



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 14 March 2022; 9:30am
Meeting Number: MISJDAP/90
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

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

Item 8.1

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

Item 9.1

Cr Luana Lisandro (Local Government Member, Town of Victoria Park)
Cr Vicki Potter (Local Government Member, Town of Victoria Park)

Officers in attendance

Item 8.1

Mr Gavin Davey (City of Melville)
Mr Peter Prendergast (City of Melville)

Item 9.1

Mr Michael Clare (Town of Victoria Park)
Mr Robert Cruickshank (Town of Victoria Park)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Dylan Wray (element)
Mr Phil Oates (Form Property)
Ms Kerry Kyriakakis (Kyria Design)

Members of the Public / Media

Nil

There was 1 member of the public in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 14 March 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

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

2. Apologies

Mr Peter Lee (Third Specialist Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 10 March 2022 and 11 March 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

The Presiding Member noted that a Declaration of Interest for MISJDAP/85 was published to the Agenda and is to be noted at Item 11.1.



PROCEDURAL MOTION

Moved by: Ms Rachel Chapman

Seconded by: Mr John Syme

That the application at Item 9.1 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that item 9.1 could be dealt with expeditiously saving the members and staff associated with the item a possible lengthy wait time while item 8.1 was considered.

Cr Nicholas Pazolli left the panel at 9:38am.

Cr Matthew Woodall left the panel at 9:38am.

Cr Luana Lisandro joined the panel at 9:38am.

Cr Vicki Potter joined the panel at 9:38am.

7. Deputations and Presentations

- 7.1 The Town of Victoria Park addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 9.1.

- 7.2 Mr Dylan Wray (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

- 7.3 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 Items 7.2 - 7.3 were heard prior to the application at Item 8.1.

Cr Nicholas Pazolli joined the panel at 9:51am.

Cr Matthew Woodall joined the panel at 9:51am.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 21 (5a) Carr Place, Myaree

Development Description: Proposed Motor Vehicle Sales And Motor Vehicle Repair Centre
Applicant: Mr Dylan Wray, Element
Owner: Quattro Automotive
Responsible Authority: City of Melville
DAP File No: DAP/21/02128

REPORT RECOMMENDATION

The following administrative change was made to the preamble:

Approve DAP Application reference DAP/21/02128 and accompanying plans (Site Plan DA. 101, Lower Ground Floor DA.102, First Floor DA.103, Elevations DA. 104, Cross Section DA.105 Perspectives DA.106, and Landscape Plan Rev. C) 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 Scheme Local Planning Scheme No. 6, subject to the following conditions:

The Report Recommendation provided by The City of Melville on March 11 2022 as part of a R13 Direction (Request for Further Information) was accepted as the substantive motion.

Moved by: Ms Rachel Chapman

Seconded by: Mr John Syme

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

- (i) That Condition No.2 be deleted and the remaining conditions be renumbered accordingly.

REASON: As there was no reason provided to support a reduced approval period, the panel were of the opinion that the default under the Regulations should apply (being 4 years).

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

1. **Approve** DAP Application reference DAP/21/02128 and accompanying plans (Site Plan DA. 101, Lower Ground Floor DA.102, First Floor DA.103, Elevations DA. 104, Cross Section DA.105 Perspectives DA.106, and Landscape Plan Rev. C) 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 Scheme 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 of Melville or the Joint Development Assessment Panel.
3. All stormwater generated on site is to be retained on site to the satisfaction of the City. Prior to the commencement of development, a stormwater design plan, prepared by a suitably qualified civil engineer, is to be submitted demonstrating the development can accommodate an ARI of 1 in 100 year for a 24 hour storm duration for the written approval of the City.
4. In accordance with City of Melville Local Planning Policy LPP 2.1 - Non-Residential Development, the removal of, or permanent covering of showroom windows and openings and the use of reflective or heavily tinted glazing at ground floor level is not permitted.
5. 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.
6. The exterior colours, materials and finishes of the development shall align with the details shown on the approved Development Plans unless otherwise approved in writing by 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. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 8.7 of Local Planning Policy *LPP2.1 Non-Residential Development*, to the satisfaction of the City.
9. 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.

10. 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.
11. 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) Landscaping along the development's Leach Highway frontage must be limited to plant species with a maximum mature height of 1 metre.

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.

12. The development is to be constructed and operated in accordance with the Waste Management Plan dated 03 February 2022 and the City's Waste Management Guideline for New Developments, to the satisfaction of the City and no waste collection is permitted from Leach Highway or the wider road reservation.
13. Lighting is to be provided to all car parking areas in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented to minimise light spill.



14. Prior to the commencement of each stage, indicated below a Road Safety Audit as per City of Melville Council Policy No. CP- 034 *Road Safety Audit* and approved in writing by the City:
- Stage 3 - Detailed design*
 - Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)*

The road safety audit shall include the internal road network and parking area within the development. The recommendations and corrective actions identified in the Road Safety Report shall be implemented to the satisfaction of the City.

15. Signage illumination must not exceed 300cd.m² (candela per square metre) between sunset and sunrise. No sign shall flash, pulsate or chase, and should not contain fluorescent, reflective, or retro reflective colours or materials.

Main Roads WA Advice Notes

- Where applicable, the applicant is required to submit an application for consent of Main Roads to undertake works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads

AMENDING MOTION

Moved by: Ms Rachel Chapman

Seconded by: Mr Clayton Higham

The following amendments were made en bloc:

- (i) To amend Condition No.12 (now Condition No.11) to read as follows:

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):

- The location, number and type of proposed trees and shrubs including planter size and planting density;*
- Any lawns to be established;*
- Any existing vegetation and/or landscaped areas to be retained; and*
- Any verge treatments, **including***
- ~~*Landscaping along the development's Leach Highway frontage must be limited to plant species with a maximum mature height of 1 metre for*~~
Leach Highway verge.

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.

REASON: In order to better incorporate Main Roads requirements and clarify that the 1 m plant height limitation only applies in the Leach Highway verge.



- (ii) To amend Condition No.15 (now Condition No.14) to read as follows:

Prior to the commencement of each stage, indicated below, a Road Safety Audit shall be prepared as per City of Melville Council Policy No. CP- 034 Road Safety Audit and approved in writing by the City:

- a. *Stage 3 - Detailed design*
- b. *Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)*

The road safety audit shall include the internal road network and parking area within the development. The recommendations and corrective actions identified in the Road Safety Report shall be implemented to the satisfaction of the City.

REASON: To include reference to the preparation of the Road Safety Audit which appeared to be inadvertently omitted from the condition wording.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

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

1. **Approve** DAP Application reference DAP/21/02128 and accompanying plans (Site Plan DA. 101, Lower Ground Floor DA.102, First Floor DA.103, Elevations DA. 104, Cross Section DA.105 Perspectives DA.106, and Landscape Plan Rev. C) 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 Scheme 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 of Melville or the Joint Development Assessment Panel.
3. All stormwater generated on site is to be retained on site to the satisfaction of the City. Prior to the commencement of development, a stormwater design plan, prepared by a suitably qualified civil engineer, is to be submitted demonstrating the development can accommodate an ARI of 1 in 100 year for a 24 hour storm duration for the written approval of the City.
4. In accordance with City of Melville Local Planning Policy LPP 2.1 - Non-Residential Development, the removal of, or permanent covering of showroom windows and openings and the use of reflective or heavily tinted glazing at ground floor level is not permitted.



5. 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.
6. The exterior colours, materials and finishes of the development shall align with the details shown on the approved Development Plans unless otherwise approved in writing by 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. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 8.7 of Local Planning Policy *LPP2.1 Non-Residential Development*, to the satisfaction of the City.
9. 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.

10. 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.



11. 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 including plant species with a maximum mature height of 1 metre for Leach Highway verge.

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.*

12. The development is to be constructed and operated in accordance with the Waste Management Plan dated 03 February 2022 and the City's Waste Management Guideline for New Developments, to the satisfaction of the City and no waste collection is permitted from Leach Highway or the wider road reservation.
13. Lighting is to be provided to all car parking areas in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented to minimise light spill.
14. Prior to the commencement of each stage indicated below, a Road Safety Audit shall be prepared as per City of Melville Council Policy No. CP- 034 Road Safety Audit and approved in writing by the City:
 - a. Stage 3 - Detailed design
 - b. Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)

The road safety audit shall include the internal road network and parking area within the development. The recommendations and corrective actions identified in the Road Safety Report shall be implemented to the satisfaction of the City.

15. Signage illumination must not exceed 300cd.m² (candela per square metre) between sunset and sunrise. No sign shall flash, pulsate or chase, and should not contain fluorescent, reflective, or retro reflective colours or materials.

Main Roads WA Advice Notes

- a. Where applicable, the applicant is required to submit an application for consent of Main Roads to undertake works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads



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

REASON: The Panel were of the opinion that the high quality redevelopment of the site as proposed would provide a positive contribution to the streetscape, particularly with the reduced street setback and would set a desirable precedent for future redevelopment in this area. It was considered that landscaping had been suitably addressed, noting the limitations of the site and requirements for open-air display of cars, maximum visibility and minimal debris. In the absence of overwhelming justification for a departure to the City's policy on the requirement for a Road Safety Audit, the condition was retained and considered not to be an onerous requirement.

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

9.1 No. 605 (Lot 601) Albany Highway, Victoria Park

Development Description: Amendment To Development Approval For Proposed Alterations And Additions To Existing Hotel

Proposed Amendments: Alterations to internal layout and external façade; deletion of conditions 4 and 5 of previous development approval

Applicant: Formscape

Owner: Bareena Medical Pty as Trustee for Bareena Property Pty Ltd

Responsible Authority: Town of Victoria Park

DAP File No: DAP/20/01737

REPORT RECOMMENDATION

Moved by: Ms Rachel Chapman

Seconded by: Cr Vicki Potter

That the Metro Inner-South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/20/01737 as detailed on the DAP Form 2 dated 8 December 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/20/01737 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme and the provisions of the Town of Victoria Park Town Planning Scheme No. 1, for amendments to development approval for Alterations and Additions to Existing Hotel at No. 605 (Lot 601) Albany Highway, Victoria Park, subject to the following
 - (a) Conditions 4 and 5 of development approval DA5.2019.699.1 dated 6 April 2020 being deleted.



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

REASON: The Panel were of the opinion that despite the lengthy number of modifications proposed, as a whole the modifications were not substantial and did not depart from the essence of the previous approval, noting there have been a few modifications approved since the original approval in 2020.

Cr Luana Lisandro left the panel at 9:50am.

Cr Vicki Potter left the panel at 9:50am.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

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



11. General Business

11.1 Declaration of Interest noted for MISJDAP/85

The Presiding Member noted that on the 18 February 2022, Ms Rachel Chapman declared an impartiality interest in Item 8.1 for the Metro Inner-South JDAP meeting on the 21 February 2022. The declaration stated:

I am a Director and Shareholder of Taylor Burrell Barnett (TBB). In February 2020, TBB were commissioned by The City of Melville to prepare a local planning policy relating to bonus building height in the Canning Bridge Activity Centre Plan area. The contract was completed in August 2020 with the preparation of a draft policy which was not adopted by the City. TBB has not been commissioned for any further work for the City of Melville in relation to this matter or any other matter. I declare I will participate in the JDAP meeting and consider the item without bias.

Mr Clayton Higham (I), as the Presiding Member of that meeting, approved the declaration of interest via email on the 18 February 2022 and advised that Ms Chapman could continue to participate and deliberate on the item. Due to time constraints the agenda was not updated to reflect the declaration of interest, prior to the meeting. When I reached Item 5 of the agenda at the MISJDAP/85 meeting on the 21 February 2022, I called for any declarations of interest. At the time Ms Chapman, who had been attending the meeting via zoom, could not be heard due to technical difficulties with the IT equipment and typed her indication that she had a declaration of interest on zoom. It should be noted that the only people who could see Ms Chapman or read her messages were the minute takers from the City of Melville. I did not have access to zoom and could not see Ms Chapman's messages. I was advised after the meeting, that Ms Chapman was trying to get my attention through the secretarial staff however, that was not conveyed to me at item 5 of the agenda. Unfortunately, this meant that the declaration of interest was not stated at the meeting or recorded in the minutes. I would like to take this opportunity for Ms Chapman's declaration of interest to be noted for item 8.1 of the Metro Inner-South JDAP meeting on the 21 February 2022.

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 10:28am.