



## **Minutes of the Metro Central Joint Development Assessment Panel**

**Meeting Date and Time:** 23 February 2018; 2:00pm  
**Meeting Number:** MCJDAP/284  
**Meeting Venue:** City of Canning  
1317 Albany Highway  
Cannington

### **Attendance**

#### **DAP Members**

Mr Charles Johnson (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr Jason Hick (A/Specialist Member)  
Cr Sara Saberi (Local Government Member, City of Canning)  
Cr Jesse Jacobs (Local Government Member, City of Canning)  
Cr Vicki Potter (Local Government Member, Town of Victoria Park)  
Cr Claire Anderson (Local Government Member, Town of Victoria Park)

#### **Officers in Attendance**

Ms Kelly Vilkson (City of Canning)  
Mr Indi Gunathilaka (City of Canning)  
Mr Shakeel Maqbool (City of Canning)  
Ms Louise Winter (City of Canning)  
Mr Robert Cruickshank (Town of Victoria Park)  
Ms Laura Sabitzer (Town of Victoria Park)  
Mr Alex Thamm (Town of Victoria Park)

#### **Minute Secretary**

Ms Barbara Rankin (City of Canning)

#### **Applicants and Submitters**

Mr Adrian Iredale (Iredale Pedersen Hook Architects)  
Mr Leigh Caddy (TPG + Place Match)  
Mr David Reynolds (Taylor Burrell Barnett)  
Mr Fred Zuideveld (ZMH Architects)  
Mr Damian Liberatore (Niche Living)

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

Nil

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Presiding Member, Metro Central JDAP



## 1. Declaration of Opening

The Presiding Member, Mr Charles Johnson declared the meeting open at 2.00pm on 23 February 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the 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 Michael Hardy (Specialist Member).

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

Note the Minutes of Metro Central JDAP meeting No. 277 held on the 7 February 2018 and No. 280 held on the 12 February 2018.

The Minutes of Metro Central JDAP meeting No. 283 held on 21 February 2018 were not available at time of Agenda preparation.

## 5. Declarations of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil

## 7. Deputations and Presentations

7.1 Mr Adrian Iredale (Iredale Pedersen Hook Architects) addressed the DAP in support of the application at Item 8.1. Mr Adrian Iredale answered questions from the panel.

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- 7.2 Ms Laura Sabitzer (Town of Victoria Park) answered questions for Item 8.1 from the panel.
- 7.3 Mr Robert Cruickshank (Town of Victoria Park) answered questions for Item 8.1 from the panel.
- 7.4 Mr David Reynolds (Taylor Burrell Barnett) addressed the DAP in support of the application at Item 8.2. Mr David Reynolds answered questions from the panel.
- 7.5 Mr Shakeel Maqbool (City of Canning) answered questions for Item 8.2 from the panel.
- 7.6 Mr Indi Gunathilaka (City of Canning) answered questions for Item 8.2 from the panel.

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

- 8.1 Property Location: No.1 (Lot 12) Adie Court, Bentley  
Application Details: Redevelopment of communal facilities to an existing Aged or Dependent Persons' complex, proposed decked car park and landscaping
- Applicant: TPG + Place Match  
Owner: Swancare Group Inc.  
Responsible authority: Town of Victoria Park  
DAP File No: DAP/17/01326

## REPORT RECOMMENDATION

**Moved by:** Cr Vicki Potter

**Seconded by:** Cr Claire Anderson

That the Metro Central JDAP resolves to:

**Approve** DAP Application reference DAP/17/01326 and accompanying plans as per **Attachments 1 & 2**, in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and Clause 30 of the Metropolitan Region Scheme, subject to the following conditions as follows:

### Conditions

1. The use of the communal facilities shall be restricted to residents of Bentley Park Estate and their visitors (refer to advice note, below).
2. Landscaping, in accordance with an approved landscaping plan, shall be provided on-site prior to the subject development being first occupied, and thereafter maintained to the satisfaction of the Town.

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3. The existing trees, as indicated on the approved landscaping plan to be retained, shall be protected from damage (including changes in soil levels) during all phases of development, to the satisfaction of the Town.
4. The car park shall be designed, constructed and line marked in accordance with Australian Standards AS/NZS 2890.1:2004.
5. The use of the car park shall be in accordance with Australian Standards AS/NZS 2890.1:2004, User Class 1A (refer to advice note, below).
6. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lots.
7. Prior to the submission of an application for a building permit, a Road and Pedestrian Safety Audit prepared by a suitably qualified traffic engineer, is to be submitted to and approved in writing by the Town. The Audit shall include analysis of vehicle and pedestrian safety.
8. Prior to the submission of an application for a building permit, a Waste Management Plan is required to be submitted to and approved in writing by the Town. The plan shall include specifications of the methods, facilities and management measures to be put in place for the storage, collection and disposal/collection of waste and rubbish generated by the development. The development shall be constructed and operated in accordance with the approved details and thereafter maintained.
9. Prior to the submission of an application for a building permit, a Servicing and Access Management Plan is required to be submitted to and approved in writing by the Town. The plan shall include specifications of the methods, management measures and compliance with applicable legislative requirements relating to building services, access for emergency services (i.e. ambulance, fire services) and operational servicing (i.e. laundry, catering and maintenance). The development shall be constructed and operated in accordance with the approved details and thereafter maintained.
10. Prior to the submission of an application for a building permit, a Stormwater and Drainage Management Plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted to and approved in writing by the Town. The development shall be constructed in accordance with the approved details and thereafter maintained.
11. All stormwater is required to be retained and drained on-site unless separate approval for connection is applied for and obtained from the Town.
12. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

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### Advice Notes

1. The matters of car parking and traffic have been assessed on the basis that the communal facilities are used by residents of Bentley Park Estate and their visitors only.
2. The car park has been designed in accordance with Australian Standards AS/NZS 2890.1:2004, User Class 1A, however as the subject site is within an aged care and retirement living precinct it is recommended that the applicant/owner considers widening the proposed car bays to cater for aged persons who may have mobility issues.
3. The Town's Design Review Committee recommends that the applicant/owner considers the redesign of Wootlif Way, possibly as a landscaped one-way road, with special consideration of the fact that this is an aged care and retirement living precinct where there will likely be a higher than average proportion of gophers using the roads and the reflexes of most residents will likely be slower than the norm.
4. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
5. In order to confirm compliance with this development approval and all relevant Council requirements, approval is to be obtained from the following Council Business Units prior to the submission of a certified application for a building permit:
  - Urban Planning;
  - Street Improvement;
  - Environmental Health.
6. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
7. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application.
8. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

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

Mr Charles Johnson,  
Presiding Member, Metro Central JDAP



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

<b>8.2</b>	Property Location:	1-7 Campbell Street (Lots 600), East Cannington & 9-13 Campbell Street (599), East Cannington
	Application Details:	Mixed Development - (4 Commercial Units, 28 Multiple Dwellings, 36 Grouped Dwellings) and Temporary Sales Office
	Applicant:	Taylor Burrell Barnett
	Owner:	Kingsway Project Pty Ltd
	Responsible authority:	City of Canning
	DAP File No:	DAP/17/01312

**REPORT RECOMMENDATION**

**Moved by:** Cr Jesse Jacobs

**Seconded by:** Cr Sara Saberi

That the Metro Central Joint Development Assessment Panel resolves to:

**Approve** DAP Application DAP/17/01312 and accompanying plans Attachment 1 in accordance with Clause 68 of the Deemed Provisions 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:

**Conditions**

1. Prior to the submission of an application for building permit, Lot 600 Campbell Street, East Cannington & Lot 599 Campbell Street, East Cannington are to be amalgamated into a single lot on a Certificate of Title, or alternatively the land owner may enter into a legal agreement with the City, including placement of a caveat on the relevant title, to allow the amalgamation to occur at a later time to the satisfaction of the City's Solicitors.
2. Prior to the occupation or use of any part of the development, all commercial floor space as depicted on the approved plan is to be built to first floor plate-height.
3. Prior to the occupation or use of the development, the owner/developer is to make provisions for the undergrounding of existing electricity aerial cabling adjacent to the development site along Gerard Street and Campbell Street.
4. The on-street car parking located within the Gerard Street and Campbell Street road reserves, as depicted on the approved plans is to be used by the visitors to the site only on a short-term basis, and is not be used at any time exclusively by the owners/occupiers of the development site.

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5. Prior to obtaining subdivision or strata title approval for the proposed development the subject of this application, the applicant/owner is to comply with all requirements of Council's Town Planning Scheme No.21 inclusive of the Public Open Space Contribution valuation and payment in accordance with Clauses 17, 19 and 27 of the Scheme respectively.
6. Prior to the submission of an application for building permit or other time agreed to in writing by the City, the owner/developer is to elect to either:
  - (i) Seek approval from the City of Canning for an artist to provide public art on the development site to a minimum value representing 1% of the cost of the development; or
  - (ii) Make arrangements with the City of Canning for a cash-in-lieu payment representing 1% of the cost of development.

Where public art is to be provided on the development site, the approved concept is to be thereafter implemented and the artwork constructed and maintained for the duration of the development to the satisfaction of the City.

7. Prior to the submission of an application for building permit, amended plans are submitted and approved by the City demonstrating compliance with visual privacy provisions of the Residential Design codes, to the satisfaction of the City.
8. All car parking embayments within the Communal Street are to be permanently marked and sign posted as 'Residential Visitor' and maintained at all times for the use by residential visitors to the property, to the satisfaction of the City. A further seven (7) car parking embayments within the Gerard Street verge adjacent to the development areas are to be marked and sign posted as 'Residential Visitors - Outside of Business Hours' to the satisfaction of the City.
9. Prior to the occupation or use of the development, a minimum of 3 visitor bicycle bays for Multiple Dwellings residential component and 4 visitor bicycle bays for the Commercial Tenancies component of the development are to be installed in locations notionally depicted on the approved plans (or as agreed in writing by the City) and thereafter maintained for the duration of the development to the satisfactions of the City. The design of bicycle bays is to be in accordance with AS2890.3.
10. Prior to the submission of an application for building permit, a detailed schedule of external materials, finishes and colours is to be submitted to the satisfaction of the City.
11. Prior to occupation or use of any part of the development, uniform fencing is to be constructed along the boundaries of all of proposed lots abutting the public open space in accordance with standards specified in the City of Canning Local Planning Policy SRS227 – Residential Development.
12. Prior to occupation or use of the development, any exposed portions of boundary walls which will be visible from public spaces (including the private street) are to be finished with sacrificial anti-graffiti paint and articulated to the satisfaction of the City.

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13. Prior to the submission of an application for building permit, details of all proposed ventilation and exhaust systems, including the location of plant equipment, vents, water heaters and air conditioning units are to be submitted to and approved by the City. Prior to occupation of the development, all equipment must be adequately screened from view from surrounding streets and residents, and are to be installed in accordance with the approved details.
14. Prior to the submission of an application for building permit, a lighting plan indicating lighting to the pathways, communal open space, pedestrian and vehicle entry points, right of way and car parking areas is to be submitted to and approved by the City. Prior to occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
15. Prior to the submission of an application for Building Permit, a landscaping plan is to be submitted and approved by the City in accordance with the City of Canning Local Planning Policy SRS221 - Town Planning Schemes Landscape Plan and Local Planning Policy LP.09 - Tree Retention Planting Development. The applicant/landowner shall:
  - a. Prior to occupation or use of the development, install all landscaping in accordance with the approved landscape plan approved; and
  - b. Maintain landscaping thereafter in accordance with the approved plan to the satisfaction of the City.
16. Prior to the issuing of a building permit, the land owner is to pay the City for the cost of the removal of street trees as required within the Gerard street and/or Campbell Street road reserve.
17. Prior to the commencement of any site or construction works, a Construction Management Plan and Traffic Management Plan are to be submitted by the owner/developer, in accordance with the requirements of Australian Standard AS1742 Pt 3 to the satisfaction of the City. The approved plans are to be thereafter implemented for the duration of the construction of the development.
18. Prior to the commencement of any site or construction works, detailed engineering plans and specifications for the private road network within the common property ('Private Road Works') are to be submitted by the owner/developer at their cost to the satisfaction of the City.
19. Prior to occupation or use of the development, the approved private road works within the common property are to be implemented by the owner/developer at their cost to the satisfaction of the City.
20. Prior to occupation or use of the development, car parking spaces together with their aisles are to be clearly paved, sealed, marked, drained and so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles are to be thereafter maintained to the satisfaction of the City.

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21. Prior to the commencement of any site or construction works, detailed plans and specifications for all works within the road reserve are to be submitted by the owner/developer at their cost to the satisfaction of the City including:
  - (i) The construction of thirty-three (33) on-street parking bays (including nineteen (19) parking bays adjacent to the Gibbs Street Primary School boundary to the west and fourteen (14) visitor bays and one (1) commercial loading bays within the Gerard Street and Campbell Street road reserves;
  - (ii) Paving and landscaping treatments within the Gerard Street and Campbell Street road reserves; and
  - (iii) Construction and drainage of the car parking area.
22. Prior to occupation or use of the development, the approved works within the Gerard Street and Campbell Street road reserves are to be implemented by the owner/developer at their cost to the satisfaction of the City.
23. In relation to the on-street car parking, prior to submission of an application for a building permit, the owner/developer is make a one-off post construction cash in lieu contribution to the City toward the ongoing maintenance of the car parking bays within the road reserve.
24. Prior to occupation or use of the development, twelve (12) car parking bays within the internal communal street are to be appropriately sign posted and marked on the site as 'Staff Parking Only', for the exclusive use of staff of the commercial tenancies, to the satisfaction of the City.
25. Prior to commencement of construction works, a post earthworks geotechnical report is required to certify that the works specified in Galt Geotechnics Report J1501016 004 R Rev1 have been undertaken in accordance with the recommendations of the geotechnical report, and the foundation material is capable of allowable bearing pressure of 100 kPa, at the cost of the owner/developer to the satisfaction of the City.
26. Prior to submission of an application for a building permit, engineering drawings and specifications are to be submitted and approved by the City, for the storm water drainage design. The design is to indicate internal street levels to facilitate an overland flow path to the two (2) access crossovers to Campbell Street. The Engineering Drawings need to specify pipe sizes and soak wells making up the on-site drainage installation.
27. Prior to submission of an application for a building permit, engineering drawings and specifications are to be submitted and approved by the City for the off street car park off Gerard Street, and also for the on street parking bays along Gerard Street and Campbell Street. The design of the pavement needs to conform to City's specifications and the geometry with AS 2890.1.
28. Engineering drawings and specifications are to be submitted and approved for the installation of the break in the islands on Gerard Street and Campbell Street to accommodate pedestrian traffic. Drawings are also to detail the treatment for the two pedestrian crossings across Gerard Street (raising of the pavement will not be

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- permitted) as wells as the footpaths along Gerard Street and Campbell Street. The plans need to incorporate/indicate the type and location of all existing services.
29. Engineering drawing and specifications are to be submitted and approved for all retaining walls greater than 100mm in height.
  30. Applicant needs to ensure that minimum sight lines for pedestrian safety are maintained at the crossovers onto Campbell Street in accordance with AS 2890.1.
  31. Prior to the submission of an application for Building Permit, a Waste Management Plan (WMP) is to be submitted and approved by the City.
  32. Prior to occupation or use of the development, the strata company for the property is to enter into a Waste Management Deed with the City, where the strata company covenants to:
    - a. Grant the City's employees, contractors and invitees access to those common areas on the strata plan, necessary for the City to access for the purposes of collecting waste, together with any vehicles and equipment reasonably required;
    - b. Indemnify the City against any damage to any property caused by or attributed to any vehicles or equipment used by the City, its employees, contractors and invitees when collecting waste (excluding any damage caused by the wilful misconduct or negligence of the operatives of the City's refuse collection trucks);
    - c. Require the grantor maintain those common areas in a sound state of repair, and abide with any waste management plan; and
    - d. Incorporate the requirements of the Waste Management Deed within the management statement for the strata scheme.
  33. Refuse collection and deliveries to all commercial tenancies outside the hours of 7.00am and 7.00pm Monday to Sunday.
  34. All clothes drying devices and clothes drying areas are to be located, positioned and or screened (to the satisfaction of the City) so as not to be visible from the street or public place.
  35. No services, such as air conditioners or water heaters are to be visible from the street.
  36. Prior to occupation or use of the Sales Office, car parking bays for the exclusive use of visitors and staff of the premises are to be permanently constructed, line marked thereafter maintained for the duration of the operation of the premises to the satisfaction of the City.

### Advice Notes

- A. In relation to the public art requirement, a copy of the City's draft Local Planning Policy LP.03 – Developer Funded Public Art can be downloaded from the City of Canning's [website](#), or alternatively is available on request.

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- B. In relation to the Construction Management Plan and Traffic Management Plan, the owner/developer is to include information such as:
- 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.
- C. In relation to works within the Gerard Street and/or Campbell Street road reserve/s, the owner/developer is advised to liaise with the City's Landscape Architect to obtain a copy of the City's Street Style Guide for works in the road reserve.
- D. In relation to works within the Gerard Street and/or Campbell Street road reserve/s, the owner/developer is advised that the bays located within the road reserve are not for the exclusive use of the development subject of this approval and can be utilised by public at large. Furthermore, if at any time in the future it is deemed necessary by the City, parking restrictions, such as time restrictions may be implemented to ensure the parking bays are not being utilised exclusively for medium or long term parking.
- E. 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.
- F. The development is to comply at all times with the Environmental Protection (Noise) Regulations 1997. In this regard, air conditioning systems, carpark ventilation systems, and other plant and equipment that may emit excessive noise are to be designed and located so that noise emissions, when received at neighbouring lots are compliant with the Regulations. To ensure compliance the City recommends the applicant engage the services of an accredited acoustic consultant to provide further advice with regards to the final placement of all plant and equipment and compound construction. The applicant may also refer to the City's guideline titled "An installer's guide to Air Conditioner Noise" to assist in assessing the appropriate air conditioner locations. The Guideline is available on the City's website – the link is as follows:  
[http://www.canning.wa.gov.au/images/stories/installers\\_guide\\_to\\_air\\_conditioner\\_noise.pdf](http://www.canning.wa.gov.au/images/stories/installers_guide_to_air_conditioner_noise.pdf)
- G. The applicant is reminded of the need to provide for sufficient ventilation to any future café that may occupy one of the commercial tenancies. In this regard,

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please refer to Australian Standard 1668 Part 2 1991 "Mechanical ventilation for Acceptable Indoor Air Quality" and the Food Act 2008.

- H. The applicant landowner is advised that relevant approval may be required from Western Power prior to commencement of any site work/development. It is recommended that the developer contact Western Power's Networks Customer Services to discuss and register the proposed project and obtain relevant forms and relevant approvals. These forms must be completed and submitted at least four weeks prior to commencing works on site.
- I. 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.
- J. If the development that is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.
- K. 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
- L. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

#### **AMENDING MOTION**

**Moved by:** Mr Jason Hick

**Seconded by:** Cr Sheryl Chaffer

- To include a new Condition 37 as follows:
  - 37. *Prior to the submission of an application for a building permit, the applicant is to submit a plan identifying individual commercial tenancy land uses, consistent with the applicant's memorandum dated 19 January 2018, to the satisfaction of the City.*
- To amend Condition 1 to read as follows:
  - 1. *Prior to the submission of an application for building permit, Lots 599 and 600 Campbell Street, East Cannington are to be amalgamated into a single lot on a Certificate of Title (or re-subdivided into another configuration that matches the approved Development layout). Alternatively, the land owner may enter into a legal agreement with the City, including placement of a caveat on the relevant title, to allow the amalgamation/re-subdivision to occur at a later time to the satisfaction of the City's Solicitors.*

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- To amend Condition 2 to read as follows:
  2. *Prior to the occupation or use of any part of the development, all commercial floor space as depicted on the approved plans is to be built to first floor plate height, unless otherwise agreed in writing to the satisfaction of the City of Canning.*
- To amend Condition 7 to read as follows:
  7. *Prior to the submission of an application for building permit, amended plans are to be submitted and approved by the City demonstrating compliance with the visual privacy provisions of the Residential Design Codes (with exception to the screening of grouped dwelling front balconies), to the satisfaction of the City.*
- To amend Condition 33 to read as follows:
  33. *Refuse collection and deliveries to all commercial tenancies shall be limited to between the hours of 7:00am and 7:00pm Monday to Sunday.*

#### **REASONS:**

Condition 37 was introduced in order to provide certainty in terms of the tenancies which are being applied for through the application and therefore related to car parking requirements.

In respect to Condition 1 it was noted that applications to amalgamate and re-subdivide the parent lots plus a proposal to survey strata the grouped dwellings have been lodged with the WAPC concurrently with the development application. To avoid potential conflict in the determination of the applications the condition has been reworded.

The amendments to Condition 2 enable the timing of commercial floor space to be determined by negotiation between the applicant and the City.

The amendments to Condition 7 are considered appropriate to enable flexibility in the design of visual privacy measures.

The amendment to Condition 33 is to correct a minor typographical error and provide clarity in regard to the intent of Condition 33.

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

#### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Central Joint Development Assessment Panel resolves to:

**Approve** DAP Application DAP/17/01312 and accompanying plans Attachment 1 in accordance with Clause 68 of the Deemed Provisions 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:

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## Conditions

1. Prior to the submission of an application for building permit, Lots 599 and 600 Campbell Street, East Cannington are to be amalgamated into a single lot on a Certificate of Title (or re-subdivided into another configuration that matches the approved Development layout). Alternatively, the land owner may enter into a legal agreement with the City, including placement of a caveat on the relevant title, to allow the amalgamation/re-subdivision to occur at a later time to the satisfaction of the City's Solicitors.
2. Prior to the occupation or use of any part of the development, all commercial floor space as depicted on the approved plans is to be built to first floor plate height, unless otherwise agreed in writing to the satisfaction of the City of Canning.
3. Prior to the occupation or use of the development, the owner/developer is to make provisions for the undergrounding of existing electricity aerial cabling adjacent to the development site along Gerard Street and Campbell Street.
4. The on-street car parking located within the Gerard Street and Campbell Street road reserves, as depicted on the approved plans is to be used by the visitors to the site only on a short-term basis, and is not be used at any time exclusively by the owners/occupiers of the development site.
5. Prior to obtaining subdivision or strata title approval for the proposed development the subject of this application, the applicant/owner is to comply with all requirements of Council's Town Planning Scheme No.21 inclusive of the Public Open Space Contribution valuation and payment in accordance with Clauses 17, 19 and 27 of the Scheme respectively.
6. Prior to the submission of an application for building permit or other time agreed to in writing by the City, the owner/developer is to elect to either:
  - (i) Seek approval from the City of Canning for an artist to provide public art on the development site to a minimum value representing 1% of the cost of the development; or
  - (ii) Make arrangements with the City of Canning for a cash-in-lieu payment representing 1% of the cost of development.

Where public art is to be provided on the development site, the approved concept is to be thereafter implemented and the artwork constructed and maintained for the duration of the development to the satisfaction of the City.

7. Prior to the submission of an application for building permit, amended plans are to be submitted and approved by the City demonstrating compliance with the visual privacy provisions of the Residential Design Codes (with exception to the screening of grouped dwelling front balconies), to the satisfaction of the City.
8. All car parking embayments within the Communal Street are to be permanently marked and sign posted as 'Residential Visitor' and maintained at all times for the use by residential visitors to the property, to the satisfaction of the City. A further seven (7) car parking embayments within the Gerard Street verge adjacent to the

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development areas are to be marked and sign posted as 'Residential Visitors - Outside of Business Hours' to the satisfaction of the City.

9. Prior to the occupation or use of the development, a minimum of 3 visitor bicycle bays for Multiple Dwellings residential component and 4 visitor bicycle bays for the Commercial Tenancies component of the development are to be installed in locations notionally depicted on the approved plans (or as agreed in writing by the City) and thereafter maintained for the duration of the development to the satisfactions of the City. The design of bicycle bays is to be in accordance with AS2890.3.
10. Prior to the submission of an application for building permit, a detailed schedule of external materials, finishes and colours is to be submitted to the satisfaction of the City.
11. Prior to occupation or use of any part of the development, uniform fencing is to be constructed along the boundaries of all of proposed lots abutting the public open space in accordance with standards specified in the City of Canning Local Planning Policy SRS227 – Residential Development.
12. Prior to occupation or use of the development, any exposed portions of boundary walls which will be visible from public spaces (including the private street) are to be finished with sacrificial anti-graffiti paint and articulated to the satisfaction of the City.
13. Prior to the submission of an application for building permit, details of all proposed ventilation and exhaust systems, including the location of plant equipment, vents, water heaters and air conditioning units are to be submitted to and approved by the City. Prior to occupation of the development, all equipment must be adequately screened from view from surrounding streets and residents, and are to be installed in accordance with the approved details.
14. Prior to the submission of an application for building permit, a lighting plan indicating lighting to the pathways, communal open space, pedestrian and vehicle entry points, right of way and car parking areas is to be submitted to and approved by the City. Prior to occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
15. Prior to the submission of an application for Building Permit, a landscaping plan is to be submitted and approved by the City in accordance with the City of Canning Local Planning Policy SRS221 - Town Planning Schemes Landscape Plan and Local Planning Policy LP.09 - Tree Retention Planting Development. The applicant/landowner shall:
  - a. Prior to occupation or use of the development, install all landscaping in accordance with the approved landscape plan approved; and
  - b. Maintain landscaping thereafter in accordance with the approved plan to the satisfaction of the City.

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16. Prior to the issuing of a building permit, the land owner is to pay the City for the cost of the removal of street trees as required within the Gerard street and/or Campbell Street road reserve.
17. Prior to the commencement of any site or construction works, a Construction Management Plan and Traffic Management Plan are to be submitted by the owner/developer, in accordance with the requirements of Australian Standard AS1742 Pt 3 to the satisfaction of the City. The approved plans are to be thereafter implemented for the duration of the construction of the development.
18. Prior to the commencement of any site or construction works, detailed engineering plans and specifications for the private road network within the common property ('Private Road Works') are to be submitted by the owner/developer at their cost to the satisfaction of the City.
19. Prior to occupation or use of the development, the approved private road works within the common property are to be implemented by the owner/developer at their cost to the satisfaction of the City.
20. Prior to occupation or use of the development, car parking spaces together with their aisles are to be clearly paved, sealed, marked, drained and so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles are to be thereafter maintained to the satisfaction of the City.
21. Prior to the commencement of any site or construction works, detailed plans and specifications for all works within the road reserve are to be submitted by the owner/developer at their cost to the satisfaction of the City including:
  - (i) The construction of thirty-three (33) on-street parking bays (including nineteen (19) parking bays adjacent to the Gibbs Street Primary School boundary to the west and fourteen (14) visitor bays and one (1) commercial loading bays within the Gerard Street and Campbell Street road reserves;
  - (ii) Paving and landscaping treatments within the Gerard Street and Campbell Street road reserves; and
  - (iii) Construction and drainage of the car parking area.
22. Prior to occupation or use of the development, the approved works within the Gerard Street and Campbell Street road reserves are to be implemented by the owner/developer at their cost to the satisfaction of the City.
23. In relation to the on-street car parking, prior to submission of an application for a building permit, the owner/developer is make a one-off post construction cash in lieu contribution to the City toward the ongoing maintenance of the car parking bays within the road reserve.
24. Prior to occupation or use of the development, twelve (12) car parking bays within the internal communal street are to be appropriately sign posted and marked on the site as 'Staff Parking Only', for the exclusive use of staff of the commercial tenancies, to the satisfaction of the City.

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25. Prior to commencement of construction works, a post earthworks geotechnical report is required to certify that the works specified in Galt Geotechnics Report J1501016 004 R Rev1 have been undertaken in accordance with the recommendations of the geotechnical report, and the foundation material is capable of allowable bearing pressure of 100 kPa, at the cost of the owner/developer to the satisfaction of the City.
26. Prior to submission of an application for a building permit, engineering drawings and specifications are to be submitted and approved by the City, for the storm water drainage design. The design is to indicate internal street levels to facilitate an overland flow path to the two (2) access crossovers to Campbell Street. The Engineering Drawings need to specify pipe sizes and soak wells making up the on-site drainage installation.
27. Prior to submission of an application for a building permit, engineering drawings and specifications are to be submitted and approved by the City for the off street car park off Gerard Street, and also for the on street parking bays along Gerard Street and Campbell Street. The design of the pavement needs to conform to City's specifications and the geometry with AS 2890.1.
28. Engineering drawings and specifications are to be submitted and approved for the installation of the break in the islands on Gerard Street and Campbell Street to accommodate pedestrian traffic. Drawings are also to detail the treatment for the two pedestrian crossings across Gerard Street (raising of the pavement will not be permitted) as wells as the footpaths along Gerard Street and Campbell Street. The plans need to incorporate/indicate the type and location of all existing services.
29. Engineering drawing and specifications are to be submitted and approved for all retaining walls greater than 100mm in height.
30. Applicant needs to ensure that minimum sight lines for pedestrian safety are maintained at the crossovers onto Campbell Street in accordance with AS 2890.1.
31. Prior to the submission of an application for Building Permit, a Waste Management Plan (WMP) is to be submitted and approved by the City.
32. Prior to occupation or use of the development, the strata company for the property is to enter into a Waste Management Deed with the City, where the strata company covenants to:
  - a. Grant the City's employees, contractors and invitees access to those common areas on the strata plan, necessary for the City to access for the purposes of collecting waste, together with any vehicles and equipment reasonably required;
  - b. Indemnify the City against any damage to any property caused by or attributed to any vehicles or equipment used by the City, its employees, contractors and invitees when collecting waste (excluding any damage caused by the wilful misconduct or negligence of the operatives of the City's refuse collection trucks);

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- c. Require the grantor maintain those common areas in a sound state of repair, and abide with any waste management plan; and
  - d. Incorporate the requirements of the Waste Management Deed within the management statement for the strata scheme.
33. Refuse collection and deliveries to all commercial tenancies shall be limited to between the hours of 7:00am and 7:00pm Monday to Sunday.
  34. All clothes drying devices and clothes drying areas are to be located, positioned and or screened (to the satisfaction of the City) so as not to be visible from the street or public place.
  35. No services, such as air conditioners or water heaters are to be visible from the street.
  36. Prior to occupation or use of the Sales Office, car parking bays for the exclusive use of visitors and staff of the premises are to be permanently constructed, line marked thereafter maintained for the duration of the operation of the premises to the satisfaction of the City.
  37. Prior to the submission of an application for a building permit, the applicant is to submit a plan identifying individual commercial tenancy land uses, consistent with the applicant's memorandum dated 19 January 2018, to the satisfaction of the City.

#### **Advice Notes**

- A. In relation to the public art requirement, a copy of the City's draft Local Planning Policy LP.03 – Developer Funded Public Art can be downloaded from the City of Canning's [website](#), or alternatively is available on request.
- B. In relation to the Construction Management Plan and Traffic Management Plan, the owner/developer is to include information such as:
  - 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.
- C. In relation to works within the Gerard Street and/or Campbell Street road reserve/s, the owner/developer is advised to liaise with the City's Landscape Architect to obtain a copy of the City's Street Style Guide for works in the road reserve.

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- D. In relation to works within the Gerard Street and/or Campbell Street road reserve/s, the owner/developer is advised that the bays located within the road reserve are not for the exclusive use of the development subject of this approval and can be utilised by public at large. Furthermore, if at any time in the future it is deemed necessary by the City, parking restrictions, such as time restrictions may be implemented to ensure the parking bays are not being utilised exclusively for medium or long term parking.
- E. 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.
- F. The development is to comply at all times with the Environmental Protection (Noise) Regulations 1997. In this regard, air conditioning systems, carpark ventilation systems, and other plant and equipment that may emit excessive noise are to be designed and located so that noise emissions, when received at neighbouring lots are compliant with the Regulations. To ensure compliance the City recommends the applicant engage the services of an accredited acoustic consultant to provide further advice with regards to the final placement of all plant and equipment and compound construction. The applicant may also refer to the City's guideline titled "An installer's guide to Air Conditioner Noise" to assist in assessing the appropriate air conditioner locations. The Guideline is available on the City's website – the link is as follows: [http://www.canning.wa.gov.au/images/stories/installers\\_guide\\_to\\_air\\_conditioner\\_noise.pdf](http://www.canning.wa.gov.au/images/stories/installers_guide_to_air_conditioner_noise.pdf)
- G. The applicant is reminded of the need to provide for sufficient ventilation to any future café that may occupy one of the commercial tenancies. In this regard, please refer to Australian Standard 1668 Part 2 1991 "Mechanical ventilation for Acceptable Indoor Air Quality" and the Food Act 2008.
- H. The applicant landowner is advised that relevant approval may be required from Western Power prior to commencement of any site work/development. It is recommended that the developer contact Western Power's Networks Customer Services to discuss and register the proposed project and obtain relevant forms and relevant approvals. These forms must be completed and submitted at least four weeks prior to commencing works on site.
- I. 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.
- J. If the development that is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.

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- K. 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
- L. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

**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**

Nil

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

Nil

**11. General Business / Meeting Closure**

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

There being no further business, the Presiding Member declared the meeting closed at 3:00pm.

Mr Charles Johnson,  
Presiding Member, Metro Central JDAP