



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 14 April 2022; 9:30am
Meeting Number: MISJDAP/96
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)

Item 8.1

Mayor Patrick Hall (Local Government Member, City of Canning)
Deputy Mayor Ben Kunze (Local Government Member, City of Canning)

Item 8.2

Cr Nicholas Pazolli (Local Government Member, City of Melville)
Cr Matthew Woodall (Local Government Member, City of Melville)

Officers in attendance

Item 8.1

Mr Sergio Famiano (City of Canning)
Ms Barbara Rankin (City of Canning)

Item 8.2

Mr Mark Scarfone (City of Melville)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Reegan Cake (Dynamic Planning and Developments)

Item 8.2

Mr Alan Stewart (Stewart Urban Planning)
Mr Richard Lambie
Ms Jiana Pan
Mr Max FitzGibbon

Members of the Public / Media

There were 2 members of the public in attendance.

Ms Indigo Lemay from Perth Now was in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:37am on 14 April 2022 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 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 meeting would not be recorded.

In response to the COVID-19 situation, this meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

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 8.2, received on 11 April 2022.

All members declared that they had duly considered the documents.



6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Nicholas Pazolli, declared that he participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Pazolli acknowledged that he is not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before him, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Reegan Cake (Dynamic Planning and Developments) 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.

The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Max FitzGibbon addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 Mr Alan Stewart (Stewart Urban Planning) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.5 The City of Melville addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.5 were heard prior to the application at Item 8.2.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 1 (Lot 11) Wilfred Road, Canning Vale

Development Description: Child Care Premises, Medical Centre and Recreation – Private To Existing Veterinary Centre
Applicant: Dynamic Planning and Developments
Owner: BP Australia Pty Ltd
Responsible Authority: City of Canning
DAP File No: DAP/21/02105

REPORT RECOMMENDATION

Moved by: Mayor Patrick Hall

Seconded by: Deputy Mayor Ben Kunze

That the Metro Inner South Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02105 is appropriate for consideration as a “Child Care Premises, Medical Centre and Recreation – Private to Existing Veterinary Centre” land use and compatible with the objectives of the zoning table in accordance with Clause 3.1 of the City of Canning Local Planning Scheme No. 42;
2. **Approve** DAP Application reference DAP/21/02105 and accompanying plans (Attachment 2 in accordance with Clause 68 of Schedule 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 Clause 4.18 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 lodgement of an application for a building permit, a detailed plan for the proposed new car parking spaces together with their aisles are to be prepared in compliance with AS2890.1 and submitted to the satisfaction of the City of Canning.
5. Prior to the occupation or use of the development, car parking spaces together with their aisles are to be constructed, drained and line marked and thereafter maintained to the satisfaction of the City.



6. Prior to occupation or use of the development, 82 car parking spaces together with their aisles are to be constructed, drained and line marked and thereafter maintained to the satisfaction of the City.
7. Bicycle parking spaces are to comply with AS2890.3 including Figure B5 from those standards.
8. Prior to the lodgement of an application for a building permit, a Waste Management Plan is to be submitted to the satisfaction of the City. The approved waste management plan is to be implemented and thereafter maintained to the satisfaction of the City.
9. A suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided to the satisfaction of the City.
10. Prior to occupation or use of the development, the applicant/developer shall submit a plan detailing the landscaping of the subject lot. The plan will be required to satisfy the requirements of Council's Local Planning Policy LP.09 and all landscaping on site will be required to be provided and maintained in accordance with the landscape plan.
11. The tree(s) indicated on the approved plan are to be retained as part of the development, in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites and AS 4373-2007 Pruning of Amenity Trees and shall not be removed thereafter unless written approval by the City of Canning is granted.
12. A suitably qualified and experienced arbor culturalist with a Diploma in Arboriculture* (Australian Qualifications Framework AQF Level 5) or higher relevant qualification and a minimum of three years demonstrated tree assessment and report writing experience. A report that is not prepared by a suitably qualified professional that meets the above standard will not be accepted.
13. Prior to the submission of an application for a building permit, a detailed schedule of external finishes (including materials and colour schemes and details) is to be submitted to and approved by the City.
14. Prior to the submission of an application for a building permit, a detailed Signage Strategy shall be submitted and approved by the City.
15. Prior to the submission 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."



16. The recommendations set out in the Environmental Noise Impact Assessment March 2022 prepared by Herring Storer Acoustics are to be implemented and adhered to for the duration of the occupancy or use of the development, unless otherwise approved by the City.
17. The noise-sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC *State Planning Policy 5.4 Road and Rail Noise* and implement the Acoustic Report, Reference 28533-2-21402, dated October 2021 prepared by Herring Storer Acoustics.
18. A noise report (including ground truthing of noise emissions) is to be submitted 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 at the applicant's cost.
19. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificate of Title of Lot 1818. 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 future be affected by transport noise.'
20. Stormwater from all roofed and paved areas must be collected and contained on site via soakwells. Stormwater 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.
21. Prior to lodgement of an application for a building permit, a Certified stormwater management plan 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.
22. Prior to the commencement of any site or construction works, detailed plans and specifications for all works within the road reserve are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including
 - (i) The construction of footpath in the Wilfred Road road reserve; and
 - (ii) Construction of footpath connection between the proposed development and the external footpath network in the Ranford Road road reserve.
23. Prior to the occupation or use of the development, the approved works within the road reserve are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.
24. Occupancy of the child care premises is to be restricted to a maximum of 75 children and 14 staff members at any one time.
25. The hours of operation are to be restricted to 7am and 7pm from Monday to Friday and 8am to 1pm Saturday with occupation or use of outdoor play areas not to commence until after 7.00am on weekdays.



26. Prior to lodgment of an application for a building permit, a revised Transport Impact Statement is required to be submitted to the satisfaction of the City of Canning.

Advice Notes

1. The development the subject of this approval is valid for a period of 4 years, from the date of the determination, to reflect the additional two years provided for in the Clause 78H Notice of Exemption from Planning Requirements during State of Emergency issues by the Minister for planning on 30 April 2020.
2. 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.
3. The development is to comply with the Food Act 2008, the Food Regulations 2009, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises.
4. A completed 'Food Business Notification and registration Form' and detailed fit-out plans, including elevations, are to be submitted to the City following Development Approval showing all fixtures, fittings and finishes. Please contact the City's Environmental Health Services on 9231 0503 or visit the City's Website for a 'Food Business Notification and Registration Form'.
5. The development shall comply with the Health (Public Buildings) Regulations 1992. The premises must be registered as a Public Building with the City of Canning and an inspection of the property shall be completed and Maximum Accommodation Certificate issued prior to use of the premises. Please liaise with the City's Environmental Health Services on 9231 0503 for further detailed information and associated fees.
6. In relation to Condition 10, the required trees are to be planted in accordance with the approved landscape plan/approved development plans (select as applicable). New trees are to be of a size which requires planting in a 90 litre or larger container and are to be of a minimum 2 metres height and 2 years age at the time of planting. Tree stock is to be selected in accordance with Australian Standard 2303:2015 - Tree Stock for Landscape Use.
7. The City require the retention of the WA Christmas tree (*Nuytsia floribunda*) and adjacent Banksia tree as shown on the plan in accordance with AS 4970-2009 - Protection of trees on development sites. Further management of the tree is to comply with AS 4373-2007 - Pruning of Amenity Trees.
8. This approval does not authorise the demolition of the existing buildings on site. A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings.
9. The proponent is to submit a set of the approved plans to the Fire and Emergency Services Authority of Western Australia (FESA) for assessment. For further information in this regard contact FESA on 9336 9300.



10. 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.
11. 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.
12. 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.

AMENDING MOTION 1

The following amendments were made en bloc:

Moved by: Deputy Mayor Ben Kunze

Seconded by: Mayor Patrick Hall

- (i) That Condition No. 4 be amended to read as follows:

Prior to lodgement of an application for a building permit, a detailed plan for the proposed new car parking spaces together with their aisles are to be prepared in compliance with AS2890.1 and AS2890.6 submitted to the satisfaction of the City of Canning.

REASON: To ensure that the ACROD bays are designed and installed in accordance with the Australian Standards.

- (ii) That Condition No. 14 be amended to read as follows:

Prior to the submission ~~of an~~ and approval by the City for an Occupancy Permit, ~~application for a building permit~~, a detailed Signage Strategy shall be submitted and approved by the City.

REASON: To allow for a more appropriate timeframe.



- (iii) That Condition No. 15 be amended to read as follows:

*Prior to the submission ~~of an~~ **and approval by the City for an Occupancy Permit, 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. The Bushfire Management Plan is applicable to the site and may be enforced through the Local Government Firebreak Notice or other statutory avenue’.

REASON: To allow for a more appropriate timeframe.

- (iv) That Condition No. 25 be amended to read as follows:

*The hours of operation **for the proposed child care premises** are ~~to be~~ restricted to 7am ~~and~~ to 7pm from Monday to Friday and 8am to 1pm Saturday with occupation or use of outdoor play areas not to commence until after 7.00am on weekdays.*

REASON: To correct a typographical error.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

The following amendments were made en bloc:

Moved by: Ms Rachel Chapman

Seconded by: Mr John Syme

- (i) That Condition No. 12 be amended to read as follows:

A suitably qualified and experienced arbor culturalist with a Diploma in Arboriculture (Australian Qualifications Framework AQF Level 5) or higher relevant qualification and a minimum of three years demonstrated tree assessment and report writing experience **is to prepare an arborist A-report to ensure the health of existing trees are properly assessed to the satisfaction of the City.** ~~that is not prepared by a suitably qualified professional that meets the above standard will not be accepted.~~*

REASON: The modifications to the condition were to clarify that a report was required to be prepared to the City’s satisfaction.



(ii) That Condition No. 25 be amended to read as follows:

Prior to lodgment of an application for a building permit, a revised Transport Impact Statement is required to be submitted to the satisfaction of the City of Canning, to address access design and traffic movement through the site.

REASON: To clarify the intention of the request for a revised transport impact statement.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Mr John Syme

Seconded by: Ms Rachel Chapman

That Condition No. 25 be deleted and the remaining conditions be renumbered accordingly.

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

For: Mr John Syme

Against: Mr Clayton Higham
Ms Rachel Chapman
Mayor Patrick Hall
Deputy Mayor Ben Kunze



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner South Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02105 is appropriate for consideration as a “Child Care Premises, Medical Centre and Recreation – Private to Existing Veterinary Centre” land use and compatible with the objectives of the zoning table in accordance with Clause 3.1 of the City of Canning Local Planning Scheme No. 42;
2. **Approve** DAP Application reference DAP/21/02105 and accompanying plans (Attachment 2 in accordance with Clause 68 of Schedule 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 Clause 4.18 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 lodgement of an application for a building permit, a detailed plan for the proposed new car parking spaces together with their aisles are to be prepared in compliance with AS2890.1 and AS2890.6 submitted to the satisfaction of the City of Canning.
5. Prior to the occupation or use of the development, car parking spaces together with their aisles are to be constructed, drained and line marked and thereafter maintained to the satisfaction of the City.
6. Prior to occupation or use of the development, 82 car parking spaces together with their aisles are to be constructed, drained and line marked and thereafter maintained to the satisfaction of the City.
7. Bicycle parking spaces are to comply with AS2890.3 including Figure B5 from those standards.
8. Prior to the lodgement of an application for a building permit, a Waste Management Plan is to be submitted to the satisfaction of the City. The approved waste management plan is to be implemented and thereafter maintained to the satisfaction of the City.



9. A suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided to the satisfaction of the City.
10. Prior to occupation or use of the development, the applicant/developer shall submit a plan detailing the landscaping of the subject lot. The plan will be required to satisfy the requirements of Council's Local Planning Policy LP.09 and all landscaping on site will be required to be provided and maintained in accordance with the landscape plan.
11. The tree(s) indicated on the approved plan are to be retained as part of the development, in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites and AS 4373-2007 Pruning of Amenity Trees and shall not be removed thereafter unless written approval by the City of Canning is granted.
12. A suitably qualified and experienced arbor culturalist with a Diploma in Arboriculture* (Australian Qualifications Framework AQF Level 5) or higher relevant qualification and a minimum of three years demonstrated tree assessment and report writing experience *is to prepare an arborist to ensure the health of existing trees are properly assessed to the satisfaction of the City.*
13. Prior to the submission of an application for a building permit, a detailed schedule of external finishes (including materials and colour schemes and details) is to be submitted to and approved by the City.
14. Prior to the submission and approval by the City for an Occupancy Permit, a detailed Signage Strategy shall be submitted and approved by the City.
15. Prior to the submission and approval by the City for an Occupancy 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. The Bushfire Management Plan is applicable to the site and may be enforced through the Local Government Firebreak Notice or other statutory avenue'.
16. The recommendations set out in the Environmental Noise Impact Assessment March 2022 prepared by Herring Storer Acoustics are to be implemented and adhered to for the duration of the occupancy or use of the development, unless otherwise approved by the City.
17. The noise-sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC *State Planning Policy 5.4 Road and Rail Noise* and implement the Acoustic Report, Reference 28533-2-21402, dated October 2021 prepared by Herring Storer Acoustics.



18. A noise report (including ground truthing of noise emissions) is to be submitted 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 at the applicant's cost.
19. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificate of Title of Lot 1818. 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 future be affected by transport noise.'
20. Stormwater from all roofed and paved areas must be collected and contained on site via soakwells. Stormwater 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.
21. Prior to lodgement of an application for a building permit, a Certified stormwater management plan 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.
22. Prior to the commencement of any site or construction works, detailed plans and specifications for all works within the road reserve are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including
 - (i) The construction of footpath in the Wilfred Road road reserve; and
 - (ii) Construction of footpath connection between the proposed development and the external footpath network in the Ranford Road road reserve.
23. Prior to the occupation or use of the development, the approved works within the road reserve are to be implemented by and at the cost of the owner/developer to the satisfaction of the City.
24. Occupancy of the child care premises is to be restricted to a maximum of 75 children and 14 staff members at any one time.
25. The hours of operation for the proposed child care premises are restricted to 7am to 7pm from Monday to Friday and 8am to 1pm Saturday with occupation or use of outdoor play areas not to commence until after 7.00am on weekdays.
26. Prior to lodgment of an application for a building permit, a revised Transport Impact Statement is required to be submitted to the satisfaction of the City of Canning.



Advice Notes

1. The development the subject of this approval is valid for a period of 4 years, from the date of the determination, to reflect the additional two years provided for in the Clause 78H Notice of Exemption from Planning Requirements during State of Emergency issues by the Minister for planning on 30 April 2020.
2. 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.
3. The development is to comply with the Food Act 2008, the Food Regulations 2009, the Australia New Zealand Food Standards Code and the Australian Standard AS4674:2004 Design, construction and fit-out of food premises.
4. A completed 'Food Business Notification and registration Form' and detailed fit-out plans, including elevations, are to be submitted to the City following Development Approval showing all fixtures, fittings and finishes. Please contact the City's Environmental Health Services on 9231 0503 or visit the City's Website for a 'Food Business Notification and Registration Form'.
5. The development shall comply with the Health (Public Buildings) Regulations 1992. The premises must be registered as a Public Building with the City of Canning and an inspection of the property shall be completed and Maximum Accommodation Certificate issued prior to use of the premises. Please liaise with the City's Environmental Health Services on 9231 0503 for further detailed information and associated fees.
6. In relation to Condition 10, the required trees are to be planted in accordance with the approved landscape plan/approved development plans (select as applicable). New trees are to be of a size which requires planting in a 90 litre or larger container and are to be of a minimum 2 metres height and 2 years age at the time of planting. Tree stock is to be selected in accordance with Australian Standard 2303:2015 - Tree Stock for Landscape Use.
7. The City require the retention of the WA Christmas tree (*Nuytsia floribunda*) and adjacent Banksia tree as shown on the plan in accordance with AS 4970-2009 - Protection of trees on development sites. Further management of the tree is to comply with AS 4373-2007 - Pruning of Amenity Trees.
8. This approval does not authorise the demolition of the existing buildings on site. A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings.
9. The proponent is to submit a set of the approved plans to the Fire and Emergency Services Authority of Western Australia (FESA) for assessment. For further information in this regard contact FESA on 9336 9300.



10. 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.
11. 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.
12. 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.

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

REASON: The proposed development was considered to satisfactorily address the planning framework and was considered an appropriate development for the location.

Mayor Patrick Hall left the panel at 10:05am.

Cr Ben Kunze left the panel at 10:05am.

Cr Nicholas Pazolli joined the panel at 10:05am.

Cr Matthew Woodall joined the panel at 10:05am.



8.2 Lot 300 (No.3) Worley Street, Willagee

Development Description: Proposed Child Care Premises
Applicant: Mr Alan Stewart, Stewart Urban Planning
Owner: Land Holding Three Pty Ltd
Responsible Authority: City of Melville
DAP File No: DAP/21/02152

REPORT RECOMMENDATION

Moved by: Cr Nicholas Pazolli

Seconded by: Cr Matthew Woodall

That the Metro Inner-South Joint Development Assessment Panel resolves to:

Refuse DAP Application reference DAP/21/02152 and accompanying plans Site Plan, Ground Floor Plan, Upper Floor Plan, Roof Plan and Elevations dated 22 March 2022 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 City of Melville Planning Scheme No. 6, for the following reasons:

1. The Council has previously resolved (Amendment No 13 to Local Planning Scheme No 6, Child Care Premises) to exclude Child Care Centres on Primary Regional Roads and this this proposal abuts Leach Highway.
2. Page 14 of RAR acknowledges the advertisement of the amendment to Local Planning Scheme 6 to prohibit Child Care Centres on Leach Highway and that this should be taken into account in the deemed to comply provisions. As a seriously entertained proposal the proposed amendment should be given consideration.

The Report Recommendation was put and LOST (3/2).

For: Cr Nicholas Pazolli
Cr Matthew Woodall

Against: Mr Clayton Higham
Ms Rachel Chapman
Mr John Syme

REASON: The majority of panel members did not accept the reasons as presented were sufficient to warrant a refusal and believed that the proposed development met the requirements of the current planning framework.



ALTERNATE MOTION

Moved by: Mr John Syme

Seconded by: Ms Rachel Chapman

With the agreement of the mover and seconder the following amendments were made to the report recommendation;

- (i) That a new Condition No.1 be added and the remaining conditions be renumbered accordingly.

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.

REASON: To ensure that the development was approved under the MRS as well as the LPS.

- (ii) That the last paragraph of Condition No. 16 (now Condition No. 17) be amended to read as follows:

Once approved, ~~constructed~~ construction shall proceed in accordance with the Construction Management Plan to the satisfaction of the City. The approved Construction Management Plan may be made publicly available.

REASON: To correct a typographical error.

It is recommended that the Metro Inner-South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02152 and accompanying plans (attachment Site Plan, Ground Floor Plan, Upper Floor Plan, Roof Plan and Elevations dated 22 March 2022) 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 City of Melville Local Planning Scheme No. 6, 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. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
3. All stormwater generated on site is to be retained on site.
4. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City



5. A maximum of 79 children and 15 staff are permitted on site unless otherwise approved in writing, to the satisfaction of the City.
6. The centre shall only operate between the hours of 6:30am and 7:00pm Monday to Friday, to the satisfaction of the City.
7. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding streets prior to the initial occupation of the development to the satisfaction of the City.
8. Prior to the initial occupation of the development, all unused crossovers shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
9. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed in accordance with the approved plans to be;
 - A maximum width of 6m;
 - Located a minimum of 2m away from the outside of the trunk of any street tree; and
 - A minimum of 1m from any existing street infrastructure.The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications, to the satisfaction of the City.
10. Prior to the initial occupation of the development, bicycle parking facilities for four bicycles shall be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the City. The facilities shall thereafter be retained for the life of the development.
11. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing, by the City. The development shall thereafter be constructed in accordance with those approved details.
12. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
13. Prior to the initial occupation of the development, certification from a qualified acoustic consultant shall be provided to demonstrate that the development, including acoustic fencing has been built in compliance with the recommendations and assumptions in the Eco Acoustics Assessment dated 1 March 2022 to the satisfaction of the City.
14. Prior to the initial occupation of the development, vehicular parking including all parking bays manoeuvring areas, driveway and points of ingress and egress is to be provided in accordance with the approved plans and Traffic Impact Statement prepared by i3 Consultants WA dated 15 December 2021. to the satisfaction of the City. The bays shall thereafter be retained for the life of the development.



15. The approved landscaping and reticulation plan prepared by Childscapes dated 1 March 2022 shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.
16. Waste Management shall be undertaken in accordance with the Waste Management Plan dated 20 December 2021, unless otherwise approved in writing by the City.
17. A Construction Management Plan is to be prepared by the applicant and submitted to the City for approval at least 30 days prior to lodging a Building Application. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
 - public safety and site security;
 - hours of operation;
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - the parking arrangements for employees contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted);
 - The provision of a 24 hour contact number for residents and a complaint log to be maintained by the developer for inspection by the City as and when requested; and
 - any other matters likely to impact upon the surrounding properties or road reserve.

Once approved, construction shall proceed in accordance with the Construction Management Plan to the satisfaction of the City. The approved Construction Management Plan may be made publicly available.

18. In accordance with Local Planning Policy LPP1.4 Provision of Art in Development Proposals, prior to the commencement of development, a public art proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the City. In lieu of provision of art on site, a cash in lieu contribution may be made as per LPP 1.4.
19. Prior to the occupation of the building, an anti-graffiti coating is to be applied to the wall adjoining the Leach Highway reserve to Main Roads requirements.



Advice Notes

1. This development constitutes a "Food Business" as per Section 107 of the Food Act 2008 and therefore is to comply with the provisions of the Food Regulations 2009 and the Food Safety Standards. For further information please contact the City's Health Services.
2. Prior to the development of the food business, an application to alter and construct of a food is required under section 110(3) of the Food Act 2008, accompanied with the design and fit-out specifications for approval by the City of Melville.
3. As the premise is providing food to "Vulnerable Persons" a Food Safety Plan that complies with Food Safety Standard 3.2.1 must be submitted as part of the Food Business application.
4. The Environmental Protection (Noise) Regulations 1997 must be complied with at all times.
5. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website> Technical & Commercial> Working on Roads.
6. The applicant is advised that in relation to Condition 23, that Main Roads specifications for the anti-graffiti coating can be found on the Main Roads website > Technical & Commercial > Technical Library > Specifications > Specifications 908 Annexure A – Anti Graffiti Coatings – PDF.
7. No works are permitted within the Leach Highway Road Reservation, unless Main Roads has issued a working on Roads Permit.

The Alternate Motion was put and CARRIED (3/2).

For: Mr Clayton Higham
Ms Rachel Chapman
Mr John Syme

Against: Cr Nicholas Pazolli
Cr Matthew Woodall

REASON: The majority of the panel members considered that the development met the requirements of the planning framework as it currently is. While the scheme amendment being pursued by the Council was acknowledged it was not considered to be imminent or certain given the stage that it is at and, therefore, was given little weight in the consideration of the proposed development. The majority of the panel members considered the proposed development to be a good design responding well to its location and adequately addressing, through expert advice and design, concerns over noise and air quality.



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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

| Current SAT Applications | | | | |
|----------------------------------|-----------------------|--|--------------------------------|--------------------|
| File No. & SAT DR No. | LG Name | Property Location | Application Description | Date Lodged |
| DAP/21/01936 DR 168/2021 | Town of Victoria Park | No. 176 (Lot 40) Burswood Road, Burswood | Proposed Office Tower | 09/08/2021 |

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 11:28am.