



## **Metro Inner-South Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Friday, 12 August 2022; 9.30am  
**Meeting Number:** MISJDAP/105  
**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

Ms Rachel Chapman (A/Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)  
Mayor Patrick Hall (Local Government Member, City of Canning)  
Cr Amanda Spencer-Teo (Local Government Member, City of Canning)

### Officers in attendance

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

### Minute Secretary

Ms Zoe Hendry (DAP Secretariat)

### Applicants and Submitters

Mr Ben Doyle (Planning Solutions)  
Ms Kate Brooks (Planning Solutions)

### Members of the Public / Media

Nil

## 1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:30am on 12 August 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 A/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 A/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 A/Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.



## 2. Apologies

Mr Clayton Higham (Presiding Member)  
Mr Peter Lee (Third Specialist Member)

## 3. Members on Leave of Absence

DAP Member, Mr Clayton Higham has been granted leave of absence by the Director General for the period of 8 August 2022 to 22 August 2022 inclusive.

DAP Member, Mr Peter Lee has been granted leave of absence by the Director General for the period of 6 July 2022 to 7 September 2022 inclusive.

## 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 A/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 10 August 2022.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil

## 7. Deputations and Presentations

7.1 Mr Ben Doyle and Ms Kate Brooks (Planning Solutions) 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 Officers 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 1347 Albany Highway, (Lot 802) Cannington

Development Description: Change of use to Motor Vehicle, Boat or Caravan Sales, Trade Supplies (Two Split Tenancies) and Additions/Alterations, and Signage

Applicant: Ben Doyle (Planning Solutions)

Owner: Carrooda Pty Ltd & Sansom Nominees Pty Ltd

Responsible Authority: City of Canning

DAP File No: DAP/22/02242



## REPORT RECOMMENDATION

**Moved by:** Mayor Patrick Hall

**Seconded by:** Cr Amanda Spencer-Teo

*With the approval of the mover and seconder the following amendments to the Report Recommendation were made:*

*Condition 11 was deleted and replace with a new Condition No.11 to read:*

*A wash down bay is not included in the application and the proposed business and approval is restricted to 'wiping' down without the use of chemicals.*

*A new Advice Note No.10 was added to read as follows:*

*In relation to Condition No.11, should the operation of the proposed business change, and vehicles are proposed to be washed down by chemicals, further planning approval is required.*

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

1. **Accept** that the DAP Application reference DAP/22/02242 is appropriate for consideration as a "Change of use to Motor Vehicle, Boat or Caravan Sales, Trade Supplies (Two Split Tenancies) and Additions/Alterations, and Signage" 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/22/02242 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 Table 2 of the City of Canning Local Planning Scheme No. 42 and the Canning City Centre Activity Centre Plan, 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. Bicycle parking spaces are to comply with AS2890.3 including Figure B5 from those standards.
5. Bicycle parking spaces shall be sheltered by a water impermeable roof structure.
6. Prior to the occupancy of the development, the applicant/owner is to remove or re-direct existing lighting spill facing any residential lot/s.



7. Prior to occupation or use of the development, landscaping is to be installed in accordance with the Landscape Plan received 13 July 2022, Plan No. D09.
8. 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.
9. 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.
10. Hours of operation are to be restricted as follows:  
The Motor Vehicle, Boat or Caravan Sales -  
(Workshop) 6.30am to 3pm Monday to Thursday,  
6.30am to 12pm Friday,  
Closed on Saturday;  
(Showroom) 8am to 5pm Monday to Friday and 8am to 1pm Saturday; and  
  
Trade Supplies -  
Monday – Friday: 8am to 6pm  
Saturday: 8am to 5pm  
Sunday: 11am to 5pm
11. A wash down bay is not included in the application and the proposed business and approval is restricted to 'wiping' down without the use of chemicals.

#### **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. 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.
4. 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.
5. 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.
6. Contact the Water Corporation on 131395 for information on discharging liquid wastes to sewer.



7. Premises to be operated in compliance with the Environmental Protection Act 1986, Environmental Protection (Unauthorised Discharges) Regulations 2004 and Environmental Protection (Noise) Regulations 1997. Note if in connection with a business or a commercial activity, a material listed in Schedule 1 of the Environmental Protection (Unauthorised Discharges) Regulations 2004 is discharged into the environment, an offence is committed. Please see [www.slp.wa.gov.au](http://www.slp.wa.gov.au) for further information.
8. It is an offence under Part 4 of the City's Local Government Property and Public Places Local Law 2021 to damage, prune or remove a street tree without first obtaining a written permit. Prior to the commencement of works, a protective fence must be installed around the street tree(s) with a minimum clearance of 2 metres from the trunk of the street tree(s). The protective fence is to be approved via a verge permit and is to be maintained for the duration of any works on the adjoining lot.
9. All vegetation within the Garden beds shall be maintained to a maximum height of 700mm, so as not to impede sightlines.
10. In relation to Condition No.11, should the operation of the proposed business change, and vehicles are wash down by chemicals, further planning approval is required.

#### **AMENDING MOTION 1**

**Moved by:** Ms Diana Goldswain

**Seconded by:** Ms Rachel Chapman

That Condition No.10 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Ms Rachel Chapman  
Mr Brian Curtis  
Ms Diana Goldswain

Against: Mayor Patrick Hall  
Cr Amanda Spencer-Teo

**REASON:** The majority of the panel considered that it was not necessary or appropriate to impose additional restrictions on hours of operation in the City Centre beyond what is legislated and acknowledged that the existing use operated for longer periods than what is proposed, and is likely in the future, for the change of use.



## AMENDING MOTION 2

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mayor Patrick Hall

That Condition No. 11 (now No.10) and Advice Note 11 be amended to read as follows:

*A wash down bay is not included in the application and the proposed business and approval is restricted to 'wiping' down ~~without the use of chemicals of vehicles only.~~*

*In relation to Condition No.11, should the operation of the proposed business change, and vehicles are washed down ~~by chemicals~~, further planning approval is required.*

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

**REASON:** Reference to 'chemicals' could be interpreted as applying to polishes unrelated to washing down of vehicles, so was removed.

### REPORT RECOMMENDATION (AS AMENDED)

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

1. **Accept** that the DAP Application reference DAP/22/02242 is appropriate for consideration as a "Change of use to Motor Vehicle, Boat or Caravan Sales, Trade Supplies (Two Split Tenancies) and Additions/Alterations, and Signage" 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/22/02242 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 Table 2 of the City of Canning Local Planning Scheme No. 42 and the Canning City Centre Activity Centre Plan, 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. Bicycle parking spaces are to comply with AS2890.3 including Figure B5 from those standards.
5. Bicycle parking spaces shall be sheltered by a water impermeable roof structure.



6. Prior to the occupancy of the development, the applicant/owner is to remove or re-direct existing lighting spill facing any residential lot/s.
7. Prior to occupation or use of the development, landscaping is to be installed in accordance with the Landscape Plan received 13 July 2022, Plan No. D09.
8. 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.
9. 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.
10. A wash down bay is not included in the application and the proposed business and approval is restricted to 'wiping' down of vehicles only.

### **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. 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.
4. 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.
5. 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.
6. Contact the Water Corporation on 131395 for information on discharging liquid wastes to sewer.
7. Premises to be operated in compliance with the Environmental Protection Act 1986, Environmental Protection (Unauthorised Discharges) Regulations 2004 and Environmental Protection (Noise) Regulations 1997. Note if in connection with a business or a commercial activity, a material listed in Schedule 1 of the Environmental Protection (Unauthorised Discharges) Regulations 2004 is discharged into the environment, an offence is committed. Please see [www.slp.wa.gov.au](http://www.slp.wa.gov.au) for further information.





8. It is an offence under Part 4 of the City’s Local Government Property and Public Places Local Law 2021 to damage, prune or remove a street tree without first obtaining a written permit. Prior to the commencement of works, a protective fence must be installed around the street tree(s) with a minimum clearance of 2 metres from the trunk of the street tree(s). The protective fence is to be approved via a verge permit and is to be maintained for the duration of any works on the adjoining lot.
9. All vegetation within the Garden beds shall be maintained to a maximum height of 700mm, so as not to impede sightlines.
10. In relation to Condition No.11, should the operation of the proposed business change, and vehicles are washed down, further planning approval is required.

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

**REASON:** The Panel supported the change of use which was considered minor in the context of the previous approval and operation of the site as a Bunnings Store, with very minor alterations required to the building. The proposed uses are also considered not to have a greater impact on nearby residential areas in the City Centre than the previous use.

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

Nil

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

The A/Presiding Member noted the following SAT Applications –

<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/21/02116 DR 90/2022	City of South Perth	No. 3 & 3a (Lot 5) Davilak Street and Units 1-3, No. 135 (Lot 67) Robert Street, Como	Proposed Mixed Development in a 15 Storey Building	30/05/2022
DAP/21/01936 5.2020.709.1	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Officer Tower	09/08/2021



## **11. General Business**

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the A/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 A/Presiding Member declared the meeting closed at 10:05am.