



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 26 August 2022; 9.30am
Meeting Number: MISJDAP/107
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)
Mr Jarrod Ross (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

Mayor Patrick Hall (Local Government Member, City of Canning)
Cr Amanda Spencer-Teo (Local Government Member, City of Canning)

Item 10.1

Cr Stephen Russell (Local Government Member, City of South Perth)
Cr Carl Celedin (Local Government Member, City of South Perth)

Officers in attendance

Item 8.1

Ms Ciara Buckley (City of Canning)
Ms Amber Currie (City of Canning)
Mr Troy Bozich (City of Canning)

Item 10.1

Ms Laura Kelliher (City of South Perth)
Ms Fiona Mullen (City of South Perth)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)
Mr Stephen Haines (DAP Secretariat)

Applicants and Submitters

Item 8.1

Ms Alison Healey (element)
Mr Murray Casselton (element)
Ms Cassie Rodwell (Wallace PM)
Mr Frank Lemma (Oldfield Knott Architects)
Mr Darren Levy (Uloth & Associates)

Item 10.1

Mr Nik Hidding (Hidding Urban Planning)

Members of the Public / Media

Ms Nadia Budihardjo from Business News and Ms Victoria Rifici from Perth Now were in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 26 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 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.

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

2. Apologies

Ms Rachel Chapman (Deputy Presiding Member)
Mr Peter Lee (Third Specialist 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 22 August 2022 to 26 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 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 24 August 2022.

All members declared that they had duly considered the documents.



6. Disclosure of Interests

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Mr Clayton Higham, declared that he participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Mr Clayton Higham acknowledged that he is not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before him, which will be considered on its planning merits.

7. Deputations and Presentations

7.1 Ms Alison Healey (element) 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 Items 7.1 - 7.2 were heard prior to the application at Item 8.1

7.3 Mr Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.

7.4 The City of South Perth addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 10.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 2 & 10-16 (Lots 303 & 251) Cook Street, Canning Vale

Development Description:	Warehouse/Storage, Bulky Goods Showroom, Industry & Offices
Applicant:	Element Advisory Pty Ltd
Owner:	TAP IV Canning Vale Pty Ltd
Responsible Authority:	City of Canning
DAP File No:	DAP/22/02216



REPORT RECOMMENDATION

Moved by: Mayor Patrick Hall

Seconded by: Cr Amanda Spencer-Teo

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

- (i) To amend Condition 18 to read as follows:

*Prior to submission of an application for building permit, **arrangements being made to the satisfaction of the City for the amalgamation of Lots 90, 251, 303 and 250** ~~must be amalgamated~~ into a single lot on a Certificate of Title. **The amalgamation must be completed prior to the occupation of the development** ~~or Alternatively prior to occupation of the development~~ the landowner may enter into a legal agreement with the City, including placement of a caveat on the relevant title, to allow the amalgamation to occur at a later time to the satisfaction of the City's Solicitors at the expense of the applicant / landowner.*

REASON: The amendment was to recognise that the amalgamation process is a relatively lengthy process and that, while it needed to be undertaken, it could occur during the building permit and development phase as long as it is completed prior to occupation of the development.

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

1. **Accept** that the DAP Application reference DAP/22/02216 is appropriate for consideration as a "Warehouse/Storage, Bulky Goods Showroom, Industry & Office" 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/22/02216 and accompanying plans (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 Clause 4.17 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 of the proposed development, the proposed car parking spaces together with their access aisles are to be constructed, line marked and thereafter maintained to the satisfaction of the City.
5. Prior to occupation of the proposed development, eighteen (18) bicycle parking bays are to be installed and thereafter maintained in accordance with *Australian Standard AS2890.3* and Council specifications to the satisfaction of the City.
6. Prior to occupation of the proposed development, two (2) male and two (2) female showers (or 2 unisex showers) with thirty-six (36) lockers shall be installed and thereafter maintained in accordance with the relevant *Australian Standards* and Council specifications.
7. The trees indicated on the approved plan to be retained as part of the development are to be managed 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.
8. Prior to occupation of the proposed development, landscaping is to be installed in accordance with the Landscape Plan received 3 June 2022. Landscaping is to thereafter be maintained to the satisfaction of the City.
9. 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 (Manager, City Greening).
10. Prior to applying for a Building Permit, detailed plans and specifications for the removal or relocation of the existing City of Canning's onsite drainage infrastructure are required to be submitted by and at the cost of the owner/developer to the satisfaction of the City.
11. Prior to the occupation of the proposed development, the approved works are to be implemented and new drainage easements are to be created in favour of the City by and at the cost of the owner/developer to the satisfaction of the City.
12. Stormwater from all roofed and paved areas must be collected and discharged to the Water Corporation drain via the existing drainage connection. Stormwater must not affect or be allowed to flow onto or into any other or adjoining properties. Drainage systems must be in accordance with the Building Code of Australia.
13. Prior to applying for a Building Permit, a geotechnical report is to be submitted, detailing site conditions with respect to soil, groundwater and stormwater disposal, to the satisfaction of the City.
14. Prior to applying for a Building Permit, a detailed drainage design is to be submitted to the satisfaction of the City. The approved drainage design is to be implemented and thereafter maintained to the satisfaction of the City.



15. Within six months from the date of this development approval, detailed plans and specifications for the extension of Cook Street are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including, but not limited to:
- a) Construction and draining of new Cook Street;
 - b) Construction and draining of new Cook Street and Vulcan Road intersection;
 - c) Relocation of services;
 - d) Lighting; and
 - e) Verge landscaping

The approved works are to be substantially commenced within 12 months from occupation or use of the development and completed with Cook Street being ceded as a road reserve within 12 months of substantial commencement unless otherwise agreed by the City, by and at the cost of the owner/developer to the satisfaction of the City.

16. Within six months from the date of this development approval, detailed plans and specifications for the modification of the existing Bannister Road – Cook Street intersection are to be submitted by and at the cost of the owner/developer to the satisfaction of the City, including:
- a) The construction of a right turn auxiliary lane and painted road median
 - b) Road widening to accommodate lane correct access (left-turn) for 27.5m B-Double into Cook Street.

Prior to the occupation or use of the development, the approved works are to be implemented by and at the cost of the owner/developer to the satisfaction of the City

17. In respect to the proposed new Bannister Road crossover:
- a) The final location and design of the crossover is to consider the location of the existing bus stop, verge trees, services, pre-existing street furniture and any other relevant locational constraints to the satisfaction of the City.
 - b) Detailed plans setting out the final location and design of the crossover are to be submitted at the building permit stage to the satisfaction of the City; and
 - c) The crossover is not to be used until such time as shared access arrangements are established with the adjacent Lot 90 via a right of carriageway easement across both properties to the satisfaction of the City.

All costs associated with meeting the terms of this condition are to be met by the owner/developer to the satisfaction of the City.

18. Prior to submission of an application for building permit, arrangements being made to the satisfaction of the City for the amalgamation of Lots 90, 251, 303 and 250 into a single lot on a Certificate of Title. The amalgamation must be completed prior to the occupation of the development. Alternatively prior to occupation of the development the landowner may enter into a legal agreement with the City, including placement of a caveat on the relevant title, to allow the amalgamation to occur at a later time to the satisfaction of the City's Solicitors at the expense of the applicant / landowner.



Advice Notes

1. The proposed development is to comply with the provisions of the *Building Act 2011*, the *Building Code of Australia* and any other requirements of the City's Building Department.
2. This approval does not authorise the commencement of any building works. The applicant is advised that a Building Permit Approval must be obtained prior to the commencement of any works. To obtain a Building Permit Approval 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.
3. This approval does not authorise the demolition of the existing buildings on site. A demolition licence must be obtained from the City prior to the removal/ demolition of the existing buildings.
4. The premises is 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 for further information.
5. As there is no footpath along the Cook Street and Vulcan Road verges, a 1.5 metre wide strip parallel and adjacent to the kerb must be foot trafficable for pedestrians. Bark mulch or turf are an acceptable treatments in this location. Verge plants are to be maintained at a maximum height of 700mm.
6. 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.
7. With respect to Condition (4), construction of the car parking bays requires paving, sealing, marking and draining to the satisfaction of the City.
8. In respect to condition (10), the applicant is advised that a detailed on-site drainage survey and geotechnical investigations shall be carried out prior to undertaking any designs for the removal or relocation of the existing drainage infrastructure.
9. In respect to condition (12), the applicant is advised that a written consent from Water Corporation shall be obtained to discharge storm water via the existing drainage connection.



10. In respect to condition (15), the applicant is advised that:
 - i. The drainage design is to be undertaken by a suitably qualified drainage engineer giving consideration to the geotechnical report and the existing drainage infrastructure onsite; and
 - ii. The onsite stormwater detention storage shall be designed to accommodate 1 in 20 year ARI. The overland flow path will cater for a storm greater than a 1 in 20 year ARI.
11. In respect to condition (18); in the preparation of any legal agreement required by this condition, the City's solicitors act for the City. You are advised to take your own legal advice in connection to this condition. All expenses associated with the preparation of the legal agreement including the City's expenses for its legal advice will be paid for by the applicant / landowner.
12. 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.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed development was considered a well designed and very suitable addition to the locality.

Mayor Patrick Hall and Cr Amanda Spencer-Teo (Local Government Member, City of Canning) *left the panel at 9:42am.*

Cr Stephen Russell and Cr Carl Celedin (Local Government Member, City of South Perth) *joined the panel at 9:42am.*

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

Nil.



10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 No. 3 & 3A (Lot 5) Davilak Street and Units 1-3, No. 135 (Lot 67) Robert Street, Como

Development Description:	Proposed Mixed Development in a 15 Storey Building
Summary of Modifications:	Amended Ground Floor Plan and Landscaping plans increasing the on-site provision of visitor parking.
Applicant:	Canaan PD 1 Pty Ltd
Owner:	Canaan PD 1 Pty Ltd
Responsible Authority:	City of South Perth
DAP File No:	DAP/21/02116

REPORT RECOMMENDATION

Moved by: Mr Clayton Higham

Seconded by: Mr Jason Hick

That the Metro Inner-South Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 90 of 2022, resolves to:

Reconsider its decision dated 1 April 2022 and **VARY its** decision for DAP Application reference DAP/21/02116 and amended plans (SC02-02 Rev D) 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 South Perth Town Planning Scheme No. 6, subject to the following conditions:

Amended 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.
17. A minimum of 8 on-site visitor car bays for visitors to the residential component of the development are to be provided and marked accordingly.
25. Prior to any works being undertaken on the Council verge (Civil &/or Stormwater), the proposed design, in particular the on-street car bays, must be approved by the City of South Perth Asset & Design Services. All works approved to be undertaken on the Council verge are at the owner's expense.



43. Prior to the submission of an occupancy permit application, all works required within the public realm are to be implemented at the owner's expense, to the satisfaction of the City of South Perth.

All other conditions on the previous approval dated 1 April 2022 shall remain unless altered by this application.

Advice Notes

13. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administration Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
14. This is a notice of determination on application for development approval issued in accordance with the Planning and Development Act 2005, the Planning and Development (Local Planning Schemes) Regulations 2015, the City of South Perth Town Planning Scheme No. 6, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.

NB. All other Advice Notes will be included in a separate letter to the Applicant from the City of South Perth.

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

For: Mr Clayton Higham
Mr Jarrod Ross
Mr Jason Hick

Against: Cr Stephen Russell
Cr Carl Celedin

REASON: The majority of the panel members considered that the visitor parking arrangement as modified in this application was adequate given the excess in on-site resident parking, the additional on-site bays allocated to visitor parking, and the three additional bays to be established in the verge Davilak Street. The verge parking would be located closer to the intersection with Roberts Street thereby allowing for vehicle turning movements at the end of Davilak Street for commuter drop off and pick up movements. Given these changes the majority of the panel members were satisfied that discretion could be exercised to now support this development.



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 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 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 10:12am.