



Metro East Joint Development Assessment Panel Minutes

Meeting Date and Time: 17 March 2020, 10:00 AM
Meeting Number: MEJDAP/232
Meeting Venue: City of Swan
Midland Town Hall
312 Great Eastern Highway, Midland

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Lindsay Baxter (A/Deputy Presiding Member)
Mr Peter McNab (Specialist Member)
Mr Rod Henderson (Local Government Member, City of Swan)
Mr Kevin Bailey (Local Government Member, City of Swan)

Officers in attendance

Mr Philip Russell (City of Swan)

Minute Secretary

Ms Kris Angell (City of Swan)

Applicants and Submitters

Item 8.1

Mr Alessandro Stagno (Planning Solutions)

Item 8.2

Mr Nathan Stewart (Rowe Group)
Ms Blair Stroud (Rowe Group)
Mr Ben Farrell (Gabriels Hearne Farrell)

Members of the Public / Media

Nil.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.01am and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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



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

2. Apologies

Ms Kym Petani - 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

Nil.

7. Deputations and Presentations

- 7.1 Mr Alessandro Stagno from Planning Solutions addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 8.1.

- 7.2 Mr Nathan Stewart from Rowe Group addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

- 7.3 Mr Philip Russell (City of Swan) answered questions from the panel.

The presentation at Item 7.2 was heard prior to the application at Item 8.2.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1	Property Location:	Lot 11618 (136) Coolamon Boulevard, ELLENBROOK
	Development Description:	Child Care Premises
	Applicant:	Planning Solutions
	Owner:	P&A Chemello Nominees Pty Ltd
	Responsible Authority:	City of Swan
	DAP File No:	DAP/19/01723

REPORT RECOMMENDATION

Moved by: Cr Kevin Bailey

Seconded by: Ms Lindsay Baxter

With the agreement of the Mover and Seconder, the following amendments were made en bloc

That Condition 5 be amended to read as follows:

5. *The hours of operation shall be limited to 6.30am to ~~6.30pm~~ **7.00pm** Monday to Friday, allowing for early arrival of staff.*

REASON: To allow additional time for staff movements. The amendment was in response to a request made by the applicant, which was accepted by the responsible authority officer.

That Condition 10 be amended to read as follows:

10. *Prior to occupancy of the development, a 1.8 metre tall acoustic wall, **namely a Colorbond fence** with no gaps, slots or perforations to run the entirety of the northern, eastern and western boundaries of the property shall be constructed. The amendment was in response to a request made by the applicant, which was accepted by the responsible authority officer.*

REASON: *To clarify that a colorbond fence is considered an acoustic wall.*

That Conditions 15, 16, 18 and 20 be removed and added as Advice Notes 1-4 and the remaining conditions renumbered accordingly.

REASON: *These conditions are covered under other legislation.*

That the Metro East JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01723 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No. 17, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:



Conditions

1. This approval is for a 'Child Care Premises' as defined under the City's Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City.
2. The approved 'Child Care Premises' is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. The 'Child Care Premises' is limited to a maximum number of 133 children and 21 staff at any given time.
5. The hours of operation shall be limited to 6:30am to 7.00pm Monday to Friday, allowing for early arrival of staff.
6. Vehicle access onto the site shall be restricted to that shown on the approved site plan.
7. Vehicle parking areas, access and circulation areas must be sealed kerbed, drained and maintained to the satisfaction of the City, in accordance with the approved plans.
8. The proposed footpath in front of the development is to be constructed to both Strathmore Parkway and to the crossover at Lot 4307 (No.142) Coolamon Boulevard, Ellenbrook to the satisfaction of the City of Swan prior to occupancy of the development.
9. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
 - a) payment to the City of a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$21,000). This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b) provision of Public Art on-site to a minimum value of the 1% contribution amount (\$21,000). The following is required for the provision of Public Art on-site:
 - i. the landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City may apply further conditions in regard to the proposed Public Art;
 - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City; and



- iii. the approved Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.
10. Prior to occupancy of the development, a 1.8 metre tall acoustic wall, namely a Colorbond fence with no gaps, slots or perforations to run the entirety of the northern, eastern and western boundaries of the property shall be constructed.
11. The noise generated on-site must not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*. Children attending the Child Care Premises shall remain inside the building prior to 7am.
12. No vehicles may park in car bays on the northern side of the premises (bays 31 to 35) before 7am.
13. Car parking bays 31 to 35 to be clearly marked 'No parking before 7am'.
14. No mechanical plant (exhaust fans, air conditioning condensers etc.) to be operated before 7am.
15. The carrying on of the development must not cause dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the Chief Executive Officer if it is considered that a dust nuisance exists.
16. No stormwater or deleterious matter shall be discharged from the property into or allowed onto other lands or reserves to the satisfaction of the City.

ADVICE NOTES

1. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City of Swan before the development is occupied or used.
2. The development must be connected to Water Corporation sewer.
3. Provision must be made for access and facilities for use of people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
4. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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



8.2 Property Location:	Lot 7384 The Promenade ELLENBROOK
Development Description:	Child Care Premises
Applicant:	Nathan Stewart on behalf of Rowe Group
Owner:	Ellenbrook Management Pty Ltd
Responsible Authority:	City of Swan under delegation from the WAPC
DAP File No:	DAP/20/01728

REPORT RECOMMENDATION

Moved by: Mr Peter McNab

Seconded by: Cr Kevin Bailey

With the agreement of the Mover and Seconder, the following amendments were made en bloc

That Condition 5 be amended to read as follows:

5. ~~Standard operations of the site shall only occur between 630 am – 630 pm. Furthermore, staff may be permitted on site no more than 30 minutes prior and post the standard operation hours.~~ **The opening hours are limited to 6.30am to 6.30pm Monday to Friday.**

REASON: *To allow for staff meetings, cleaners etc to enter after hours. The amendment was in response to a request made by the applicant, which was accepted by the responsible authority officer.*

That Condition 8 be amended to read as follows:

8. *Vehicle access onto the site shall be restricted to that shown on the approved site plan.* **The traffic island on Westbrook Parade is to be extended to create a left in/left out egress at the applicant's expense.**

REASON: *Notwithstanding the relatively low traffic volumes from the proposal, given the proximity of the vehicle access to roundabouts at either end of the site it was considered that vehicles should be restricted to left in/left out access. The proximity to these roundabouts provides the opportunity to use them for safer right hand turning movements.*

That Condition 10 be amended to read as follows:

10. *Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:*
- payment to the City of a cash-in-lieu amount equal to the sum of the 1% contribution amount ~~(\$20,5000)~~ **(\$25,000)**. This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of a building permit for the approved development, whichever occurs first; or*
 - provision of Public Art on-site to a minimum value of the 1% contribution amount (\$20,500). The following is required for the provision of Public Art on-site:*



- i. *the landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City may apply further conditions in regard to the proposed Public Art;*
- ii. *no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City; and*
- iii. *the approved Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.*

REASON: *To correct a typographical error.*

That Conditions 14, 15, 17 and 19 be removed and added as Advice Notes 1-4 and the remaining conditions be renumbered accordingly.

REASON: *These conditions are covered under other legislation.*

That a new condition be added (Condition 16) to read as follows:

16. *Prior to a building permit being issued, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to the satisfaction of the City of Swan, and must include the following:*
 - (a) *The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;*
 - (b) *Any proposed permanent play equipment;*
 - (c) *Any verge treatments;*
 - (d) *Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties;*
 - (e) *Associated reticulation.*

The landscaping shall be maintained thereafter installation to the satisfaction of the City.

REASON: *A Landscaping Plan was mentioned as being required in the Responsible Authority Report, however, the condition was not included in the recommendation.*

That the Metro East JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01728 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Clause 10.3 of the City of Swan Planning Scheme No. 17, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:



Conditions

1. This approval is for a 'Child Care Premises' as defined under the City's Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City.
2. The approved development and use of the land is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. The 'Child Care Premises' is limited to a maximum number of 87 children and 15 staff at any given time.
5. The opening hours are limited to 6.30am to 6.30pm Monday to Friday.
6. A minimum of 14 car bays shall be constructed prior to use of the approved development to the satisfaction of the City and maintained thereafter.
7. All crossovers must be built and maintained in accordance with the City's specifications.
8. Vehicle access onto the site shall be restricted to that shown on the approved site plan. The traffic island on Westbrook Parade is to be extended to create a left in/left out egress at the applicant's expense.
9. Vehicle parking areas, access and circulation areas must be sealed kerbed, drained and maintained to the satisfaction of the City, in accordance with the approved plans.
10. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
 - a) payment to the City of a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$25,000). This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b) provision of Public Art on-site to a minimum value of the 1% contribution amount (\$20,500). The following is required for the provision of Public Art on-site:
 - i. the landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City may apply further conditions in regard to the proposed Public Art;



- ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City; and
 - iii. the approved Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.
11. A 2.1 metre tall acoustic wall with no gaps, slots or perforations shall be constructed for the entirety of the northern and western boundaries of the property prior to the occupation and operation of the premises
 12. No mechanical plant (exhaust fans, air conditioning condensers etc.) to be operated before 7am unless further acoustic work is undertaken to the satisfaction of the City of Swan Manager of Health & Building Services
 13. The noise generated on-site must not exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997. Children attending the Child Care Premises shall remain inside the building prior to 7am.
 14. The carrying on of the development must not cause dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the Chief Executive Officer if it is considered that a dust nuisance exists.
 15. No stormwater or deleterious matter shall be discharged from the property into or allowed onto other lands or reserves to the satisfaction of the City.
 16. Prior to a building permit being issued, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to the satisfaction of the City of Swan, and must include the following:
 - (a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - (b) Any proposed permanent play equipment;
 - (c) Any verge treatments;
 - (d) Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties;
 - (e) Associated reticulation.

The landscaping shall be maintained thereafter installation to the satisfaction of the City.

ADVICE NOTES

1. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City's Manager of Health & Building before the development is occupied or used.
2. The development must be connected to Water Corporation sewer.



3. Provision must be made for access and facilities for use of people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
4. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

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

Nil

10. Appeals to the State Administrative Tribunal

Current SAT Applications		
LG Name	Property Location	Application Description
City of Gosnells	Lot 11 Southern River Road, Southern River	Development of Shopping Centre
City of Swan	Lot 357 (227) Morrison Road, Midvale	Proposed Shopping Centre, Service Station, Consulting Rooms, Recreation – Private and Fast Food Outlet
City of Kalamunda	Lot 200 (584) Kalamunda Road, High Wycombe	Proposed Storage and Hardstand Development
City of Armadale	Lot 9007 (76) Southampton Drive, Piara Waters	Lifestyle Village (Piara Waters Lifestyle Village)

Finalised SAT Applications		
LG Name	Property Location	Application Description
City of Swan	Lot 121 (3241) Great Northern Highway, Bullsbrook	Transport Depot, Warehouse, Storage & Incidental Office

11. General Business / Meeting Close

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

There being no further business, the Presiding Member declared the meeting closed at 11.05am.