



# Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 29 August 2022; 9:30am  
**Meeting Number:** MISJDAP/108  
**Meeting Venue:** City of Melville  
10 Almondbury Road, Booragoon

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## **Attendance**

### **DAP Members**

Mr Clayton Higham (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Mr Jason Hick (A/Third Specialist Member)  
Cr Nicholas Pazolli (Local Government Member, City of Melville)  
Cr Margaret Sandford (Local Government Member, City of Melville)

### **Officers in attendance**

#### *Item 8.1*

Mr Michael Flanagan (City of Melville)

#### *Item 8.2*

Mr Mark Scarfone (City of Melville)

### **Minute Secretary**

Ms Larissa Bore (City of Melville)  
Ms Corinne Crotty (City of Melville)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Daniel Hollingworth (Lateral Planning)  
Ms Lisa Tuang  
Ms Shona Reese

#### *Item 8.2*

Mr Tony Watson (MW Urban)

### **Members of the Public / Media**

There were 8 members of the public in attendance.

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

The Presiding Member declared the meeting open at 9.33 am on 29 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*.

**Mr Clayton Higham**  
Presiding Member, JDAP



## 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 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.

## 2. Apologies

Mr Peter Lee (Third Specialist Member)  
Cr Matthew Woodall (Local Government Member, City of Melville)

## 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

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 Members, Cr Nicholas Pazolli and Cr Margaret Sandford, declared that they participated in a prior Council meeting in relation to the application at item 8.1 and 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Pazolli and Cr Sandford acknowledged that they are 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 them, 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 members listed above, who had disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the items.



## 7. Deputations and Presentations

- 7.1 Ms Lisa Tuang addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Ms Shona Reese addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3 Mr Daniel Hollingworth (Lateral Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 City of Melville Officers 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 – 7.4 were heard prior to the application at Item 8.1.***

- 7.5 Mr Tony Watson (MW Urban) addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.6 City of Melville Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Items 7.5 - 7.6 were heard prior to the application at Item 8.2.***

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

### 8.1 No.11 (Lot No. 98) Chetwynd Way, Booragoon

Development Description: 13 Aged and Dependent Persons Dwellings  
Applicant: Mr Daniel Hollingworth, Lateral Planning  
Owner: Adrian Min Yan Lee  
Responsible Authority: City of Melville  
DAP File No: DAP/22/02183

### REPORT RECOMMENDATION

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr Jason Hick

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

- 1. **Approve** DAP Application reference DAP/2022/02183 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Melville Local Planning Scheme No. 6, subject to the following conditions:

Mr Clayton Higham  
Presiding Member, JDAP



## 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 the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City of Melville or the Joint Development Assessment Panel.
4. At least one permanent occupant of the dwellings must be an aged or dependent person as defined in the Residential Design Codes, or the surviving spouse of such a person. A notification under Section 70A of the *Transfer of Land Act 1893* advising the owners and prospective purchasers of the land of the restriction relating to the occupation of the dwelling is to be registered on the Certificate of Title of the land at the applicant's cost prior to the initial occupation of the development.
5. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City.
6. 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.
7. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) 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 the initial occupation of the development, all vehicle parking bays, manoeuvring areas and points of ingress and egress shall be provided in accordance with the approved plans and AS/NZS 2890.1:2004, to the satisfaction of the City and shall be retained for the life of the development.
10. Prior to the initial occupation of the development, 4 visitor car parking bays must be individually marked on site as 'Visitor Bays'. The visitor bays must be made available for use by visitors at all times.

**Mr Clayton Higham**  
Presiding Member, JDAP



11. 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 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 approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

12. The street walls and fences (including the height of any retaining walls constructed within the primary street setback area) as highlighted in red on the approved plans, shall meet the requirements contained under clause 3 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
13. The infill panels to the front fence/wall as highlighted in yellow on the approved plans, shall comply with the definition of 'Visually Permeable' found in State Planning Policy 7.3 *Residential Design Codes Volume 1*, to the satisfaction of the City.
14. 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.
15. Prior to the initial occupation of the development, the boundary wall/s and shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
16. Prior to the commencement of works, 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.
17. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include proposed details of (but is not limited to):
- (a) The location, number and type of proposed trees and shrubs including planter size and planting density.
  - (b) Any lawns to be established.
  - (c) Any existing vegetation and/or landscaped areas to be retained; and
  - (d) Any verge treatments.

The approved landscaping and reticulation plan 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.



18. The development is to be constructed and operated in accordance with the approved Waste Management Plan prepared by Lateral Planning dated 21 June 2022 and Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*, to the satisfaction of the City.
19. 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 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 contact details of the site supervisor and details of the complaints handling process to be put in place; and
  - any other matters likely to impact upon the surrounding properties or road reserve.

The applicant should have regard to the provisions of Draft Local Planning Policy 1.22 Construction Management Plans to assist in preparing this document. Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City. The approved Construction Management Plan may be made publicly available on the City of Melville website.

20. Prior to commencement of the development, updated plans and supporting documentation shall be submitted to and approved in writing by the City to demonstrate all of the measures identified in the Sustainable Design Strategy prepared by CADDs Group dated 4 August 2022 have been incorporated design. Prior to occupation, evidence shall be provided from a suitably qualified consultant, confirming that the development has been constructed in accordance with the approved plans.

**Mr Clayton Higham**  
Presiding Member, JDAP



21. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout construction of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria:
- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment, fuel, oil dumps or chemicals;
    - Servicing or refuelling of equipment or vehicles;
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches, or any other fixing device);
    - Open-cut trenching or excavation works (whether or not for laying of services);
    - Changes to the natural ground level of the verge;
    - Location of any temporary buildings including portable toilets; or
    - The parking of vehicles or machinery.

#### **Advice Notes**

1. The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011, Geographic Information – Rural and Urban Addressing. It is recommended that the Applicant contact the City prior to the completion of construction at which point the City will allocate new street addresses to the dwellings. The City will also notify Landgate, Australia Post, Alinta Gas, Western Power and the Water Corporation of the new address details.

#### **AMENDING MOTION 1**

**Moved by:** Cr Margaret Sandford

**Seconded by:** Mr Nicholas Pazolli

That Condition No. 6 be amended to read as follows:

*After consultation with the adjoining neighbours, and 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.*

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

**REASON:** The amendment is to ensure that the immediate neighbours are given an opportunity to have an input into the finish of the retaining walls.

**Mr Clayton Higham**  
Presiding Member, JDAP





## **AMENDING MOTION 2**

**Moved by:** Cr Margaret Sandford

**Seconded by:** Mr Nicholas Pazolli

That Condition No. 15 be amended to read as follows:

*After consultation with the adjoining neighbours, and prior to the initial occupation of the development, the boundary wall/s and fences shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.*

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

**REASON:** The amendment is to ensure that the immediate neighbours are given an opportunity to have an input into the finish of the boundary walls and fences.

## **AMENDING MOTION 3**

**Moved by:** Cr Margaret Sandford

**Seconded by:** Mr Nicholas Pazolli

That Condition No. 16 be amended to read as follows:

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

*After consultation with the adjoining neighbours, and 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.*

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

**For:** Cr Nicholas Pazolli  
Cr Margaret Sandford

**Against:** Mr Clayton Higham  
Ms Rachel Chapman  
Mr Jason Hick



#### **AMENDING MOTION 4**

**Moved by:** Cr Nicholas Pazolli

**Seconded by:** Ms Rachel Chapman

That a new Condition No. 22 be added to read as follows:

***Prior to the commencement of the development, the applicant shall provide and have approved in writing by the City, appropriate plans and written details to demonstrate the dwellings have been designed to meet the requirements of Silver Level Liveable Housing Australia as a minimum. Prior to the occupation of the development, the applicant shall provide written confirmation that the development has been constructed in accordance with the approved plans.***

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

**REASON:** Given that the dwellings are being designed and approved specifically for aged and dependent persons and noting the applicant's intent to meet silver level requirements under Liveable Housing Design Guidelines, it was considered appropriate to condition the development accordingly. Furthermore, the condition would ensure compliance was assessed by the planning department as being achieved prior to a building licence being obtained.

#### **AMENDING MOTION 5**

**Moved by:** Cr Nicholas Pazolli

**Seconded by:** Cr Margaret Sandford

That a new Condition No. 23 be added to read as follows:

***Prior to the commencement of the development, the applicant shall provide and have approved in writing by the City, appropriate plans and written details to demonstrate the dwellings have been designed to meet C.2.2 and C.2.3 of clause 5.5.2 Aged and Dependent Person Dwellings of SPP 7.3 Residential Design Codes (Volume 1). Prior to the occupation of the development, the applicant shall provide written confirmation that the development has been constructed in accordance with the approved plans.***

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

**REASON:** The condition is included to provide certainty that the dwellings have been designed and constructed to meet the specific requirements of the Aged and Dependent Persons provisions in SPP 7.3.



## AMENDING MOTION 6

**Moved by:** Mr Clayton Higham

**Seconded by:** Ms Rachel Chapman

That a new Condition No. 24 be added to read as follows:

***The plans being modified to remove the proposed bin hardstand area depicted on the verge and replaced with soft landscaping.***

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

**REASON:** The requirement for a bin hardstand area on the verge is considered superfluous given the approved waste management plan provides for on-site bin collection.

### REPORT RECOMMENDATION (AS 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 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 the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City of Melville or the Joint Development Assessment Panel.
4. At least one permanent occupant of the dwellings must be an aged or dependent person as defined in the Residential Design Codes, or the surviving spouse of such a person. A notification under Section 70A of the *Transfer of Land Act 1893* advising the owners and prospective purchasers of the land of the restriction relating to the occupation of the dwelling is to be registered on the Certificate of Title of the land at the applicant's cost prior to the initial occupation of the development.
5. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City.
6. After consultation with the adjoining neighbours, and 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.
7. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the City.

**Mr Clayton Higham**  
Presiding Member, JDAP



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 the initial occupation of the development, all vehicle parking bays, manoeuvring areas and points of ingress and egress shall be provided in accordance with the approved plans and AS/NZS 2890.1:2004, to the satisfaction of the City and shall be retained for the life of the development.
10. Prior to the initial occupation of the development, 4 visitor car parking bays must be individually marked on site as 'Visitor Bays'. The visitor bays must be made available for use by visitors at all times.
11. 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 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 approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

12. The street walls and fences (including the height of any retaining walls constructed within the primary street setback area) as highlighted in red on the approved plans, shall meet the requirements contained under clause 3 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
13. The infill panels to the front fence/wall as highlighted in yellow on the approved plans, shall comply with the definition of 'Visually Permeable' found in State Planning Policy *7.3 Residential Design Codes Volume 1*, to the satisfaction of the City.
14. 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.
15. After consultation with the adjoining neighbours, and prior to the initial occupation of the development, the boundary wall/s and fences shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
16. After consultation with the adjoining neighbours, and 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.



17. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include proposed details of (but is not limited to):
- (a) The location, number and type of proposed trees and shrubs including planter size and planting density.
  - (b) Any lawns to be established.
  - (c) Any existing vegetation and/or landscaped areas to be retained; and
  - (d) Any verge treatments.

The approved landscaping and reticulation plan 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.

18. The development is to be constructed and operated in accordance with the approved Waste Management Plan prepared by Lateral Planning dated 21 June 2022 and Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*, to the satisfaction of the City.

19. 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 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 contact details of the site supervisor and details of the complaints handling process to be put in place; and
- any other matters likely to impact upon the surrounding properties or road reserve.

The applicant should have regard to the provisions of Draft Local Planning Policy 1.22 Construction Management Plans to assist in preparing this document. Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City. The approved Construction Management Plan may be made publicly available on the City of Melville website.



20. Prior to commencement of the development, updated plans and supporting documentation shall be submitted to and approved in writing by the City to demonstrate all of the measures identified in the Sustainable Design Strategy prepared by CADDs Group dated 4 August 2022 have been incorporated design. Prior to occupation, evidence shall be provided from a suitably qualified consultant, confirming that the development has been constructed in accordance with the approved plans.
21. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout construction of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria:
- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment, fuel, oil dumps or chemicals;
    - Servicing or refuelling of equipment or vehicles;
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches, or any other fixing device);
    - Open-cut trenching or excavation works (whether or not for laying of services);
    - Changes to the natural ground level of the verge;
    - Location of any temporary buildings including portable toilets; or
    - The parking of vehicles or machinery.
22. Prior to the commencement of the development, the applicant shall provide and have approved in writing by the City, appropriate plans and written details to demonstrate the dwellings have been designed to meet the requirements of Silver Level Liveable Housing Australia. Prior to the occupation of the development, the applicant shall provide written confirmation that the development has been constructed in accordance with the approved plans.

**Mr Clayton Higham**  
Presiding Member, JDAP



23. Prior to the commencement of the development, the applicant shall provide and have approved in writing by the City, appropriate plans and written details to demonstrate the dwellings have been designed to meet C.2.2 and C.2.3 of clause 5.5.2 Aged and Dependent Person Dwellings of SPP 7.3 Residential Design Codes (Volume 1). Prior to the occupation of the development, the applicant shall provide written confirmation that the development has been constructed in accordance with the approved plans.
24. The plans being modified to remove the proposed bin hardstand area depicted on the verge, to be removed and replaced with soft landscaping.

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

**REASON:** The developed proposed was subject to rigorous design review, with the approved plans suitably addressing the site's context and satisfying most of the deemed to comply requirements for special purpose dwellings, with only the plot ratio area being greater than the 100m<sup>2</sup> requirement. The Panel was satisfied that the increase in plot ratio area would not have a detrimental impact on the surrounding residential area and was appropriate in this case with suitable conditions to ensure the dwellings were purposely designed for aged and dependant persons and neighbours were consulted on the materials and finish of boundary walls and fences.

## **8.2 Nos. 38 – 40 (Lots 1-4) Point Walter Road, Bicton**

Development Description:	Child Care Premises
Applicant:	Mr Tony Watson, MW Urban
Owner:	Spearwood Land Pty Ltd
Responsible Authority:	City of Melville
DAP File No:	DAP/21/02153

### **REPORT RECOMMENDATION**

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr Jason Hick

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

**Approve** DAP Application reference DAP/22/02215 and accompanying plans (attachment Site Plan, Ground Floor Plan and Elevations 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.

**Mr Clayton Higham**  
Presiding Member, JDAP



3. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City
4. Prior to the initial occupation of the development, any masonry elements of the external surface of the acoustic barrier where 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 81 children and 15 staff are permitted on site during standard operational times unless otherwise approved in writing, to the satisfaction of the City.
6. The centre shall only operate between the hours of 6:30am and 6:30pm 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  
  
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. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.
11. 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.
12. Prior to the initial occupation of the development, the applicant shall demonstrate that the development, including acoustic fencing has been built in compliance with the recommendations and assumption in the Herring Storer Acoustics Environment Acoustics Assessment dated July 2022 to the satisfaction of the City.
13. The recommendation set out in the Noise Assessment 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 in writing by the City.





14. Access of service vehicles to the property including deliveries shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.
15. Prior to the initial occupation of the development, vehicular parking is to be provided in accordance with the approved plans showing dedicated pick up and drop off parking bays.
16. The approved landscaping plan prepared by Urban Retreat Gardens dated April 2022 and an approved reticulation plan, 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.
17. The Waste Management Plan shall be in accordance with the approved Waste Management Plan prepared by MW Urban as per Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*.
18. 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 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 contact details of the site supervisor and details of the complaints handling process to be put in place; and
  - any other matters likely to impact upon the surrounding properties or road reserve.

The applicant should have regard to the provisions of Draft Local Planning Policy 1.22 Construction Management Plans to assist in preparing this document. Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City. The approved Construction Management Plan may be made publicly available on the City of Melville website.



19. 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.

#### **Advice Notes**

1. Prior to the commencement of the Food Business an Application to Register/Notification of a Food Business is to be submitted with plans and specifications of the "Food Business" including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval. The provisions contained in Australian Standard 4674 - Design, Construction and Fit out of Food Premises may be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – "Food Premises and Equipment".
2. Prior to the commencement of the Food Business, a food safety program is to be documented in accordance with Standard 3.3.1 Food Safety Program for Food Service to Vulnerable Persons and subject to a verification process by the City's Environmental Health Services.

#### **The Report Recommendation was put and CARRIED UNANIMOUSLY**

**REASON:** Having regard to potential traffic, parking, access and noise issues associated with non-residential uses in residential area, the Panel was satisfied the proposed childcare centre has been suitably designed and located so as not to have a detrimental impact on the amenity of the surrounding residential area and therefore is worthy of approval.

**Mr Clayton Higham**  
Presiding Member, JDAP



**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 –

<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 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 11.37am.