



Metro Central Joint Development Assessment Panel Minutes

Meeting Date and Time: 28 October 2019; 9:00 AM
Meeting Number: MCJDAP/370
Meeting Venue: Town of Bassendean
48 Old Perth Road
Bassendean

Attendance

DAP Members

Ms Megan Adair (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr Michael Hardy (Specialist Member)
Mayor Renee McLennan (Local Government Member, Town of Bassendean)
Cr Kathryn Hamilton (Local Government Member, Town of Bassendean)

Officers in attendance

Mr Cameron Hartley (Town of Bassendean)
Mr Brian Reed (Town of Bassendean)
Mr Luke Gibson (Town of Bassendean)
Ms Katherine McKelvie (Governance Officer, DAP Secretariat)

Minute Secretary

Ms Amy Holmes (Town of Bassendean)

Applicants and Submitters

Mr Julius Skinner (Thomson Geer Lawyers)
Mr Neil Teo (Dynamic Planning)

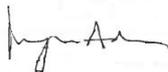
Members of the Public / Media

There were four members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9:00am on 28 October and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

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


Ms Megan Adair
Presiding Member, Metro Central JDAP



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

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Renee McLennan and Cr Kathryn Hamilton, declared that they 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 Renee McLennan and Cr Kathryn Hamilton 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 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.



7. Deputations and Presentations

- 7.1 Mr Neil Teo (Dynamic Planning) addressed the DAP in support the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Julius Skinner (Thomson Geer Lawyers) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 The Town of Bassendean Officers responded to questions from the panel in relation to Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot 54 (72) Railway Parade, Bassendean
Development Description: Proposed Childcare Premises
Applicant: Dynamic Planning and Developments
Owner: Mark Hammond and Sandra Hammond
Responsible Authority: Town of Bassendean
DAP File No: DAP/19/01641

REPORT RECOMMENDATION

Moved by: Mr Michael Hardy

Seconded by: Ms Rachel Chapman

That the Metro Central JDAP resolves to:

Approve DAP Application reference DAP/19/01641 and accompanying plans at Attachment 1 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Local Planning Scheme No 10, and pursuant to Clause 30 of the Metropolitan Region Scheme subject to the following conditions:

1. The number of children and staff attending the Child Care Premises is limited to a maximum of 92 children and 16 staff at any one time.
2. The Child Care Premises is restricted in its hours of operation to the following:
 - Monday-Friday: Between 7:00am and 6:00pm; and
 - Saturday: Between 8:00am and 1:00pm.
3. Prior to the occupation or use of the development, all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained to the satisfaction of the Town.
4. Vehicle parking spaces identified on the approved site plan being clearly marked for "Visitors Only" or "Staff only" and used only as such.



5. A detailed and professionally prepared landscape plan being submitted 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 and public realms adjoining the development site, including, but not limited to:
 - a) the location, type and size of proposed trees, shrubs and ground cover to be planted; and
 - b) reticulation methods, including arrangements incorporated into the design to minimise water use.
6. Landscaping design and species selection shall pay particular attention to provisions contained within the Town of Bassendean Local Planning Policy No. 18 - Landscaping with Local Plants, and shall not include the use of artificial turf.
7. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter.
8. Service vehicles shall not enter the site during morning drop offs and afternoon pick-ups as no provision has been made on site for service vehicles to access the site.
9. Prior to the issue of a Building Permit for this development, a 1.0m strip of land shall be excised from the rear of the lot for the purposes of widening the adjoining right-of-way, or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring excision of this land to be completed within twelve months of the issue of a Building Permit, or prior to the completion of the development, whichever occurs earlier.
10. The strip of land to the rear of the site which is excised for right-of-way purposes shall be paved, drained and kerbed to the specifications of the Town prior to occupation of the centre.
11. All storm water being contained and disposed of on site. Details of the method of storm water containment and disposal being included with the drawings submitted for a Building Permit.
12. The street number being prominently displayed at the front of the development.
13. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height, unless higher fencing is shown on the approved drawings. Where the ground levels vary on either side of the fence, the required height shall be measured above the higher ground level.
14. Any fencing which is situated between a building and the Railway Parade or right-of-way frontages of the development site demonstrating compliance with the following requirements:
 - a) The overall height of fencing not exceeding 1.8 metres above natural ground levels as viewed from outside of the development site; and
 - b) Infill panels above base level solid components which are shown on the approved drawings being visually permeable.
15. External clothes drying is prohibited unless screened from view of the street or other public place.



16. A 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) Measures to be implemented for the purpose of minimising the delivery of waste to landfill during occupation, including: the onsite separation of materials for recycling.
 - b) Site Plan showing the location and size of the on-site rubbish disposal area(s), including the number of general rubbish, recycling bins, and food and organic waste bins to be provided for the development,;
 - c) An estimation of the volume of waste to be generated by the proposed development and the capacity of this volume of waste to be accommodated by on site bin storage capacity;
 - d) Details of intended method of collection; and
 - e) Details of where the bins would be located when waiting collection.
17. The bin storage areas are:
 - a) To be surrounded by a 1.8 metre high minimum wall with a self-closing gate;
 - b) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, connected to sewer, 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.
18. 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.
19. 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.
20. The surface finish of boundary walls on the common boundaries with adjoining properties to be the same finish as the external wall finish for the remainder of the building, unless otherwise approved by the Town.
21. 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.



22. Prior to the issue of a building permit, a development bond for the sum of \$43,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.
23. Prior to the issue of a building permit, an acoustic report shall be submitted to the Town for approval which shall implement a Noise Management Plan which incorporates management measures in relation to:
 - a) Number of children playing simultaneously in the outdoor play areas and duration of play;
 - b) Restrictions on amplified music or musical instruments in outdoor areas;
 - c) Type of outdoor activities to ensure compliance with permitted noise levels;
 - d) Managing loud voices and distressed/crying children when outdoors;
 - e) Noise minimisation strategies for parents/guardians at drop off and pick up times
 - f) Deliveries to site i.e. noise from refrigerated food vehicles,
 - g) Noise from mechanical services;
24. Measures recommended within the acoustic report shall be implemented to the satisfaction of the Town, and any costs associated with such implementation shall be the responsibility of the owner/applicant.
25. Prior to the issue of a building permit, revised plans shall be submitted for the approval of the Town, showing the provision of facilities shall include provision for storage and parking of bicycles and change rooms/ showers for cyclists.
26. 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.
27. The proposed crossover from Railway Parade shall be constructed of heavy duty trafficable brick pavers, the material and colour of which shall match the adjoining footpath. The crossover shall have a cream coloured header course which delineates the crossover from the adjoining footpath.
28. The redundant crossover shall be removed and the verge/footpath shall be reinstated to the satisfaction of the Town.
29. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.



Advice Notes

1. With respect to the condition relating to public art, the applicant is advised that in relation to the requirement for a 1% Public Art contribution to be made that the Town can consider on site art works subject to Council approval and demonstration of equivalent value and public access.
2. With respect to the condition relating to the widening of the right-of-way, please liaise with the Town's Infrastructure Services Directorate in relation to obtaining detailed specifications for works associated with widening of the right-of-way to the rear of the site, prior to undertaking any works on site.
3. The issue of a Building Permit is required prior to the commencement of any works on site.
4. The following works shall be completed within the Railway Parade road reserve to facilitate the proposed development:
 - a) Existing 1m wide concrete apron associated with redundant crossover forward of No. 74 Railway Parade shall be removed and replaced with barrier kerb and brick paving to match the remainder of the footpath;
 - b) Existing Paved crossover forward of No. 74 Railway Parade shall be removed and replaced with paving to match the remainder of the footpath (both in material and paving pattern). This includes the removal of the white header course of paving (which defines the alignment of the existing crossover) and replacement to match the remainder of the footpath; and
 - c) The proposed crossover from Railway Parade shall be constructed of heavy duty trafficable brick pavers, the material and colour of which shall match the adjoining footpath. The crossover shall have a cream coloured header course which delineates the crossover from the adjoining footpath.
5. The food preparation area shall comply with the requirements of the *Food Act 2008* and the *Food Safety Standards 3.2.3 – Food Premises and Equipment*. Detailed fit-out plans to be provided to Health Services in order to ensure all requirements can be met
6. The food preparation area may be undersized for the proposed number of children. It is recommended that additional bench space is provided for the safe preparation of food, cooling of food and plating up of food for the children. It is also noted that allowance for a single bowl sink has been made. As such, please ensure that adequate space for a commercial dishwasher that can accommodate large pots etc., is allowed for. Alternatively, a double bowl sink with draining boards should be provided.
7. Ensure compliance with the Education and Care Services National Regulations 2012 and Education and Care Services National Law (WA) Act 2012.
8. A grease arrestor may be required for the food business. The applicant is required to contact the Water Corporation for advice in this regard.



9. 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.

10. Telecommunications Act 1997 (Commonwealth):

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's 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 Telstra's assets in any way, please contact Telstra's Network Integrity Team on 1800810443.

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

12. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Development Assessment Panel Regulations 2011*.

AMENDING MOTION

Moved by: Ms Rachel Chapman

Seconded by: Mr Michael Hardy

The following amendments were made en bloc:

That condition 22 be deleted and the remaining conditions be renumbered accordingly.

Reason: The use of the bond is not appropriate in terms of it being used in addition to the conditions being fulfilled. It is being used for administrative ease.

That condition 26 be deleted and the remaining conditions be renumbered accordingly

Reason: There are no street trees in this instance, so it is not relevant.



That a new condition 28 be added to read as follows:

28. *Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a Construction Management Plan addressing the following matters:*
- a) How materials and equipment will be delivered and removed from the site;*
 - b) How materials and equipment will be stored on the site;*
 - c) Parking arrangements for contractors;*
 - d) Construction waste disposal strategy and location of waste disposal bins;*
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;*
 - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and*
 - g) Other matters likely to impact on the surrounding properties.*

Reason: This is a standard wording that the Town of Bassendean intended to be included, however, for some reason was left out of the Responsible Authority Report.

That Advice Note 4 be deleted and the remaining Advice Notes be renumbered accordingly.

Reason: It is a repeat of Conditions 27 & 28

That Advice Note 12 be deleted and the remaining Advice Notes be renumbered accordingly.

Reason: It is a repeat of Advice Note 11.

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

For: Ms Megan Adair
Ms Rachel Chapman
Mr Michael Hardy

Against: Mayor Renee McLennan
Cr Kathryn Hamilton



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Central JDAP resolves to:

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4. Vehicle parking spaces identified on the approved site plan being clearly marked for "Visitors Only" or "Staff only" and used only as such.
5. A detailed and professionally prepared landscape plan being submitted 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 and public realms adjoining the development site, including, but not limited to:
 - a) the location, type and size of proposed trees, shrubs and ground cover to be planted; and
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6. Landscaping design and species selection shall pay particular attention to provisions contained within the Town of Bassendean Local Planning Policy No. 18 - Landscaping with Local Plants, and shall not include the use of artificial turf.
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9. Prior to the issue of a Building Permit for this development, a 1.0m strip of land shall be excised from the rear of the lot for the purposes of widening the adjoining right-of-way, or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring excision of this land to be completed within twelve months of the issue of a Building Permit, or prior to the completion of the development, whichever occurs earlier.
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Advice Notes

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



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

For: Ms Megan Adair
Ms Rachel Chapman
Mr Michael Hardy

Against: Mayor Renee McLennan
Cr Kathryn Hamilton

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

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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application-

Current Applications		
LG Name	Property Location	Application Description
City of Melville	Nos. 10, 12 & 14 (Lots 311, 800 & 801) Forbes Road and Nos. 40A, 40B & 40C (Lots 802, 803 & 804) Kishorn Road, Applecross	20 Storey Mixed-Use Development comprising 97 Multiple Dwellings, 15 Short Stay Accommodation Units and 5 Non-Residential tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces)
City of South Perth	Lots 2-20 (72-74) Mill Point Road, South Perth	36 Level (118.2m) Mixed Use Development
City of South Perth	Lots 29-31 (50-52) Melville Parade, South Perth	31 Level (103.1m) Mixed Use Development
City of South Perth	Lot 220 (464) Canning Highway, Como	3-Storey Office Building redevelopment plus Basement Parking with 2 Large Format Digital Signs (Advertisement)
City of South Perth	Lots 81 and 82 (No.31) Labouchere Road and Lot 12 (No.24) Lyall Street, South Perth	Mixed use development comprising commercial and residential land uses (41 Storey) (next to Perth Zoo)
City of South Perth	Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth	43-Storey Mixed Development



11. General Business / Meeting Close

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

There being no further business, the Presiding Member declared the meeting closed at 10.02am.