



Minutes of the Metro Central Joint Development Assessment Panel

Meeting Date and Time: 5 September 2018; 4.02pm
Meeting Number: MCJDAP/311
Meeting Venue: City of Canning
1317 Albany Highway
Cannington

Attendance

DAP Members

Ms Megan Adair (Presiding Member)
Ms Kym Petani (A/Deputy Presiding Member)
Mr Michael Hardy (Specialist Member)

Item 8.1

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

Item 9.1

Cr Glenn Cridland (Local Government Member, City of South Perth)
Cr Colin Cala (Local Government Member, City of South Perth)

Officers in attendance

Item 8.1

Mr Shakeel Maqbool (City of Canning)
Mr Indi Gunathilaka (City of Canning)

Item 9.1

Ms Laura Kelliher (City of South Perth)
Ms Vicki Lummer (City of South Perth)
Mr Stevan Rodic (City of South Perth)
Ms Victoria Madigan (City of South Perth)

Minute Secretary

Mrs Donna Ross (City of Canning)

Applicants and Submitters

Item 8.1

Mr David Reynolds (Taylor Burrell Barnett)
Mr Damian Liberatore (Niche Living)

Item 9.1

Mr Faryar Gorjy (Yaran)
Mr Aidan Gorjy (Yaran)

Ms Megan Adair
Presiding Member, Metro Central JDAP



Members of the Public / Media

There were 8 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 4.02pm on Wednesday 5 September 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 DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 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

Ms Rachel Chapman (Deputy Presiding Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Rachel Chapman, declared an indirect pecuniary interest in item 8.1. Ms Chapman is a director and shareholder of Taylor Burrell Barnett. Taylor Burrell Barnett is the applicant for the application and the owner of the land is a current client.

In accordance with section 6.3.1 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed a pecuniary interest, was not permitted to participate in the discussion or voting on the items and therefore Ms Chapman was an apology for the meeting.

Ms Megan Adair
Presiding Member, Metro Central JDAP



DAP Member, Ms Kym Petani, declared an impartiality interest in item 8.1. Ms Petani is an employee and shareholder of GHD. GHD is currently engaged by the City of Canning in a contaminated sites audit for the Canning Vale landfill and the Centenary Landfill Sites.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an Impartiality interest, was permitted to participate in discussion and voting on the items as Ms Petani is not directly involved in the contract which is not Planning related.

7. Deputations and Presentations

- 7.1 Mr Michael Willcock (Taylor Burrell Barnett) addressed the DAP in support of the application at Item 8.1.
- 7.2 Mr Shakeel Maqbool and Mr Indi Gunathilaka (City of Canning) answered questions for Item 8.1 from panel members.
- 7.3 Mr Ross Underwood (Planning Solutions) addressed the DAP in support of the application at Item 9.1 and responded to questions from the panel.
- 7.4 Mr Stevan Rodic (City of South Perth) answered questions for Item 9.1 from panel members.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: Strata Lot 64, Lot 888 Woodthorpe Drive, Willetton
Development Description: Eighty Seven (87) Grouped Dwellings Stages 3 & 4 of 258 Infill Housing Estate
Applicant: Mr David Reynolds, Taylor Burrell Barnett
Owner: Geraldton Project Wells Pty Ltd and Freedom Willetton Pty Ltd
Responsible Authority: City of Canning
DAP File No: DAP/18/01430

REPORT RECOMMENDATION

Moved by: Cr Sara Saberi

Seconded by: Ms Kym Petani

That the Metro Central Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/18/01430 and accompanying plans in Attachment 2 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:

Ms Megan Adair
Presiding Member, Metro Central JDAP



Conditions:

1. Prior to the submission of an application for building permit, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be registered on the certificate(s) of title of the proposed lot(s) affected by noise levels exceeding the noise targets as per State Planning Policy (SPP) No. 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"The lot/s is/are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."

2. Prior to the occupation or use of any dwelling, a solid boundary wall to a height of 3.6 metres is to be constructed along the shared boundary of the following lots:
 - a. Lot 55 on Diagram 80945;
 - b. Lot 54 on Diagram 80944;
 - c. Lot 888 on Plan 411460 (boundary with Roe Highway);
 - d. Lot 889 on Plan 411460 (Serpentine Trunk Main boundary with Roe Highway); and
 - e. Lot 54 on Diagram 80944 (eastern portion/ boundary with Roe Highway); & Lot 888 with adjoining Lot 800 on Plan 411460 (Woodthorpe School boundary)

This is to provide noise attenuation and privacy as indicated on the Local Structure Plan No.SPN/0753 Map approved by the Western Australian Planning Commission dated 28 September 2016, to the satisfaction of the City.

3. Prior to occupation or use of any dwelling, the developer shall implement noise attenuation measures as per the recommendations detailed in the Transportation Noise Assessment by Lloyd George Acoustics dated 3 August 2016 and the noise criteria outlined in State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations to the satisfaction of the City.
4. Prior to the occupation or use of any dwelling, a solid boundary wall to a height of 1.8 metres is to be constructed along the shared boundary of Lot 55 on Diagram 92673 (Eastern Boundary with Woodthorpe School) to provide noise attenuation and privacy as indicated on the Local Structure Plan No. SPN/0753 Map approved by the Western Australian Planning Commission dated 28 September 2016 to the satisfaction of the City.
5. Prior to the submission of an application for building permit, a lighting plan indicating lighting to the following areas is to be submitted to and approved by the City:
 - a. Pathways;
 - b. Communal open space;
 - c. Pedestrian and vehicle entry points;
 - d. Right of way; and
 - e. Car parking areas

Prior to the occupation of the development, the approved lighting is to be installed and maintained thereafter by and at the cost of the owner/developer to the satisfaction of the City.



6. Prior to the commencement of any site or construction works, a Construction Management Plan and Traffic Management Plan in accordance with the requirements of Australian Standard AS1742 Part 3 are to be submitted by the owner/developer to the satisfaction of the City. The approved plan is to be thereafter implemented for the duration of the construction of the development.
7. 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 and at the cost of the owner/developer to the satisfaction of the City.
8. Prior to the occupation or use of any dwelling, the approved Private Road Works within the common property are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.
9. Prior to the commencement of any site or construction works, detailed engineering plans and specifications for all works within the Woodthorpe Drive and Portcullis Drive road reserves ('road works') are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including:
 - a. The construction of a Cul-de-sac bulb to Woodthorpe Drive;
 - b. The construction of a suitable intersection treatment/crossover between the proposed development and Woodthorpe Drive;
 - c. The construction of a suitable intersection treatment/crossover between the proposed development and Portcullis Drive; and
 - d. The portion of the Woodthorpe Drive surface road base to be removed.
10. Prior to the occupation or use of any dwelling, the approved road works within the Woodthorpe Drive and Portcullis Drive road reserves are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.
11. Prior to submission of an application for building permit, a report that meets the geotechnical requirements of the City's Earthworks Policy (ET510) is to be submitted by and at the cost of the owner/developer to the satisfaction of the City.
12. Prior to commencement of construction works, a post earthworks report certifying that the works recommended by the geotechnical report required in Condition No.11 has been completed is to be submitted by and at the cost of the owner/developer to the satisfaction of the City.
13. Prior to the commencement of any site or construction works, a stormwater management plan for the entire site is to be submitted to the satisfaction of the City. The approved stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
14. A Waste Management Plan (WMP) is to be submitted prior to the lodgement of an application for a building permit, to the satisfaction of the City. The approved WMP is to be implemented and thereafter maintained for the duration of the development to the satisfaction of the City.



15. Prior to occupation or use of the development, an easement in gross benefiting the City, must be registered on the strata plan. The deed of easement is to be drafted by the City at the applicants cost, and is to:
 - a. Grant the City and its employees, contractors and invitees unobstructed access to those common areas on the strata plan reasonably necessary for the City to access for the purpose 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 directly caused by grossly negligent acts or omissions of the City); and
 - c. Require the grantor maintain those common areas in a sound state of repair, and abide with any waste management plan.
16. All clothes drying devices and clothes drying areas are to be located and positioned so as not to be visible from the street or public place and this requirement is to be included in the Strata Management Plan.
17. No external fixtures such as air conditioning units or water heaters are to be visible from the street or public realm and this requirement is to be included in the Strata Management Plan.
18. Prior to occupation or use of the development, landscaping is to be installed in accordance with the Landscape Plan received 17 August 2018. Landscaping is to be maintained thereafter to the satisfaction of the City.
19. Prior to submission of an application for building permit, Design for dwellings Types TH6A (Lot 150), TH6 mirrored (Lot 164) and TH6 (Lot 165) are to be amended to delete the upper storey kitchen from the portion of the dwelling located above the garages, to the satisfaction of the City.
20. Prior to lodgement of an application for a building permit, the owner is to register a notification pursuant to Section 70A of the Transfer of Land Act 1893 on the Certificate of Title of the subject land, at the cost of the owner and to the satisfaction of the City, that states:

'The lot(s) is/are subject to a bushfire management plan. This Bushfire Management Plan is applicable to the site and may be enforced through the Local Government Firebreak Notice or other statutory avenue.'
21. Prior to occupation of the development, the recommendations contained in the Bushfire Management Plan by RUC Fire dated 30 August 2017 are to be implemented and thereafter adhered to.

Advice Notes

- A. 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.

Ms Megan Adair
Presiding Member, Metro Central JDAP



- B. 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.
- C. 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.
- D. Prior to the submission of an Application for Building Permit a drainage design is to be undertaken by a suitably qualified Hydraulics Engineer giving consideration to the Finished Floor Level (FFL) of the building. The City advises that:
- If the property is suitable to retain storm water drainage in soakwells and the site can be raised a minimum of 350mm (FFL) above the road gutter line, the design of the storm water drainage shall be designed for a 1 in 20 year storm and an overland flow path shall be provided to the street for a storm greater than a 1 in 20 year storm;
 - If the property is suitable to retain storm water drainage in soakwells and the site cannot be raised a minimum of 350mm (FFL) above the road gutter line, the design of the storm water drainage shall be designed to accommodate a 1 in 100 year storm;
 - If the property is not suitable to retain storm water drainage in soakwells then the site shall be raised a minimum of 350mm (FFL) above the road gutter line, the storm water drainage shall be directed via a silt trap to the City's storm water drainage system. It shall be the responsibility of the developer to provide the silt trap and if necessary extend the City's storm water drainage system to ensure a connection. All costs incurred to be met by the developer including the City's bonds and fees; and
 - The Stormwater Management Plan should include all drainage infrastructure proposed/constructed within the site, annotating the capacity provided by each. It should also demonstrate if these systems are interconnected, and are required to show the connections to the City's drainage network. In regards to connection to the City's drainage infrastructure, silt traps should be constructed to limit the flow into the City's network to the maximum allowable flow. This Stormwater Management Plan should be submitted as a separate document, and include/demonstrate all of the above.
- E. 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.
- F. In relation to works within the Woodthorpe Drive and Portcullis Drive road reserves, the owner/developer is advised to liaise with the City's Engineering Services.
- G. The portion of Woodthorpe Drive Road Carriageway and Drainage which is not used as part of the development must be removed. All kerbs are 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.

- H. In relation to the stormwater drainage, the owner/developer is advised that:
- Any drainage works within the road reserve must to be approved by the City's Engineering Services.
 - All internal driveways/roadways are to be graded and drained such that the storm water runoff does not flow across the crossover. Where it is not possible to grade the internal driveway as above it are to be necessary to construct suitably designed trench grates across the driveways at the property boundary.
- I. 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 regard 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 location. 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
- J. It is recommended that the developer contact Western Power's Networks Customer Services to register the proposed project, Western Power provides services that may assist persons planning to build or work within high risk areas near transmission or communication assets (refer to your Dial Before You Dig enquiry for location and voltage). These services can be found by visiting the Transmission and communication assets section of the Western Power website (<https://www.westernpower.com.au/safety-access/working-near-our-network/>).
- 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: Ms Kym Petani

Seconded by: Mr Michael Hardy

That Condition 1 be deleted and remaining conditions be renumbered accordingly.

REASON: Section 70A Notification to Titles cannot be applied to Development Applications based on advice received from previous State Administrative Tribunal decisions.

Ms Megan Adair
Presiding Member, Metro Central JDAP



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

For: Ms Megan Adair
Ms Kym Petani
Mr Michael Hardy
Cr Jesse Jacobs

Against: Cr Sara Saberi

AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Mr Michael Hardy

That Condition 20 be deleted and remaining conditions be renumbered accordingly.

REASON: Section 70A Notification to Titles cannot be applied to Development Applications based on advice received from previous State Administrative Tribunal decisions.

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

For: Ms Megan Adair
Ms Kym Petani
Mr Michael Hardy
Cr Jesse Jacobs

Against: Cr Sara Saberi

AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Mr Michael Hardy

That Advice Note K is deleted and the remaining advice notes be renumbered accordingly.

REASON: Advice note K is a duplication of advice note C.

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

For: Ms Megan Adair
Ms Kym Petani
Mr Michael Hardy
Cr Jesse Jacobs

Against: Cr Sara Saberi



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Central Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/18/01430 and accompanying plans in Attachment 2 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 occupation or use of any dwelling, a solid boundary wall to a height of 3.6 metres is to be constructed along the shared boundary of the following lots:
 - a. Lot 55 on Diagram 80945;
 - b. Lot 54 on Diagram 80944;
 - c. Lot 888 on Plan 411460 (boundary with Roe Highway);
 - d. Lot 889 on Plan 411460 (Serpentine Trunk Main boundary with Roe Highway); and
 - e. Lot 54 on Diagram 80944 (eastern portion/ boundary with Roe Highway); & Lot 888 with adjoining Lot 800 on Plan 411460 (Woodthorpe School boundary).

This is to provide noise attenuation and privacy as indicated on the Local Structure Plan No.SPN/0753 Map approved by the Western Australian Planning Commission dated 28 September 2016, to the satisfaction of the City.

2. Prior to occupation or use of any dwelling, the developer shall implement noise attenuation measures as per the recommendations detailed in the Transportation Noise Assessment by Lloyd George Acoustics dated 3 August 2016 and the noise criteria outlined in State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations to the satisfaction of the City.
3. Prior to the occupation or use of any dwelling, a solid boundary wall to a height of 1.8 metres is to be constructed along the shared boundary of Lot 55 on Diagram 92673 (Eastern Boundary with Woodthorpe School) to provide noise attenuation and privacy as indicated on the Local Structure Plan No. SPN/0753 Map approved by the Western Australian Planning Commission dated 28 September 2016 to the satisfaction of the City.
4. Prior to the submission of an application for building permit, a lighting plan indicating lighting to the following areas is to be submitted to and approved by the City:
 - a. Pathways;
 - b. Communal open space;
 - c. Pedestrian and vehicle entry points;
 - d. Right of way; and
 - e. Car parking areas

Ms Megan Adair
Presiding Member, Metro Central JDAP



- Prior to the occupation of the development, the approved lighting is to be installed and maintained thereafter by and at the cost of the owner/developer to the satisfaction of the City.
5. Prior to the commencement of any site or construction works, a Construction Management Plan and Traffic Management Plan in accordance with the requirements of Australian Standard AS1742 Part 3 are to be submitted by the owner/developer to the satisfaction of the City. The approved plan is to be thereafter implemented for the duration of the construction of the development.
 6. 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 and at the cost of the owner/developer to the satisfaction of the City.
 7. Prior to the occupation or use of any dwelling, the approved Private Road Works within the common property are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.
 8. Prior to the commencement of any site or construction works, detailed engineering plans and specifications for all works within the Woodthorpe Drive and Portcullis Drive road reserves ('road works') are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including:
 - a. The construction of a Cul-de-sac bulb to Woodthorpe Drive;
 - b. The construction of a suitable intersection treatment/crossover between the proposed development and Woodthorpe Drive;
 - c. The construction of a suitable intersection treatment/crossover between the proposed development and Portcullis Drive; and
 - d. The portion of the Woodthorpe Drive surface road base to be removed.
 9. Prior to the occupation or use of any dwelling, the approved road works within the Woodthorpe Drive and Portcullis Drive road reserves are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.
 10. Prior to submission of an application for building permit, a report that meets the geotechnical requirements of the City's Earthworks Policy (ET510) is to be submitted by and at the cost of the owner/developer to the satisfaction of the City.
 11. Prior to commencement of construction works, a post earthworks report certifying that the works recommended by the geotechnical report required in Condition No.11 has been completed is to be submitted by and at the cost of the owner/developer to the satisfaction of the City.
 12. Prior to the commencement of any site or construction works, a stormwater management plan for the entire site is to be submitted to the satisfaction of the City. The approved stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
 13. A Waste Management Plan (WMP) is to be submitted prior to the lodgement of an application for a building permit, to the satisfaction of the City. The approved



WMP is to be implemented and thereafter maintained for the duration of the development to the satisfaction of the City.

14. Prior to occupation or use of the development, an easement in gross benefiting the City, must be registered on the strata plan. The deed of easement is to be drafted by the City at the applicants cost, and is to:
 - a. Grant the City and its employees, contractors and invitees unobstructed access to those common areas on the strata plan reasonably necessary for the City to access for the purpose 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 directly caused by grossly negligent acts or omissions of the City); and
 - c. Require the grantor maintain those common areas in a sound state of repair, and abide with any waste management plan.
15. All clothes drying devices and clothes drying areas are to be located and positioned so as not to be visible from the street or public place and this requirement is to be included in the Strata Management Plan.
16. No external fixtures such as air conditioning units or water heaters are to be visible from the street or public realm and this requirement is to be included in the Strata Management Plan.
17. Prior to occupation or use of the development, landscaping is to be installed in accordance with the Landscape Plan received 17 August 2018. Landscaping is to be maintained thereafter to the satisfaction of the City.
18. Prior to submission of an application for building permit, Design for dwellings Types TH6A (Lot 150), TH6 mirrored (Lot 164) and TH6 (Lot 165) are to be amended to delete the upper storey kitchen from the portion of the dwelling located above the garages, to the satisfaction of the City.
19. Prior to occupation of the development, the recommendations contained in the Bushfire Management Plan by RUC Fire dated 30 August 2017 are to be implemented and thereafter adhered to.

Advice Notes

- A. 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.
- B. 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.

Ms Megan Adair
Presiding Member, Metro Central JDAP



- C. 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.
- D. Prior to the submission of an Application for Building Permit a drainage design is to be undertaken by a suitably qualified Hydraulics Engineer giving consideration to the Finished Floor Level (FFL) of the building. The City advises that:
- If the property is suitable to retain storm water drainage in soakwells and the site can be raised a minimum of 350mm (FFL) above the road gutter line, the design of the storm water drainage shall be designed for a 1 in 20 year storm and an overland flow path shall be provided to the street for a storm greater than a 1 in 20 year storm;
 - If the property is suitable to retain storm water drainage in soakwells and the site cannot be raised a minimum of 350mm (FFL) above the road gutter line, the design of the storm water drainage shall be designed to accommodate a 1 in 100 year storm;
 - If the property is not suitable to retain storm water drainage in soakwells then the site shall be raised a minimum of 350mm (FFL) above the road gutter line, the storm water drainage shall be directed via a silt trap to the City's storm water drainage system. It shall be the responsibility of the developer to provide the silt trap and if necessary extend the City's storm water drainage system to ensure a connection. All costs incurred to be met by the developer including the City's bonds and fees; and
 - The Stormwater Management Plan should include all drainage infrastructure proposed/constructed within the site, annotating the capacity provided by each. It should also demonstrate if these systems are interconnected, and are required to show the connections to the City's drainage network. In regards to connection to the City's drainage infrastructure, silt traps should be constructed to limit the flow into the City's network to the maximum allowable flow. This Stormwater Management Plan should be submitted as a separate document, and include/demonstrate all of the above.
- E. 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.
- F. In relation to works within the Woodthorpe Drive and Portcullis Drive road reserves, the owner/developer is advised to liaise with the City's Engineering Services.
- G. The portion of Woodthorpe Drive Road Carriageway and Drainage which is not used as part of the development must be removed. All kerbs are 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.

- H. In relation to the stormwater drainage, the owner/developer is advised that:
- Any drainage works within the road reserve must to be approved by the City's Engineering Services.
 - All internal driveways/roadways are to be graded and drained such that the storm water runoff does not flow across the crossover. Where it is not possible to grade the internal driveway as above it are to be necessary to construct suitably designed trench grates across the driveways at the property boundary.
- I. 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 regard 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 location. 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
- J. It is recommended that the developer contact Western Power's Networks Customer Services to register the proposed project, Western Power provides services that may assist persons planning to build or work within high risk areas near transmission or communication assets (refer to your Dial Before You Dig enquiry for location and voltage). These services can be found by visiting the Transmission and communication assets section of the Western Power website (<https://www.westernpower.com.au/safety-access/working-near-our-network/>).
- K. 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 Motions.

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

Cr Sara Saberi and Cr Jesse Jacobs (City of Canning) left the panel at 4.23pm.

Cr Glenn Cridland and Cr Colin Cala (City of South Perth) joined the panel at 4.24pm.

Ms Megan Adair
Presiding Member, Metro Central JDAP



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

- 9.1** Property Location: Lot 413, No. 47 Clydesdale Street, Como
Development Description: Amendment to Approved Four (4) Storey Development
Proposed Amendments: Amendment to permit the approved multiple dwellings to be used for either permanent or short stay temporary accommodation.
Applicant: Yaran Property Group Pty Ltd
Owner: Clydesdale 47 Pty Ltd
Responsible Authority: City of South Perth
DAP File No: DAP/17/01235

REPORT RECOMMENDATION

Moved by: Ms Kym Petani

Seconded by: Mr Michael Hardy

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01235 as detailed on the DAP Form 2 dated 29 June 2018 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/17/01235 as detailed on the DAP Form 2 dated 29 June 2018 and accompanying plans (Attachment 1) approved 11 September 2017 in accordance with *Clause 68* of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *City of South Perth Town Planning Scheme No. 6*, for the proposed additional use to the approved Four Storey Residential Development at No. 47 (Lot 413) Clydesdale Street, Como, subject to:

Additional Conditions

23. Any apartment used for Short stay accommodation shall be in accordance with the definition in the Model Provision of the Regulations, being:
'temporary accommodation provided either continuously or from time to time with no guest accommodated for a period totalling more than 3 months in any 12 month period.'
24. The House Management Plan, dated 17 August 2018 is to be implemented and adhered to at all times, to the satisfaction of the City.
25. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 advising the owners and prospective purchasers that each dwelling is approved to be used as short stay temporary accommodation is to be registered on the Certificate of Title of the land at the applicant's expense.
26. The parking management plan which is required to be provided to the City *prior to the issuing of a building permit* (as per Condition 6 of the original development approval) is to also provide details of the on-site allocation of car parking spaces for all 21 apartments.

Ms Megan Adair
Presiding Member, Metro Central JDAP



27. *Prior to the submission of a building permit, an updated Waste Management Plan according to the City of South Perth Waste Guidelines Version 3 is to be provided.*

Additional Advice Note

13. In reference to condition No. 23, a register of all short stay accommodation stays is to be kept by the Strata Management and if requested is to be made available to the City of South Perth.

All other conditions and advice notes on the previous approval dated 11 September 2017 shall remain unless altered by this application.

PROCEDURAL MOTION

Moved by: Ms Megan Adair

Seconded by: Cr Colin Cala

That the meeting be adjourned for 10 minutes to allow the wording of a proposed amending motion to be finalised.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was adjourned at 5.06pm.

The meeting resumed at 5.22pm.

AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Ms Megan Adair

That Condition 25 be deleted and remaining conditions be renumbered accordingly.

REASON: Section 70A Notification to Titles cannot be applied to Development Applications based on advice received from previous State Administrative Tribunal decisions.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Ms Megan Adair

Delete Condition 26, renumber remaining conditions accordingly and amend Condition 6 to state:

Prior to the issue of a building permit, the applicant shall prepare and submit a Parking Management Plan for the development, with a focus on the mechanical vehicle stackers and the allocation of car parking spaces for all 21 apartments, to the satisfaction of the City.

Ms Megan Adair
Presiding Member, Metro Central JDAP



REASON: Condition 26 is not required as the information has been incorporated within Condition 6.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Ms Megan Adair

That Condition 23 is amended to read:

Any apartment used for Short stay accommodation shall not be used for temporary accommodation either continuously or from time to time for a period totalling more than three months in any 12 month period.

REASON: Appropriate wording required to provide certainty in an approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Ms Megan Adair

That Condition 24 be amended to read as follows:

Prior to occupancy, a Management Statement is to be prepared to the satisfaction of the City and subsequently lodged in accordance with Section 5C of the Strata Titles Act 1985 (as amended) and incorporated into the Strata Company Bylaws by amending the by-laws contained in Schedules 1, 2 and 2A accordingly.

Amendment to or repeal of the by-laws made pursuant to this condition cannot be effected without the City's agreement.

REASON: Condition 24 is the appropriate mechanism to allow control and enforcement of the Management Statement through the Strata Titles Act 1985 in addition, the Management Statement as presented requires further refinement to meet all requirements and it is appropriate that the City be satisfied with the wording prior to lodgement in accordance with the Strata Titles Act.

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

For: Ms Megan Adair
Ms Kym Petani
Mr Michael Hardy
Cr Glenn Cridland

Against: Cr Colin Cala

Ms Megan Adair
Presiding Member, Metro Central JDAP



AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Ms Megan Adair

That Condition 27 (now Condition 25) be amended to include the words “to the City” at end of paragraph and to read as follows:

Prior to the submission of a building permit, an updated Waste Management Plan according to the City of South Perth Waste Guidelines Version 3 is to be provided to the City.

REASON: To provide clarity in relation to whom the updated waste water management plan is to be submitted to.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Ms Kym Petani

Seconded by: Ms Megan Adair

Amend Advice Note 13 to read:

In reference to condition 24, the management plan is to, amongst other things, include a requirement that residents are to provide a register of all short term accommodation to the Strata Manager.

REASON: Accommodation register required to be made available to the Strata Manager, which will provide details of those residents occupying the short term accommodation.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

Moved by: Ms Kym Petani

Seconded by: Ms Megan Adair

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01235 as detailed on the DAP Form 2 dated 29 June 2018 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/17/01235 as detailed on the DAP Form 2 dated 29 June 2018 and accompanying plans (Attachment 1) approved 11 September 2017 in accordance with *Clause 68* of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *City of South Perth Town Planning Scheme No. 6*, for the proposed additional use to the approved Four Storey Residential Development at No. 47 (Lot 413) Clydesdale Street, Como, subject to:

Ms Megan Adair
Presiding Member, Metro Central JDAP



Additional Conditions

6. Prior to the issue of a building permit, the applicant shall prepare and submit a Parking Management Plan for the development, with a focus on the mechanical vehicle stackers and the allocation of car parking spaces for all 21 apartments, to the satisfaction of the City.
23. Any apartment used for Short stay accommodation shall not be used for temporary accommodation either continuously or from time to time for a period totalling more than three months in any 12 month period.
24. Prior to occupancy, a Management Statement is to be prepared to the satisfaction of the City and subsequently lodged in accordance with Section 5C of the *Strata Titles Act 1985* (as amended) and incorporated into the Strata Company Bylaws by amending the by-laws contained in Schedules 1, 2 and 2A accordingly.

Amendment to or repeal of the by-laws made pursuant to this condition cannot be effected without the City's agreement.

25. *Prior to the submission of a building permit*, an updated Waste Management Plan according to the City of South Perth Waste Guidelines Version 3 is to be provided to the City.

Additional Advice Note

13. In reference to condition 24, the management plan is to, amongst other things, include a requirement that residents are to provide a register of all short term accommodation to the Strata Manager.

All other conditions and advice notes on the previous approval dated 11 September 2017 shall remain unless altered by this application.

REASON: The Panel considered that the optional use of the development for Short Stay Accommodation reflects a proactive response to an emerging trend. In addition and in accordance with details contained in the Responsible Authority Report the approach presented is in line with the City's short stay accommodation policy and is an appropriate approach to managing what is occurring in residential buildings.

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

For: Ms Megan Adair
Ms Kym Petani
Mr Michael Hardy

Against: Cr Glenn Cridland
Cr Colin Cala

Ms Megan Adair
Presiding Member, Metro Central JDAP



10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

Current Applications		
LG Name	Property Location	Application Description
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	Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth	43-Storey Mixed Development
City of Melville	Lots 1060 (20) and 1061 (22) Kintail Road, Applecross	16 Storey mixed use residential development with 91 apartments and 5 non-residential tenancies
City of South Perth	Lots 2-20 (72-74) Mill Point Road, South Perth	Proposed Mixed Development (29 storeys plus basement)

Finalised Applications		
LG Name	Property Location	Application Description
City of Melville	Lot 882 (112) Matheson Road, Applecross	Three Storey Multiple Dwelling

11. General Business / Meeting Close

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

There being no further business, the Presiding Member declared the meeting closed at 5.38pm.