



# Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 22 March 2021; 9:30am  
**Meeting Number:** MISJDAP/45  
**Meeting Venue:** Town of Victoria Park  
99 Shepperton Road, Victoria Park

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## Attendance

### DAP Members

Mr Clayton Higham (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)  
Cr Vicki Potter (Local Government Member, Town of Victoria Park)  
Cr Ronhhda Potter (Local Government Member, Town of Victoria Park)

### Officers in attendance

Mr Robert Cruickshank (Town of Victoria Park)  
Ms Amie Groom (Town of Victoria Park)  
Mr Richard Gale (Town of Victoria Park)

### Minute Secretary

Mr Robert Cruickshank (Town of Victoria Park)

### Applicants and Submitters

Ms Renee Young (Floreat Beach Pty Ltd c/- element)  
Mr Matt Bruce (Director, Wallace PM)  
Ms Cassie Rodwell (Project Manager, Wallace PM)  
Mr Matthew Elliot (Development Director, Accord Property)  
Ms Rose Bianchini  
Ms Elayne Dixon

### Members of the Public / Media

There were 9 members of the public in attendance.

#### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.34am on 22 March 2021 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



## 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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

Mr Peter Lee (Third Specialist 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 18 March 2021.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil



## 7. Deputations and Presentations

- 7.1 Ms Rose Bianchini addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Ms Elayne Dixon addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3 Ms Renee Young addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 The Town of Victoria Park addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.5 The panel noted that the Town of Victoria Park received a petition against the recommendation for the application at Item 8.1. The petition was signed by 115 concerned residents, ratepayers and/or electors of the Town of Victoria Park on the basis that development would exacerbate known traffic congestion, parking and safety concerns near UFCC Primary School. The petition in full was circulated to the panel.

### PROCEDURAL MOTION

**Moved by:** Cr Vicki Potter

**Seconded by:** Ms Rachel Chapman

That the Metro Inner-South JDAP receive legal advice from representatives of the Department of Planning, Lands and Heritage and that such advice is received behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2020.

**The Procedural Motion was put and CARRIED UNANIMOUSLY**

*The meeting was adjourned at 10.14am*

*The meeting was reconvened at 10.44am*



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

### 8.1 Nos. 42-44 (Lots: 33 and 31) Camberwell Street, East Victoria Park

Development Description: Proposed Child Care Facility  
Applicant: Floreat Beach Pty Ltd c/- element  
Owner: R Eckert, A Bhatia and S Bhatia  
Responsible Authority: Town of Victoria  
DAP File No: DAP/20/01929

#### REPORT RECOMMENDATION

**Moved by:** Cr Vicki Potter

**Seconded by:** Cr Ronhhda Potter

The Report Recommendation was the addendum provided by the Town of Victoria Park on 18 March 2021. The addendum noted changes to Condition 6, 13 and AN4, AN12.

That the Metro Inner-South JDAP resolves to:

**Approve** DAP Application reference DAP/20/01929 and accompanying plans at Attachment 2 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 Town of Victoria Park Town Planning Scheme No. 1, 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 four 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, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 4 March 2021 at all times, unless otherwise authorised by the Town.
4. To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town.
5. Prior to lodging an application for a building permit, either (i) Lots 31 and 33 are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of Lots 31 and 33 into a single lot within 12 months of the issue of a building permit.



6. The number of children and staff attending the Child Care Premises is limited to a maximum of 92 children at any one time and a maximum of 14 staff at any one time between the hours of 7am-10am and 3pm-6pm.
7. The Child Care Premises is restricted in its hours of operation to the following:  
Monday – Friday: from 6:30am to 7.00pm for staff; and from 7.00am to 6.30pm for parents and children.
8. Prior to the occupation or use of the development, all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained to the satisfaction of the Town.
9. A minimum of 19 car parking bays to be provided on site and marked and/or signposted accordingly, with no more than six bays being allocated for staff use.
10. Prior to the occupation of the development, the applicant is to submit and have approved by the Town a Parking Management Plan which addresses the following matters:
  - (i) the measures to inform patrons and staff of:
    - on-site parking availability and use;
    - parking availability in the area;
    - available public transport to and from the site;
  - (ii) the measures to be implemented to encourage patrons and staff to walk or use public transport rather than drive to the site;
  - (iii) the measures to be implemented to manage parking during peak periods; and
  - (iv) restricting the times of special events so as to not coincide with the peak parking periods of the school.
11. A Memorandum of Understanding between the proprietor and the Town is to be prepared and executed by both parties to the satisfaction of the Town of Victoria Park prior to the occupation of the development, which includes the following commitments by the proprietor:
  - (i) to implement the measures contained in the approved Parking Management Plan;
  - (ii) to provide a copy of the approved Parking Management Plan to all patrons of the Child Care Premises at the time of enrolment, and to require patrons to acknowledge the Parking Management Plan;
  - (iii) to work with the Town to resolve any issues that may arise from the operation of the centre;
  - (iv) that should the business be sold, the proprietor will inform the purchaser of the need to enter into the same or similar Memorandum of Understanding with the Town.



12. Upon 12 months of operation, the applicant is to submit a report which addresses the actual operation of the centre, including patronage patterns and origins, staffing and student numbers, travel modes, implementation of the measures contained in the approved Parking Management Plan and the commitments in the Memorandum of Understanding. The report is to include a traffic impact assessment completed by a suitably qualified traffic consultant, which analyses the impact of the development upon traffic and parking conditions in the area, and any recommended actions.
13. Prior to the submission of an application for a building permit, revised drawings are to be submitted incorporating the following modifications to the elevations to the satisfaction of the Town :
  - (i) The incorporation of eaves to all elevations.
14. The location and details of the sign(s), and any supporting structure, as shown on the approved plans, must not be altered without the written consent of the Town.
15. The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, to the satisfaction of the Town.
16. The sign(s) must be constructed and maintained to the satisfaction of the Town.
17. Prior to lodging an application for a building permit, the app
18. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer related Advice Note)
19. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
20. Unless varied by other conditions of this approval, the external colours, finishes and materials of the building(s) are to be in accordance with the colours and material schedule date stamped approved 4 March 2021, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
21. Prior to occupation of the development, a minimum of four bicycle facilities must be provided in accordance with Australian Standard AS 2890.3 and to the satisfaction of the Town. The bicycle parking facilities shall be installed and remain in place permanently unless otherwise approved by the Town.



22. The landscaping areas shown on the approved landscaping plans shall be installed and reticulated prior to occupation of the development, and be thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town.
23. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a Construction Management Plan.
24. Unless varied by other conditions of this approval, the recommended mitigation measures contained in the Acoustic Report (prepared by Herring Storer Acoustics, dated November 2020) shall be implemented prior to occupancy and thereafter complied with by the operator and landowner(s) for the life of the development to the satisfaction of the Town.
25. The Waste Management Plan (prepared by Talis, dated 30 November 2020) is to be implemented and complied with by the operator and landowner(s) for the life of the development.
26. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
27. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
28. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
29. Prior to occupation or use of the development, the redundant crossover/s, as shown on the approved plans, must be removed and the verge and kerb reinstated at the cost of the owner to the specification and satisfaction of the Town.

### **Advice Notes**

- AN1 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.
- AN2 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.
- AN3 In relation to the clearance of planning conditions, a building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit





application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.

- AN4 With regards to public art, the contribution being either :
- i. payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct. In regard to this option a discount of 15% (to the 1% contribution amount) applies; or
  - ii. the owner/applicant to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development, at which time the bond will be refunded by Council. The public art is to be maintained thereafter by the owner/occupiers;
- AN5 This approval is for the use of the building as a Child Care Premises only. Any alternative use of the premises will require the submission of an application to Council for a change of use.
- AN6 The Construction Management Plan is to address the following matters :
- a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy and location of waste disposal bins;
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - g) Other matters likely to impact on the surrounding properties.
- AN7 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street that the building faces.
- AN8 Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Improvement Unit (tel 9311 8115) for approval prior to construction of a new crossover. Residential Vehicle crossovers shall be constructed from the following approved materials: Brick / Block Pavers, In-Situ concrete, In-Situ Lime-Crete, In-Situ Exposed aggregate or any other material approved by the Town.
- AN9 All fencing to be provided in accordance with the Dividing Fences Act and all boundary fencing behind the front building line to be a minimum of 1.8 metres and a maximum of 2.4 metres in height (or such other height agreed to in writing by the relevant adjoining land owners) at any point along the boundary, measured from the highest retained ground level.



- AN10 All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
- AN11 The applicant shall submit a certified Stormwater Management Plan that will address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration, prior to the submission of a building permit. In the event that changes to the approved plans (i.e finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for amendment to the development approval will be required.
- AN12 The applicant/owner should refer to the Requirements of Other Council Business Units, 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 Council.

### **AMENDING MOTION 1**

The following amendments were made en bloc:

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Vicki Potter

- (i) To delete Condition 4 to become an Advice Note and the remaining conditions be renumbered accordingly.

**REASON:** It was considered that condition 4 was a procedural matter, more appropriate as an advice note.

- (ii) That Condition 5 (now Condition 4) be amended to read as follows:

*Prior to lodging an application for a building permit **occupancy**, either (i) Lots 31 and 33 are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of Lots 31 and 33 into a single lot within 12 months of the issue of a building permit.*

**REASON:** The modification to condition 5 would enable the amalgamation to occur at a later time and not delay the issuing of a building permit.



- (iii) To delete Condition 10, 11 and 12 and the remaining conditions be renumbered accordingly.

**REASON:** With respect to conditions 10, 11 and 12 it was considered that the submitted Transport Impact Statement does not identify any parking and traffic impacts generated from this development and other conditions of approval limiting children and staff numbers and requiring a minimum number of car bays sufficiently mitigate against any potential future traffic and parking impacts, without the need for conditions 10, 11 and 12 to be imposed. Particular concern was expressed about condition 12 lacking finality and certainty.

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

### **AMENDING MOTION 2**

**Moved by:** Ms Diana Goldswain

**Seconded by:** Nil

That condition 6 (previously numbered condition 7) be amended to read as follows:

*The Child Care Premises is restricted in its hours of operation to the following:  
Monday – Friday: from 6:30am to 7.00pm for staff; and from ~~7.00am~~ **6.30am** to 6.30pm for parents and children.*

**The Amending Motion LAPSED for want of a seconder.**

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

That the Metro Inner-South JDAP resolves to:

**Approve** DAP Application reference DAP/20/01929 and accompanying plans at Attachment 2 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 Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

#### **Conditions**

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3. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 4 March 2021 at all times, unless otherwise authorised by the Town.



4. Prior to occupancy, either (i) Lots 31 and 33 are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of Lots 31 and 33 into a single lot within 12 months of the issue of a building permit.
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15. Unless varied by other conditions of this approval, the external colours, finishes and materials of the building(s) are to be in accordance with the colours and material schedule date stamped approved 4 March 2021, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
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23. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
24. Prior to occupation or use of the development, the redundant crossover/s, as shown on the approved plans, must be removed and the verge and kerb reinstated at the cost of the owner to the specification and satisfaction of the Town.

#### **Advice Notes**

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- AN10 All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
- AN11 The applicant shall submit a certified Stormwater Management Plan that will address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration, prior to the submission of a building permit. In the event that changes to the approved plans (i.e finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for amendment to the development approval will be required.
- AN12 The applicant/owner should refer to the Requirements of Other Council Business Units, 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 Council.
- AN13 To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town.

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

**REASON:** The panel was of the view that the proposed development was appropriately located, well designed, and unlikely to cause any detrimental impact to the amenity of the locality. Having given due regard to the Scheme and related policies, and to Clause 67 of the Regulations the Panel members unanimously supported the development.



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

Nil

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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
DAP/20/01821	City of Fremantle	Lot 19 (19-21) McCabe Street, North Fremantle	Eight Storey Mixed Use Development	15/12/2020
DAP/20/01843 DR 273/2020	City of Melville	No.114 (Lot 883) Matheson Road, Applecross	Proposed 35 Multiple Dwellings	16/12/2020
DAP/18/01521 DR 7/2021	City of Belmont	Lot 41 (225) Great Eastern Highway, Lot 28 (90) Daly Street & Lots 29 to 41 (37) Hargreaves Street, Belmont	Third party signage	21/01/2021

**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 11.01am.