



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 23 August 2021; 9:30am
Meeting Number: MISJDAP/69
Meeting Venue: City of Canning
1317 Albany Highway, Cannington

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Diana Goldswain (A/Third Specialist Member)
Cr Jesse Jacobs (Local Government Member, City of Canning)
Cr Sara Saberi (Local Government Member, City of Canning)

Officers in attendance

Mr Sergio Famiano (City of Canning)
Mr Thomas Abbott (City of Canning)

Minute Secretary

Ms Barbara Rankin (City of Canning)

Applicants and Submitters

Mr Steven DePiazzi (Urbanista Town Planning)

Members of the Public / Media

There were 6 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.37am on 23 August 2021 and acknowledged the traditional owners and paid respects 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 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)
Mr Peter Lee (Third Specialist Member)
Mr Tony Arias (A/Deputy Presiding Member)

3. Members on Leave of Absence

DAP Member, Ms Rachel Chapman has been granted leave of absence by the Director General for the period of 9 August 2021 to 27 August 2021 inclusive.

4. Noting of Minutes

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

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 Steven DePiazzi (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Canning addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 No. 24 (Lot 279) Melbourne Street, St James

Development Description:	11 Multiple Dwellings
Applicant:	Mr Steven DePiazzi, Urbanista Town Planning
Owner:	Mr Bohang Gong
Responsible Authority:	City of Canning
DAP File No:	DAP/21/01985



REPORT RECOMMENDATION

Moved by: Cr Jesse Jacobs

Seconded by: Ms Diana Goldswain

That the Metro Inner-South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/01985 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 4.16 of the City of Canning Local Planning Scheme No. 42, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to comply in all respects with the stamped approved plans.
4. Prior to occupation or use of the development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the subject lot(s). 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 is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."
5. Prior to the submission of an application for building permit, a lighting plan and passive surveillance strategy indicating lighting, hooding and surveillance 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; and
 - d) Vehicle access and car parking area.

Prior to the occupation of the development, the approved lighting and passive surveillance strategy are to be implemented by and at the cost of the developer/landowner and maintained thereafter by and at the cost of the landowner to the satisfaction of the City.

6. Prior to the submission of an application for building permit, a detailed schedule of external materials, finishes and colours is to be submitted to and approved by the City.



7. All street trees located in verge areas adjoining the subject lot/s are to be retained and protected. Pruning or removal of the tree(s) must be approved in writing by the City's Manager Natural Area Management & Conservation.
8. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.
9. Redundant Crossover(s) shall be removed and the kerb, Verge and Footpath (if present) reinstated to fit in with the surrounding form/development pattern. Where the redundant Crossover previously crossed the footpath, a new section of footpath is to be constructed on both sides of the existing concrete path and made to match.
10. The Waste Management Plan dated 22 April 2021 is to be implemented and adhered to for the duration of the occupancy of the development, unless otherwise approved by the City.
11. Prior to the occupation or use of the development, the landowner/strata company is to enter into a waste management deed with the City, where the landowner/strata company covenants to:
 - a) Grant the City's employees, contractors and invitees access to those common areas on the strata plan reasonably necessary for the City to access for the purpose of collecting waste;
 - b) Indemnify the City against any damage to any property caused by or attributed to any vehicles when collecting waste (excluding any damage caused by the wilful misconduct or negligence of the operatives of the City's refuse collection trucks);
 - c) Incorporate the requirements of the waste management deed within the management statement for the strata scheme.
12. The driveway to be traversed by the City's waste collection vehicles is to be constructed to road pavement standards to the satisfaction of the City. Prior to the occupation or use of the development the landowner/strata company shall advise the local authority in writing that the construction standard of the driveway has been done to road paving standards.
13. Prior to the commencement of any site or construction works, a Construction Management Plan in accordance with the requirements of Australian Standard AS 1742.3 is to be submitted by the owner/developer to the City for approval. The approved plan is to be thereafter implemented for the duration of the construction of the development.
14. Prior to occupation or use of the development, landscaping is to be installed in accordance with the Landscape Plan received 02 August 2021. Landscaping is to be maintained thereafter by the landowner to the satisfaction of the City.



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15. Prior to occupation or use of the development, car parking spaces together with their aisles are to be constructed, drained and line marked and thereafter maintained by the landowner to the satisfaction of the City.

Prior to the occupation or use of the development, the visitor parking bays are to be sign posted and thereafter maintained by the landowner to the satisfaction of the City.

16. Prior to the submission of an application for building permit, details of all external fixtures, utilities and facilities (including the location of plant equipment, vents, water heaters and air conditioning units) are to be submitted to and approved by the City; and

Prior to occupation of the development, all external fixtures, utilities and facilities are to be installed in accordance with the approved plans and adequately screened from view from surrounding streets and residents or public realm, to the satisfaction of the City.

17. All clothes drying devices and clothes drying areas are to be located, positioned and or screened so as not to be visible from the street or public place to the satisfaction of the City.

18. Prior to the lodgement of a building permit application, the landowner/applicant shall submit for approval details of the proposed solar photovoltaic system to be installed to the satisfaction of the City. The solar system shall be installed prior to occupation or use of the development and maintained thereafter to the satisfaction of the City.

19. Details of proposed ventilation and waterproofing of external store rooms to be submitted prior to the application of a building permit to the satisfaction of the City.

20. Recommendations contained within the Acoustic Report, titled Architectural Acoustics – Proposed Multiple Dwellings, 24 Melbourne Street, ST James, dated 29 July 2021, prepared by Gabriels Hearne Farrel Pty Ltd shall be implemented in full and written certification shall be provided to the City, prior to occupation of the development, confirming that these recommendations have been implemented. The recommendations of the report are to be implemented by the landowner in perpetuity for the development.

21. A noise report (including ground truthing of noise emissions) is to be submitted to the City, by an accredited acoustic consultant, within 3 months of the development commencing that confirms noise from the development complies with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City. This report shall be prepared and implemented at the landowner / developer's cost.

22. The development to be connected to the Ministers sewer to the satisfaction of the City.



Advice Notes

1. 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.
2. The proposed development is to comply with the provisions of the Building Code of Australia and any other requirements of the City's Health and Building Departments.
3. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be submitted to and approved by the City prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications and structural drawings.
4. In relation to the Construction Management Plan, the plan should include the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways, vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, cranes and other details as required by the City.
5. This Development Application does not authorise construction of a crossover. An application to construct a crossover must be made to the City on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed crossover and an application fee. Please go to the City's website for more information, or contact the City's Development Engineer.
6. Contact the Water Corporation on 131395 for information on discharging liquid wastes to sewer.
7. The applicant is advised that permission to erect a boundary wall on or near the lot boundary does not grant permission to use the adjoining property or to remove the dividing fence without neighbour's consent. Dividing fences are controlled through the *Dividing Fences Act 1961*. Accordingly owners should liaise with the adjoining land owner if there is an intention to remove or replace any portion of fencing.
8. 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* Part 14. An application must be made within 28 days of the determination.
9. If the land owner wishes to amend or cancel the development application, they may lodge an application with the City of Canning, in accordance with clause 77 of the *Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*.



AMENDING MOTION 1

Moved by: Mr Clayton Higham

Seconded by: Ms Diana Goldswain

With the approval of the mover and seconder the following amendments were made:

- (i) That Condition No 5 be amended to read as follows:

Prior to the submission of an application for building permit, a lighting plan and passive surveillance strategy indicating lighting, hooding and surveillance 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; and
- d) Vehicle access and car parking area.

Prior to the occupation of the development, the approved lighting and passive surveillance strategy are is to be implemented by and at the cost of the developer/landowner and maintained thereafter by and at the cost of the landowner to the satisfaction of the City.

REASON: To correct typo identified in the condition.

- (ii) That Condition No.7 be amended to read as follows:

All street trees located in verge areas adjoining the subject lot/s are to be retained and protected. Pruning or removal of the tree(s) must be approved in writing by the City's Manager Natural Area Management & Conservation.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel advised that the Condition should not be to the satisfaction of the City and not an Officer as the City is the legal entity.

- (iii) That Condition No.22 be amended to read as follows:

***Prior to occupation** A a noise report (including ground truthing of noise emissions) is to be submitted to the City, by an accredited acoustic consultant, ~~within 3 months of the development commencing~~ that confirms noise from the development complies with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City. This report shall be prepared and implemented at the landowner / developer's cost.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: A condition cannot require something to be approved and implemented post approval as there would be a degree of uncertainty in the condition outcome. Once it has approval there should be no further opportunity for further approval or changes other than through a formal amendment process.



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/01985 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 4.16 of the City of Canning Local Planning Scheme No. 42, subject to the following conditions:

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Prior to the occupation of the development, the approved lighting and passive surveillance strategy is to be implemented by and at the cost of the developer/landowner and maintained thereafter by and at the cost of the landowner to the satisfaction of the City.

6. Prior to the submission of an application for building permit, a detailed schedule of external materials, finishes and colours is to be submitted to and approved by the City.



7. All street trees located in verge areas adjoining the subject lot/s are to be retained and protected. Pruning or removal of the tree(s) must be approved in writing by the City.
8. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.
9. Redundant Crossover(s) shall be removed and the kerb, Verge and Footpath (If present) reinstated to fit in with the surrounding form/development pattern. Where the redundant Crossover previously crossed the footpath, a new section of footpath is to be constructed on both sides of the existing concrete path and made to match.
10. The Waste Management Plan dated 22 April 2021 is to be implemented and adhered to for the duration of the occupancy of the development, unless otherwise approved by the City.
11. Prior to the occupation or use of the development, the landowner/strata company is to enter into a waste management deed with the City, where the landowner/strata company covenants to:
 - a) Grant the City's employees, contractors and invitees access to those common areas on the strata plan reasonably necessary for the City to access for the purpose of collecting waste;
 - b) Indemnify the City against any damage to any property caused by or attributed to any vehicles when collecting waste (excluding any damage caused by the wilful misconduct or negligence of the operatives of the City's refuse collection trucks);
 - c) Incorporate the requirements of the waste management deed within the management statement for the strata scheme.
12. The driveway to be traversed by the City's waste collection vehicles is to be constructed to road pavement standards to the satisfaction of the City. Prior to the occupation or use of the development the landowner/strata company shall advise the local authority in writing that the construction standard of the driveway has been done to road paving standards.
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 20. Details of proposed ventilation and waterproofing of external store rooms to be submitted prior to the application of a building permit to the satisfaction of the City.
 21. Recommendations contained within the Acoustic Report, titled Architectural Acoustics – Proposed Multiple Dwellings, 24 Melbourne Street, ST James, dated 29 July 2021, prepared by Gabriels Hearne Farrel Pty Ltd shall be implemented in full and written certification shall be provided to the City, prior to occupation of the development, confirming that these recommendations have been implemented. The recommendations of the report are to be implemented by the landowner in perpetuity for the development.
 22. Prior to occupation a noise report (including ground truthing of noise emissions) is to be submitted to the City, by an accredited acoustic consultant, that confirms noise from the development complies with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City. This report shall be prepared and implemented at the landowner / developer's cost.
 23. The development to be connected to the Ministers sewer to the satisfaction of the City.



Advice Notes

1. 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.
2. The proposed development is to comply with the provisions of the Building Code of Australia and any other requirements of the City's Health and Building Departments.
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8. 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* Part 14. An application must be made within 28 days of the determination.
9. If the land owner wishes to amend or cancel the development application, they may lodge an application with the City of Canning, in accordance with clause 77 of the *Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*.



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

REASON: The Panel were in support of the Recommendation, however commented on the lack of amenity to the bedrooms with highlight windows adjoining a common walkway and the importance of addressing these issues early in the design phase. The Panel acknowledged the difficulty in balancing neighbours concerns in an area which is undergoing a period of transition however, in this instance the development offered a good design which reflects the desired outcomes under the Local Planning Scheme and the City’s strategy for higher density.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01843 DR 273/2020	City of Melville	No.114 (Lot 883) Matheson Road, Applecross	Proposed 35 Multiple Dwellings	16/12/2020
DAP/21/01937 DR 120/2021	City of Belmont	No. 3 (Lot 1017), Hawksburn Road, Rivervale	15 Storey Building Comprising Of 123 Multiple Dwellings, Shop, Restaurant, Office And Health Studio	09/06/2021
DAP/20/01805 DR 121/2021	Town of Victoria Park	218- 220 Great Eastern Highway (Lots 36 & 37, 38, 39, 40, 41, 42, 67, 68, 69, 70 & 200), Lathlain	Office Restaurant/Café, Liquor Store – Shop and Consulting Room Land Uses with Additions and Alterations to an Existing Hotel	09/06/2021
DAP/18/01521 DR 7/2021	City of Belmont	225 (Lot 500), Great Eastern Highway, Belmont	Third party signage	21/01/2021



Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/17/01320 DR184/2020	City of Melville	No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross	Ten (10) Multiple Dwellings	12/08/2020

* Matters finalised during the last meeting cycle.

11. General Business

The Presiding Member announced that In accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 9.50am.