



## Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 27 June 2022; 9:30am  
**Meeting Number:** MISJDAP/102  
**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 Peter Lee (Third Specialist Member)  
Cr Nicholas Pazolli (Local Government Member, City of Melville)  
Cr Margaret Sandford (Local Government Member, City of Melville)

### Officers in attendance

Mr Troy Cappellucci (City of Melville)  
Mr Mark Scarfone (City of Melville)

### Minute Secretary

Mr Aaron Stone (City of Melville)  
Ms Catherine Landro (City of Melville)

### Applicants and Submitters

#### *Item 8.1*

Mr Nik Hidding (Peter Webb Associates)

#### *Item 8.2*

Ms Renee Young (element)

### Members of the Public / Media

There were 2 members of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:35am on 27 June 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.

## 2. Apologies

Cr Matthew Woodall (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

DAP Member, Ms Rachel Chapman, declared an Impartiality Interest in item 8.2. Ms Chapman is a Director and Shareholder of Taylor Burrell Barnett (TBB). TBB were invited to, and submitted, a response to a request for proposal for town planning services regarding the land and the development the subject of Item 8.2. TBB were not the successful tenderer. Ms Chapman's consideration and decision on this item will not result in any financial loss or gain to TBB. Ms Chapman will participate in the determination of the item without any bias.

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 a Impartiality Interest, was permitted to participate in the discussion and voting on the item.

### 7. Deputations and Presentations

7.1 Mr Nik Hidding (Peter Webb & Associates) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Melville 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 Ms Renee Young (element) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 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 Item 7.3 – 7.4 were heard prior to the application at Item 8.2.***



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

### 8.1 No. 57 (Lot No.1143) Archibald Street, Willagee

Development Description: Child Care Centre  
Applicant: Peter Webb & Associates  
Owner: Willagee Property Developments Pty Ltd  
Responsible Authority: City of Melville  
DAP File No: DAP/22/02179

#### REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

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

1. **Refuse** DAP Application reference DAP/22/02179 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, for the following reasons:

#### Reasons

1. The proposed development does not meet the objectives of the Residential Zone contained within Part 3 – Table 2 of *Local Planning Scheme No. 6* or Local Planning Policy 1.12 *Child Minding Centres and Family Day Care* as the design and location of the child care centre will have an adverse amenity impact on the surrounding residential area and streetscape.
2. The proposed development does not satisfy the intent or objectives of State Planning Policy 7.0 Design of the Built Environment (SPP7.0). Specifically the applicant has failed to address a number of the Design Principles contained in SPP7.0, including Context and Character, Landscape Quality, Built Form and Scale and Amenity.
3. The proposed development does not satisfy the deemed to comply or design principles contained in Clause 5.1.2 Street Setbacks and 5.1.3 Lot boundary setbacks of State Planning Policy 7.0 Residential Design Codes resulting in an adverse impact on the streetscape and surrounding properties.
4. The proposed development does not satisfy the Preferred Site Characteristics as specified in Clause 1.1(d) of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care*. The development site is constrained by its lot shape and dimensions resulting in an inability to provide a suitable outdoor play area and carpark without compromising on the building design and adjoining residential properties.
5. The proposed development does not satisfy the Siting and Design requirements as specified in Clause 2.2 of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care* as the proposed car park and pedestrian entrance are not compatible with the residential setting of the immediate surrounding area.



6. The proposed development does not satisfy the fencing provisions as specified in Clause 2.3 of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care*. The extent of solid fencing and lack of visual permeability will have an adverse streetscape impact.
7. The proposed development does not demonstrate that landscaping has been designed to make a positive contribution to the street and the amenity of the occupants of the building, contrary to the objectives and provisions of Local Planning Policy 1.12 *Child Minding Centres and Family Day Care* and Local Planning Policy 2.1 Non-Residential Development.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

### PROCEDURAL MOTION

**Moved by:** Cr Margaret Sandford

**Seconded by:** Ms Rachel Chapman

That the consideration of DAP Application DAP/22/02179 be deferred for 120 days to enable the application to be advertised for comment and for the applicant to provide further information prior to a decision being made on this matter.

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

**REASON:** Defer the application for a Child Care Premises at 57 Archibald Street, Willagee for 120 days to enable the revised application to be submitted, advertised for comment and considered by design review panel prior to a decision being made on this matter.

### 8.2 No. 2-10 (Lot No. 3) Bull Creek Drive, Bull Creek

Development Description:	Six Storey Multiple Dwelling Development
Applicant:	Element
Owner:	Air Force Association (Western Australian Division) Incorporated
Responsible Authority:	City of Melville
DAP File No:	DAP/22/02208

### REPORT RECOMMENDATION

**Moved by:** Cr Nicholas Pazolli

**Seconded by:** Ms Rachel Chapman

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

1. **Approve** DAP Application reference DAP/22/02208 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:



## 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. In accordance with the approved plans, 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) or other buildings to the satisfaction of the City.
5. The development is to be constructed and operated in accordance with the Waste Management Plan dated 11 March 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.
6. Prior to the initial occupation of the development, a notification under section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land the existence of a hazard or other factor. The notification is to be prepared and executed at the applicant's cost and is to state as follows:  
  
*"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."*
7. Prior to the commencement of the development, an updated acoustic report shall be submitted to and approved in writing by the City. The report is required to address the recommended acoustic criteria outlined in the preliminary Acoustic Report dated prepared by Marshall Day Acoustics dated 18 March 2022 and *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning Implementation Guidelines*. The development shall thereafter be constructed and operate in accordance with the recommendations set out in the final approved Acoustic Report, to the satisfaction of the City.
8. Prior to the initial occupation of the development, all vehicle and bicycle 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.
9. A 2m x 2.5m truncation is to be provided at the junction of the entry and access way to the basement car park as per AS/NZS 2890.1:2004 Figure 3.3, 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, 10 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 the initial occupation of the development, bicycle parking facilities for 30 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.
12. 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, cash in lieu contribution may be made as per LPP 1.4.
13. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.
14. 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 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.

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.

15. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting shall be provided such that the light source does not compromise safety and/or amenity.





16. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and 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.

### 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

**Moved by:** Cr Margaret Sandford

**Seconded by:** Mr Peter Lee

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

16. *Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and 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*
  - (e) ***The location and number of existing trees to be removed from the subject lot and to be replaced with new trees within the RAAFA complex.***

*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.*

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

**REASON:** To ensure that there is no net reduction in tree canopy across the site.





## REPORT RECOMMENDATION (AS AMENDED)

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

1. **Approve** DAP Application reference DAP/22/02208 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:

### 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.
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4. In accordance with the approved plans, 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) or other buildings to the satisfaction of the City.
5. The development is to be constructed and operated in accordance with the Waste Management Plan dated 11 March 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.
6. Prior to the initial occupation of the development, a notification under section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land the existence of a hazard or other factor. The notification is to be prepared and executed at the applicant's cost and is to state as follows:  
  
*"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."*
7. Prior to the commencement of the development, an updated acoustic report shall be submitted to and approved in writing by the City. The report is required to address the recommended acoustic criteria outlined in the preliminary Acoustic Report dated prepared by Marshall Day Acoustics dated 18 March 2022 and *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning Implementation Guidelines* The development shall thereafter be constructed and operate in accordance with the recommendations set out in the final approved Acoustic Report, to the satisfaction of the City.
8. Prior to the initial occupation of the development, all vehicle and bicycle 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.



9. A 2m x 2.5m truncation is to be provided at the junction of the entry and access way to the basement car park as per AS/NZS 2890.1:2004 Figure 3.3, 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, 10 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 the initial occupation of the development, bicycle parking facilities for 30 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.
12. 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, cash in lieu contribution may be made as per LPP 1.4.
13. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.
14. 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 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.



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.

15. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting shall be provided such that the light source does not compromise safety and/or amenity.
16. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and 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
  - (e) The location and number of existing trees to be removed from the subject lot and to be replaced with new trees within the RAAFA complex.

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.

#### **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.

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

**REASON:** The panel were of the opinion that the design of the development was of a high standard and the density of the development takes advantage of its location in proximity to major transport linkages without any adverse impact on the amenity of the surrounding areas. The dwelling mix is appropriate for the intended demographic and there is adequate diversity provided for within this site.

#### **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
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

## 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 10:32am.