed as conditions. They are self-explanatory as very often it can be difficult to identify street numbers in apartment dwellings.

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

## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01379 is appropriate for consideration as a 'P' and 'D' land use ('P' for Nursing Home component) and compatible with the objectives of the zoning table in accordance with the Town of Bassendean Local Planning Scheme No. 10.
2. **Approve** DAP Application reference DAP/1801379 and accompanying plans dated 31 October 2017:

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Drg No. EX1 Issue DA (site analysis plan)  
Drg No. SK1 Issue B (site plan)  
Drg No. SK2 Issue C (lower ground floor plan)  
Drg No. SK3 Issue B (upper ground floor plan)  
Drg No. SK4 Issue A (first floor plan)  
Drg No. SK5 Issue A (second floor plan)  
Drg No. SK6 Issue A (third floor plan)  
Drg No. SK7 Issue A (elevations)  
Drg No. SK8 Issue A (elevations)  
Drg No. SK9 Issue A (sections)  
Drg No. SK10 Issue A (shadow plan)

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Bassendean Local Planning Scheme No. 10, subject to the following conditions as follows:

### Conditions

1. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Prior to the issue of a Building Permit for this development, Lots 54, 84 & 85 shall be amalgamated into a single lot on a Certificate of Title or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months of the issue of a building permit, or the completion of the development, whichever occurs earlier.
3. Solid walls or fences that are situated between the street alignment and the building line not exceeding 800mm in height above natural ground level.
4. External finishes according with those identified on the 'Schedule of Finishes' prepared by Montague Grant Architects and dated 8 December 2017 unless otherwise approved.
5. The blank section of wall associated with the fire pump room and transformer compound on the Old Perth Road frontage of the development shall be modified by replacing the solid balustrade to the balcony of the lounge above (which forms a continuation of the wall to the pump room and transformer) with clear glass balustrade and applying a piece of public art to this location to the satisfaction of the Town, and in accordance with the provisions contained within Local Planning Policy No. 1 Town Centre Strategy and Guidelines and Local Planning Policy No. 15 – Percent for Art Policy.
6. All multiple dwellings being provided with balconies incorporating a minimum usable area of 10 sq. metres within minimum dimensions of 2.4 metres. (see advice note).
7. An updated landscaping plan being provided prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private realm and the public realm adjoining the

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A/Presiding Member, Metro Central JDAP



development site and which updates the plan submitted in conjunction with the application for development approval by:

- (a) providing accurate details with respect to the Hamilton Street road reserve;
  - (b) providing details of proposed landscape treatment to the Hamilton Street road reserve; and
  - (c) incorporating street tree planting within the Hamilton Street road reserve in accordance with the Town's Street Tree Master Plan.
8. Street trees shall be a minimum height of 2m at the time of planting and shall be spaced generally at 7m centres.
  9. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter.
  10. Existing street trees within the street verge adjacent to the development site being protected with barricades during construction in accordance with the Town's Policy for street tree protection.
  11. The submission of a detailed lighting plan is to be provided showing all security and safety lighting throughout all public and interior circulation areas, along with external lighting to the Old Perth Road and Hamilton Street frontages of the development site for the approval of the Town, prior to the issue of a building permit. Display lighting to commercial premises on both the Old Perth Road and Hamilton Street frontages shall be time-switched to remain on every evening until at least 15 minutes after the last train has left Bassendean Train Station.
  12. The redundant crossover on the Old Perth Road frontage of the site and the second redundant crossover at the Hamilton Street / Old Perth Road intersection shall each be removed and the verge / footpath shall be reinstated to the satisfaction of the Town.
  13. Works proposed within the road reserve around the perimeter of the site (such as footpath forward of the shop tenancies) shall be the subject of a separate plan to be submitted for the Town's approval in advance of any such works being undertaken.
  14. The on site car parking spaces and access ways being constructed and maintained thereafter to the Town's specifications and those contained within AS2890.1 – Part 1: Off-street parking and Part 6: Off-street parking for people with disabilities. Drawings submitted for a Building Permit shall incorporate the following design changes:
    - (a) The length of the accessible car bay and the adjoining visitor car bay shall each be increased to 5.4m minimum without compromising the prescribed aisle width behind these bays. The column to the rear of the visitor bay shall be positioned in accordance with Figure 5.2 of AS2890.1; and
    - (b) The width of the aisle between shared use car parking bays 19 and 20 shall be increased to a minimum of 6.1 metres, clear of the columns.
  15. A longitudinal section of the vehicle access driveway to the lower ground floor car park shall be provided to the satisfaction of the Town prior to or in conjunction with the application for a Building Permit which demonstrates that the ramp to the car

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- park has been designed in accordance with the provisions contained within CI 2.5.3 of AS2890.1 (Circulation roadway and ramp grades).
16. Car parking on any subsequent strata plan shall be allocated in accordance with the approved drawings and the following requirements:
    - (a) Each multiple dwelling shall be allocated 1 car parking bay;
    - (b) Nursing Home being allocated 20 car parking bays;
    - (c) 60 sq.m shop tenancies being allocated 2 car parking bays and the 99 sq.m shop tenancy being allocated 3 car parking bays; and
    - (d) 6 visitor car parking bays and the accessible car parking bay all being retained for the shared use of visitors to all components of the development.
  17. Visitor parking spaces being clearly marked for "Visitors Only" and used only as such.
  18. Prior to the submission of an application for a building permit, details of the security intercom system are to be provided to demonstrate that visitors can make contact with all components of the development in order to gain access to the visitor parking bays. The security intercom system is required to be installed and operational in accordance with the approved details prior to the occupation of the development on the subject lot and maintained thereafter.
  19. A minimum of 12 bicycle parking spaces shall be provided within the secure car park and a minimum of 4 bicycle parking spaces shall be provided for visitors, external to the building. All bicycle parking spaces shall be constructed in accordance with the provisions of AS 2890.3 (as amended). Details of the location and design of the required bicycle parking spaces shall be submitted prior to or in conjunction with the application for a Building Permit.
  20. The development shall be designed to accommodate storage of stormwater on site to a minimum of a 1:20 year storm event with any proposal to connect to the Town's drainage infrastructure network to accept stormwater associated with an event beyond 1:20 years incorporating a restricted outlet flow. (see footnote)
  21. The provision of an externally accessed storage unit of not less than 4 sq.metres internal area for each dwelling. All stores to have minimum internal dimensions of 1.5m minimum with the exception of stores 10-14 which are approved with lesser internal dimensions subject to:
    - (a) These stores being allocated to the same dwelling as the car parking bay to which they are predominantly located in front of; and
    - (b) The door to these stores being removed and replaced with a roller door which incorporates a width that matches the car bay width forward of each respective store.
  22. A pedestrian path (separate from car parking bays) being provided to stores 6-9.
  23. External fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street. Prior to the issue of a building permit, details being submitted of all proposed ventilation systems, including the location of

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plant equipment, vents and air conditioning units for the Town's approval. All equipment must be adequately screened to the satisfaction of the Town.

24. External clothes drying is prohibited where visible from the street.
25. Each dwelling shall be provided with a mechanical clothes dryer.
26. An updated Waste Management Plan (WMP) is to be submitted for the Town's approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:
  - (a) Consistency with respect to the identified number of bins that will be needed to service the proposed development;
  - (b) The need for an updated WMP to be prepared in the event of future change of use to any of the shop tenancies where any proposed new use would generate additional waste beyond that which the plan has been designed for;
  - (c) The number of bins that are anticipated to require kerbside collection from the development other than the nursing home;
  - (d) The placement of bins only on the Hamilton Street verge area of the development site with no bins being placed on the Old Perth Road frontage while awaiting collection;
  - (e) The number of bins that will be provided to the multiple dwellings and to the shops;
  - (f) Details of advice to be provided to owners and occupiers regarding the WMP; and
  - (g) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development.
27. The bin storage areas on site are:
  - (a) To be surrounded by a 1.8 metre high minimum wall with a self-closing gates (where outside a building) or doors (where inside a building);
  - (b) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
  - (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.
28. Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles.
29. Visually impermeable roller shutters (external and internal), doors, grilles and security bars shall not be installed on any part of the frontage of the development facing Old Perth Road or Hamilton Street.
30. Prior to commencement of development, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.

If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works to the satisfaction of the Town of Bassendean on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

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Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

31. 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 Water and Environmental Regulation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.
32. Prior to the issue of a building permit the applicant shall lodge a Construction Management Plan to the satisfaction of the Town of Bassendean that provides details of the following:
  - (a) Estimated timeline and phasing of construction;
  - (b) Dust control measures;
  - (c) Noise control measures;
  - (d) Access points for heavy vehicles during demolition and construction; and
  - (e) 24 hours contact details of staff available to deal with either an emergency situation or to respond to complaints.
33. The incorporation of public art into the proposed development or a cash-in-lieu payment of one percent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 "Percent for Art Policy". Detailed arrangements and agreement with respect to art to be provided on site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit.
34. Prior to the issue of a Building Permit, the applicant shall pay to the Town of Bassendean the 2% contribution of the building construction costs as prescribed under LPP No. 1 - Town Centre Area Strategy and Guidelines for Bassendean. The 2% contribution is inclusive of the 1% public art contribution required in accordance with the previous condition.
35. Prior to the issue of a building permit, a development bond for the sum of \$9,000 being lodged with the Town to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.
36. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Town, unless the applicant has entered into an agreement with the Town to comply with those conditions within a specified period.
37. The street number is to be prominently displayed at the front of the development.
38. Individual unit numbers are to be prominently displayed at the pedestrian entrance to each individual dwelling.

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## Advice Notes

1. The issue of a Building Permit is required prior to the commencement of any construction works on site.
2. Balconies shall be modified generally in accordance with the design modifications advocated within this report.
3. Dial Before You Dig:  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please telephone 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via Dial Before You Dig "1100" number in advance of any construction activities.

4. Telecommunications Act 1997 (Commonwealth)

The **nbn**<sup>TM</sup> network is Australia's new landline phone and internet network. It's designed to provide all Australians with access to fast and reliable phone and internet services, no matter where you live.

**nbn** (the company) was established in 2009 to design, build and operate Australia's new broadband network. They are responsible for providing wholesale services to phone companies and internet service providers who offer **nbn**<sup>TM</sup> plans for homes and businesses.

Each building unit or lot in a new real estate development needs to be serviced by "fibre-ready facilities" under the Telecommunications Act. For new homes, **nbn** enables developers to connect to the **nbn**<sup>TM</sup> network upfront in the new build process – but the developer needs to apply via [www.nbn.com.au/newdevelopments](http://www.nbn.com.au/newdevelopments). **nbn** asks that you apply at least 3 months before civils commence. If you do not have these facilities in place, there may be a delay with your titles process.

Telstra and **nbn** (and its authorised contractors) are the only companies that are permitted to conduct works on network and assets.

Any person interfering with a facility or installation owned by Telstra or **nbn** is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to telecommunication infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on assets in any way, please contact Telstra's Network Integrity Team on 1800 810 443 or **nbn** on [relocationworks@nbnc.com.au](mailto:relocationworks@nbnc.com.au).

5. If the development approval lapses, no development shall be carried out without further approval having first been sought and obtained.

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6. Any adjustment to the design that replaces the transformer and pump room with shop fronts to match the remainder of the Old Perth Road frontage will also need to take account of the need to have regard to impacts on the layout of the car park and associated impact on the required number of car parking bays to be provided for the development.
7. If the applicant is aggrieved by this decision there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.
8. Separate approval must be obtained from the Town's Asset Services Department for the proposed crossover.
9. Separate approval must be obtained from the Town's Asset Services Department for any proposed connection to the Town's drainage infrastructure network.
10. A separate application and approval is required for any signage proposed for the development.
11. The applicant must liaise with Main Roads Western Australia with respect to arrangements to be implemented for the required relocation of the electronic 40kph school zone sign.
12. Department of Water and Environmental Regulation related advice:

In accordance with regulation 31(1) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition relating to site contamination. A current list of accredited auditors is available from [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)."

An "acid sulphate soils self-assessment form" can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

The "acid sulphate soils self-assessment form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation website at: [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)."

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

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

#### **PROCEDURAL MOTION**

**Moved by:** Mr Michael Hardy

**Seconded by:** Mr Christopher Antill

An adjournment of 5 Minutes was taken for a break.

*The meeting was adjourned at 11.20 am.*

*The meeting reconvened at 11.22 am.*

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

<b>8.2</b>	Property Location:	14 Cecil Avenue, Cannington (Lot 301 on P70653)
	Development Description:	Nine storey mixed development comprising 53 multiple dwellings, two restaurant/cafes and four offices
	Applicant:	Dynamic Planning and Developments Pty Ltd
	Owner:	Abundance Australia Investment Pty Ltd
	Responsible authority:	City of Canning
	DAP File No:	DAP/18/01356

**REPORT RECOMMENDATION**

**Moved by:** Cr Sara Saberi

**Seconded by:** Mr Michael Hardy

That the Metro Central Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/18/01356 and accompanying plans contained in Attachment 2 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Canning Town Planning Scheme No. 40, subject to the following conditions as follows:

**Conditions**

1. Prior to the submission of an application for a building permit, the proposed area of Right-of-Way (RoW) shown on approved plan A06.01 is to be created on a diagram or plan of survey (deposited plan), be endorsed by the Western Australian Planning Commission, and be transferred free of cost and without any payment of compensation to the City of Canning.
2. Prior to occupation or use of the development, the applicant/owner is to remove the public access easement which is located along the southern boundary of the subject lot as annotated on Deposited Plan 70633, to the satisfaction of the City and at the applicant/owner's cost.
3. Prior to occupation or use of the development, a notification pursuant to Section 70A of the *Transfer of Land Act 1893* is to be registered on the Certificate of Title of the land the subject of the proposed development, at the cost of the owner and to the satisfaction of the City's Solicitors, that states:

*"The property is situated in the vicinity of Perth Airport, and is currently affected, or may in the future be affected, by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected property, are available on request from the relevant local government offices."*

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4. Prior to occupation or use of the development, the Right-of-Way butting the rear boundary of the development site is to be constructed, kerbed and drained to the satisfaction of the City. The design and construction of the Right-of-Way is to be to the City's Standards & Specifications. Design and construction shall be borne by the proponent.
5. Prior to occupation or use of the development, lighting to illuminate that portion of the Right-of-Way adjacent to the subject land is to be provided at vehicle and pedestrian entry points.
6. Prior to the submission of an application for building permit, a pre-works geotechnical report is to be submitted to the City to certify that the land is suitable for the approved development to the City's satisfaction. In the event that remedial works are required, prior to construction, the landowner/applicant is to provide a post geotechnical report certifying that all remedial works have been carried out in accordance with the pre-works geotechnical report.
7. Prior to the submission of an application for building permit, a Stormwater Plan is to be submitted to and approved in writing by the City. Stormwater from all roofed and paved areas must be collected and discharged to Council drain via a silt trap. Stormwater must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia and AS/NZS 3500.3 or Section 5 of AS/NZS 3500.5.
8. Prior to commencement of any site works the applicant/owner is to pay \$3,063 to the City of Canning for engineering head-works associated with the existing Council stormwater drainage network.
9. Prior to occupation of the development, existing crossovers which are not used as part of the development or redevelopment must be removed. All kerbing is to be reinstated in accordance with the City's "Extruded Kerbing Standard Details," refer to Plan No. C1630, and verges are to be reinstated to match the levels of the existing verge and to be left free of builders rubble. The design and construction cost of the verge area shall be borne entirely by the proponent to the satisfaction of the City.
10. Prior to occupation of the development, all approved car and bicycle parking spaces together with their aisles shall be clearly paved, sealed, marked and drained. All parking and bicycle bays and access aisles shall thereafter be maintained to the satisfaction of the City. To permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2200mm.
11. 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 City. Construction works shall take place in accordance with the approved Construction Management Plan at all times.
12. Prior to the submission of an application for a building permit, the recommendations within the following submitted reports are to be implemented to the satisfaction of the City.
  - a) Waste Management Plan (23 March 2018)
  - b) Environmentally Sustainable Design (ESD) Report (14 December 2017)

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- c) Acoustic Engineering Brief (15 March 2018)
  - d) Cross-ventilation report (13 April 2018)
13. Prior to the submission of an application for a Building Permit, the applicant/owner is to pay the City for the cost of the:
    - a) Removal of the two street trees within the Cecil Avenue verge (Council Ref: 5533 and 5534);
    - b) Provision and installation of new replacement street trees in an alternative location on the verge abutting the subject property; and
    - c) Should the City determine that there is insufficient room on the verge to replant replacement street trees then the trees will be planted in a nearby area of public open space.
  14. Prior to occupation or use of the development, landscaping is to be installed in accordance with the approved Landscape Plans (L01, L02) received 30 April 2018. The landscaping is to be maintained thereafter to the satisfaction of the City.
  15. Prior to the submission of an application for a building permit, statements from relevant qualified professionals are required to ensure:
    - a) Structure design takes into consideration additional load from the proposed trees at maturity and saturated soil in the planter areas on the podium level; and
    - b) The safety of personnel undertaking plant maintenance activities on the podium level will be guaranteed.
  16. Prior to the submission of an application for a building permit, detailed design of the required public art, generally in accordance with the submitted Concept Design (dated 29 March 2018), is to be approved by the City.
  17. Prior to occupation or use of the development, the required public art is to be installed and maintained thereafter to the satisfaction of the City.
  18. Prior to the submission of an application for a building permit, full details of finishes and treatment of boundary walls to be provided to the satisfaction of the City. Any exposed portions of boundary wall which will be visible from adjoining properties or public spaces shall be finished with sacrificial anti-graffiti paint and articulated to the satisfaction of the City.
  19. The location and size of all future signage are to be in accordance with approved plan A09.01. Any variation from the approved plans may require development approval from the City.
  20. Clothes drying facilities are to be screened from view from public realm.
  21. A suitable bin enclosure shall be provided with a water supply; have impervious walls and floor, a floor graded to a floor waste gully connected to sewer, have a gate and be of sufficient size to accommodate all receptacles used on the premises, but in any event having a floor area not less than a size approved by the Manager of Waste Services or an Environmental Health Officer.

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22. No commercial deliveries or commercial waste collection services are to attend the property outside the hours of 7:00am to 7:00pm Monday to Saturday, and not at all on Sundays.
23. Prior to the submission of an application for a building permit, details to be provided on lockers to be provided for the proposed restaurant/cafe and office units at a rate of one locker per unit, and maintained thereafter.
24. Prior to the submission of an application for a building permit, details to be submitted and approved regarding the final design of the proposed awning within Cecil Avenue.
25. Prior to the submission of an application for a building permit, details to be submitted so that at least one (1) electric recharging point is provided per each 5 bike parking bays.

### **Advice Notes**

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first being sought and obtained.
3. This approval does not authorise the demolition of the existing buildings on site. A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings.
4. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications and structural drawings.
5. The provision of sanitary facilities is to be in accordance with Part F2 of the Building Code of Australia.
6. The new works and affected parts of the proposed building works must comply with the requirements of the Disability (Access to Premises – Buildings) Standards 2010.
7. The Development is to comply with the requirements of the National Construction Codes relevant at the time of lodgement of the Building Permit.
8. The proponent is to submit a set of the approved plans to the Fire and Emergency Services Authority of Western Australia (FESA) for assessment. For further information in this regard contact FESA on 9336 9300.
9. Compliance with Food Act 2008, the Food Regulations 2009, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises.

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10. A completed 'Food Business Notification and Registration Form' and detailed fit out plans, including elevations, are to be submitted to the City following development approval showing all fixtures, fittings and finishes. Contact the City's Environmental Health Services on 9231 0503 or visit the City's website for a 'Food Business Notification and Registration Form'.
11. All waste water generated by the development is to be discharge to sewer to the satisfaction of the Water Corporation. Contact the Water Corporation for further information on 13 13 95.
12. Premises to be operated in compliance with the Environmental Protection (Noise) Regulations 1997. Operators should ensure noise from the premises does not impact neighbouring properties.

#### **Stormwater Plan**

13. In relation to Condition 7, the silt trap and stormwater connection must be constructed in accordance with the City's "Standard Stormwater Connection Construction Details", refer to Plan No STD 03. Contact the City's Customer Services Officer - Construction on 9231 0654 for inspection prior to backfill. The City's records show that the stormwater connection point is located within the Right-of-Way. This should be confirmed on site prior to the commencement of any works. Any drainage works within the road reserve must to be approved by the City's Engineering Services. The maximum discharge to the Council drainage system is 4 litres per second. The design of the internal drainage system is to provide adequate compensation within the site and must be designed by a suitably qualified person.

#### **Construction Management Plan**

14. In relation to Condition 11, the Construction Management Plan should include the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways, 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, cranes and other details as required by the City.

#### **Environmental/health Reports**

15. In relation to Condition 12, the applicant/owner is to submit a statement to demonstrate how compliance with each report is achieved, or will be achieved throughout future operation of the building. Where required, the reports are to be updated to reflect the final approved plans.

#### **Public Art, Materials and Finishes**

16. In relation to Conditions 16 (public art) and 18 (materials and colours), the City may refer the submitted details of the public art to the City's Design Advisory Committee for review.

#### **Awning to Cecil Avenue**

17. In relation to Condition 24, in case the widening of Cecil Avenue is substantially commenced prior to the development being constructed, the awning depth may be increased to minimum 2.5m in accordance with the Canning City Centre Activity Centre Plan, subject to review and confirmation by the City.

#### **AMENDING MOTION**

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**Moved by:** Mr Michael Hardy

**Seconded by:** Mr Christopher Antill

Advice Note 1 to be deleted, remaining advice notes to be renumbered accordingly and add, as Condition 26, the following:

26. *If the development the subject of this approval is not substantially commenced within a period of 4 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.*

Advice Note 2 (now advice note 1) to be amended to read:

1. *Where an approval has lapsed, no development must be carried out without the further approval of the local government having first being sought and obtained.*

**REASON:** To provide adequate time for this large scale development to be implemented.

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

#### **AMENDING MOTION**

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr Christopher Antill

Condition 1 to be amended to read:

1. *Prior to occupation or use of the development, the proposed area of Right-of-Way (RoW) shown on approved plan A06.01 is to be created on a diagram or plan of survey (deposited plan), be endorsed by the Western Australian Planning Commission, and be transferred free of cost and without any payment of compensation to the City of Canning.*

**REASON:** To facilitate timely implementation of the condition, consistent with Condition 2.

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

#### **AMENDING MOTION**

**Moved by:** Mr Jessie Jacobs

**Seconded by:** Cr Sara Saberi

Condition 25 be amended to read.

25. *Prior to the submission of an application for a building permit, details to be submitted so that at least one (1) electric recharging point is provided per each 5 bike parking bays. At least one of the existing designated car parking bays on each level of the proposed development shall be supplied with an electric charging point suitable for a motor vehicle.*

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

For: Cr Jessie Jacobs

**Ms Sheryl Chaffer**  
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Cr Sara Saberi

Against: Ms Sheryl Chaffer  
Mr Christopher Antill  
Mr Michael Hardy

### **AMENDING MOTION**

**Moved by:** Mr Michael Hardy                      **Seconded by:** Mr Christopher Antill

To add an additional Advice Note 17 to read:

17. *The applicant is encouraged to engage with the City in relation to the provision of at least one electric charging point to a car parking bay on each level of the proposed development.*

**REASON:** In light of the prospective increase in electric vehicles it would be prudent for there to be early provision made for recharging.

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

### **AMENDING MOTION**

**Moved by:** Mr Christopher Antill                      **Seconded by:** Mr Michael Hardy

That Condition 4 be amended to read:

4. *Prior to occupation or use of the development, the Right-of-Way butting the rear boundary of the development site is to be constructed, kerbed and drained to the satisfaction of the City. The design and construction of the Right-of-Way is to be to the City's Standards & Specifications. Design and construction costs shall be borne by the proponent.*

**REASON:** For administrative purposes.

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

### **AMENDING MOTION**

**Moved by:** Mr Christopher Antill                      **Seconded by:** Mr Michael Hardy

That Condition 5 be amended to read:

5. *Prior to occupation or use of the development, lighting to illuminate that portion of the Right-of-Way adjacent to the subject land is to be provided at vehicle and pedestrian entry points to the satisfaction of the City.*

**REASON:** Allow the City to establish appropriate lighting illumination standards and convey them to the applicant.

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

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## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Central Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/18/01356 and accompanying plans contained in Attachment 2 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Canning Town Planning Scheme No. 40, subject to the following conditions as follows:

### Conditions

1. Prior to occupation or use of the development, the proposed area of Right-of-Way (RoW) shown on approved plan A06.01 is to be created on a diagram or plan of survey (deposited plan), be endorsed by the Western Australian Planning Commission, and be transferred free of cost and without any payment of compensation to the City of Canning.
2. Prior to occupation or use of the development, the applicant/owner is to remove the public access easement which is located along the southern boundary of the subject lot as annotated on Deposited Plan 70633, to the satisfaction of the City and at the applicant/owner's cost.
3. Prior to occupation or use of the development, a notification pursuant to Section 70A of the *Transfer of Land Act 1893* is to be registered on the Certificate of Title of the land the subject of the proposed development, at the cost of the owner and to the satisfaction of the City's Solicitors, that states:  
  
*"The property is situated in the vicinity of Perth Airport, and is currently affected, or may in the future be affected, by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected property, are available on request from the relevant local government offices."*
4. Prior to occupation or use of the development, the Right-of-Way butting the rear boundary of the development site is to be constructed, kerbed and drained to the satisfaction of the City. The design and construction of the Right-of-Way is to be to the City's Standards & Specifications. Design and construction costs shall be borne by the proponent.
5. Prior to occupation or use of the development, lighting to illuminate that portion of the Right-of-Way adjacent to the subject land is to be provided at vehicle and pedestrian entry points to the satisfaction of the City.
6. Prior to the submission of an application for building permit, a pre-works geotechnical report is to be submitted to the City to certify that the land is suitable for the approved development to the City's satisfaction. In the event that remedial works are required, prior to construction, the landowner/applicant is to provide a post geotechnical report certifying that all remedial works have been carried out in accordance with the pre-works geotechnical report.

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7. Prior to the submission of an application for building permit, a Stormwater Plan is to be submitted to and approved in writing by the City. Stormwater from all roofed and paved areas must be collected and discharged to Council drain via a silt trap. Stormwater must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia and AS/NZS 3500.3 or Section 5 of AS/NZS 3500.5.
8. Prior to commencement of any site works the applicant/owner is to pay \$3,063 to the City of Canning for engineering head-works associated with the existing Council stormwater drainage network.
9. Prior to occupation of the development, existing crossovers which are not used as part of the development or redevelopment must be removed. All kerbing is to be reinstated in accordance with the City's "Extruded Kerbing Standard Details," refer to Plan No. C1630, and verges are to be reinstated to match the levels of the existing verge and to be left free of builders rubble. The design and construction cost of the verge area shall be borne entirely by the proponent to the satisfaction of the City.
10. Prior to occupation of the development, all approved car and bicycle parking spaces together with their aisles shall be clearly paved, sealed, marked and drained. All parking and bicycle bays and access aisles shall thereafter be maintained to the satisfaction of the City. To permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2200mm.
11. 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 City. Construction works shall take place in accordance with the approved Construction Management Plan at all times.
12. Prior to the submission of an application for a building permit, the recommendations within the following submitted reports are to be implemented to the satisfaction of the City.
  - a) Waste Management Plan (23 March 2018)
  - b) Environmentally Sustainable Design (ESD) Report (14 December 2017)
  - c) Acoustic Engineering Brief (15 March 2018)
  - d) Cross-ventilation report (13 April 2018)
13. Prior to the submission of an application for a Building Permit, the applicant/owner is to pay the City for the cost of the:
  - a) Removal of the two street trees within the Cecil Avenue verge (Council Ref: 5533 and 5534);
  - b) Provision and installation of new replacement street trees in an alternative location on the verge abutting the subject property; and
  - c) Should the City determine that there is insufficient room on the verge to replant replacement street trees then the trees will be planted in a nearby area of public open space.
14. Prior to occupation or use of the development, landscaping is to be installed in accordance with the approved Landscape Plans (L01, L02) received 30 April 2018. The landscaping is to be maintained thereafter to the satisfaction of the City.

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15. Prior to the submission of an application for a building permit, statements from relevant qualified professionals are required to ensure:
  - a) Structure design takes into consideration additional load from the proposed trees at maturity and saturated soil in the planter areas on the podium level; and
  - b) The safety of personnel undertaking plant maintenance activities on the podium level will be guaranteed.
16. Prior to the submission of an application for a building permit, detailed design of the required public art, generally in accordance with the submitted Concept Design (dated 29 March 2018), is to be approved by the City.
17. Prior to occupation or use of the development, the required public art is to be installed and maintained thereafter to the satisfaction of the City.
18. Prior to the submission of an application for a building permit, full details of finishes and treatment of boundary walls to be provided to the satisfaction of the City. Any exposed portions of boundary wall which will be visible from adjoining properties or public spaces shall be finished with sacrificial anti-graffiti paint and articulated to the satisfaction of the City.
19. The location and size of all future signage are to be in accordance with approved plan A09.01. Any variation from the approved plans may require development approval from the City.
20. Clothes drying facilities are to be screened from view from public realm.
21. A suitable bin enclosure shall be provided with a water supply; have impervious walls and floor, a floor graded to a floor waste gully connected to sewer, have a gate and be of sufficient size to accommodate all receptacles used on the premises, but in any event having a floor area not less than a size approved by the Manager of Waste Services or an Environmental Health Officer.
22. No commercial deliveries or commercial waste collection services are to attend the property outside the hours of 7:00am to 7:00pm Monday to Saturday, and not at all on Sundays.
23. Prior to the submission of an application for a building permit, details to be provided on lockers to be provided for the proposed restaurant/cafe and office units at a rate of one locker per unit, and maintained thereafter.
24. Prior to the submission of an application for a building permit, details to be submitted and approved regarding the final design of the proposed awning within Cecil Avenue.
25. Prior to the submission of an application for a building permit, details to be submitted so that at least one (1) electric recharging point is provided per each 5 bike parking bays.
26. If the development the subject of this approval is not substantially commenced within a period of 4 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

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### Advice Notes

1. Where an approval has lapsed, no development must be carried out without the further approval of the local government having first being sought and obtained.
2. This approval does not authorise the demolition of the existing buildings on site. A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings.
3. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications and structural drawings.
4. The provision of sanitary facilities is to be in accordance with Part F2 of the Building Code of Australia.
5. The new works and affected parts of the proposed building works must comply with the requirements of the Disability (Access to Premises – Buildings) Standards 2010.
6. The Development is to comply with the requirements of the National Construction Codes relevant at the time of lodgement of the Building Permit.
7. The proponent is to submit a set of the approved plans to the Fire and Emergency Services Authority of Western Australia (FESA) for assessment. For further information in this regard contact FESA on 9336 9300.
8. Compliance with Food Act 2008, the Food Regulations 2009, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises.
9. A completed 'Food Business Notification and Registration Form' and detailed fit out plans, including elevations, are to be submitted to the City following development approval showing all fixtures, fittings and finishes. Contact the City's Environmental Health Services on 9231 0503 or visit the City's website for a 'Food Business Notification and Registration Form'.
10. All waste water generated by the development is to be discharge to sewer to the satisfaction of the Water Corporation. Contact the Water Corporation for further information on 13 13 95.
11. Premises to be operated in compliance with the Environmental Protection (Noise) Regulations 1997. Operators should ensure noise from the premises does not impact neighbouring properties.

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### **Stormwater Plan**

12. In relation to Condition 7, the silt trap and stormwater connection must be constructed in accordance with the City's "Standard Stormwater Connection Construction Details", refer to Plan No STD 03. Contact the City's Customer Services Officer - Construction on 9231 0654 for inspection prior to backfill. The City's records show that the stormwater connection point is located within the Right-of-Way. This should be confirmed on site prior to the commencement of any works. Any drainage works within the road reserve must to be approved by the City's Engineering Services. The maximum discharge to the Council drainage system is 4 litres per second. The design of the internal drainage system is to provide adequate compensation within the site and must be designed by a suitably qualified person.

### **Construction Management Plan**

13. In relation to Condition 11, the Construction Management Plan should include the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways, 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, cranes and other details as required by the City.

### **Environmental/health Reports**

14. In relation to Condition 12, the applicant/owner is to submit a statement to demonstrate how compliance with each report is achieved, or will be achieved throughout future operation of the building. Where required, the reports are to be updated to reflect the final approved plans.

### **Public Art, Materials and Finishes**

15. In relation to Conditions 16 (public art) and 18 (materials and colours), the City may refer the submitted details of the public art to the City's Design Advisory Committee for review.

### **Awning to Cecil Avenue**

16. In relation to Condition 24, in case the widening of Cecil Avenue is substantially commenced prior to the development being constructed, the awning depth may be increased to minimum 2.5m in accordance with the Canning City Centre Activity Centre Plan, subject to review and confirmation by the City.
17. The applicant is encouraged to engage with the City in relation to the provision of at least one electric charging point to a car parking bay on each level of the proposed development.

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

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

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

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

The following State Administrative Tribunal Application has been finalised:

- City of South Perth - Lot 10 (19) Pether Road, Strata Lot 2 of Lot 340 (17) Pether Road, Lots 342 (53) Bickley Crescent, 11 (51A) Bickley Crescent, 12 (51) Bickley Crescent, Strata Lot 1 of Lot 340 (49) Bickley Crescent, Manning - 82 Aged and Dependent Dwellings with Ancillary Cafe and Community Room (Southcare).

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

The A/Presiding Member reminded the meeting that in accordance with Standing Order 7.3 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the A/Presiding Member declared the meeting closed at 12.10pm.

A handwritten signature in black ink that reads "Sheryl Chaffer".

**Ms Sheryl Chaffer**  
A/Presiding Member, Metro Central JDAP