



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 6 June 2019, 1:00pm
Meeting Number: MWJDAP/235
Meeting Venue: Town of Cambridge Council Chambers
1 Bold Park Drive
Floreat

Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Mr Clayton Higham (A/Deputy Presiding Member)
Mr John Syme (A/Specialist Member)
Cr Rod Bradley (Local Government Member, Town of Cambridge)

Officers in attendance

Mr Andrew Bratley (Town of Cambridge)
Ms Jennifer Heyes (Town of Cambridge)
Mr Andrew Head (Town of Cambridge)
Mr David Karotkin (Town of Cambridge Design Review Panel Chair)

Minute Secretary

Mr John Carter (Town of Cambridge)

Applicants and Submitters

Mayor Keri Shannon (Town of Cambridge)
Mr Alessandro Stagno (Planning Solutions)
Mr Malcolm Mackay (Mackay Urbandesign)

Members of the Public / Media

There were 4 members of the public in attendance.

Ms Victoria Rifici from West Suburbs Weekly was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 1:03pm on 6 June 2019 and acknowledged the past and present traditional owners and custodians 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Jarrod Ross (Deputy Presiding Member)
Mr Jason Hick (Specialist Member)
Cr Andres Timmermanis (Local Government Member, Town of Cambridge)

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, Mr Jarrod Ross, declared an impartiality interest in item 10.1. Mr Ross' employer, Taylor Burrell Barnett are employed by the Town of Cambridge to prepare their Local Planning Strategy, including community engagement, preparation of the required documentation and provision of advice on process.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in the discussion and voting on the item.

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

7. Deputations and Presentations

7.1 Mayor Keri Shannon (Town of Cambridge) addressed the DAP against the application at Item 10.1 and responded to questions from the panel.



- 7.2 Mr Alessandro Stagno (Planning Solutions) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.3 Mr Malcolm Mackay (Mackay Urbandesign) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.4 Ms Jennifer Heyes (Town of Cambridge) addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.
- 7.5 Mr David Karotkin (Town of Cambridge Design Review Panel Chair) addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

- 10.1 Property Location: Lot 587 (No. 264) Selby Street, Wembley
Development Description: Child Day Care Centre
Applicant: Planning Solutions
Owner: Nilay Shah and Sonali Shah
Responsible Authority: Town of Cambridge
DAP File No: DAP/18/01499

REPORT RECOMMENDATION

Moved by: Mr Clayton Higham

Seconded by: Ms Francesca Lefante

That the Metro West JDAP, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR25/2019 resolves to:

1. **Reconsider** its decision dated 21 January 2019 and **approve** DAP Application reference DAP/18/01499 and revised 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 *Town of Cambridge Town Planning Scheme No. 1*, and pursuant to Clause 24(1) and 26 of the *Metropolitan Region Scheme*, subject to the following conditions and advice notes:

Conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.



2. The development shall be modified as follows:
 - a) The proposed Herdsman Parade crossover shall be designed to physically restrict vehicle access to a left-in/left-out only arrangement to Herdsman Parade and shall be sign posted and line marked accordingly.
 - b) The existing median strip island, located at the front of the subject site within the Herdsman Parade road reserve, shall be extended in length to physically restrict vehicle access to the subject site via a left-in/left-out only arrangement.
 - c) Roofing material(s) being proposed which are to the Town's satisfaction (refer to advice note 18).

Prior to lodgement of the Building Permit application, amended plans shall be submitted to, and approved by, the Town showing the above. These amended plans shall be implemented prior to the commencement of use at the landowner's full cost and to the satisfaction of the Town.

3. The landowner shall comply with the Town's *Local Planning Policy 3.19 - Percent for Public Art* via **one** of the following options:
 - a. Provide public art on the subject site, with a minimum value of \$21,000 **[Option 1]**; OR
 - b. Provide public art in the vicinity of the subject site in the public realm **[Option 2]**; OR
 - c. Pay \$21,000, which equates to 1% of the construction cost for the overall development, in lieu of providing public art on the subject site **[Option 3]**.

If Option 1 or 2 is elected, the public art design shall be submitted to, and approved by the Town prior to lodgement of the Building Permit application.

Upon approval of the public art design, the landowner shall execute and provide to the Town a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the Certificate of Title advising prospective purchasers of the subject site that the public art forming part of the development shall be maintained at their full cost for the life of the development.

The public art shall thereafter be installed prior to commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Town.

If Option 3 is elected, the cash-in-lieu amount shall be paid in full to the Town prior to lodgement of the Building Permit application.

4. A Waste Management Plan shall be submitted to, and approved by the Town prior to lodgement of the Building Permit application. The Waste Management Plan shall include the following details to the satisfaction and specification of the Town:
 - a) The location of bin storage areas and bin collection areas;
 - b) The number, volume and type of bins, and the type of waste to be placed in the bins;



- c) Details on the future ongoing management of the bins and the bin storage areas including cleaning, rotation and moving bins to and from the bin collection areas; and
- d) Frequency of bin collections.

The Waste Management Plan shall be implemented at all times to the satisfaction of the Town.

5. The preparation of a Parking Management Plan for staff and visitors shall be submitted to, and approved by, the Town prior to lodgement of the Building Permit application.

The Parking Management Plan shall address how parking for the development will be managed to minimise parking demand and conflict between users and shall be implemented upon commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Town.

6. A Construction Management Plan shall be submitted to, and approved by, the Town prior to lodgement of the Building Permit application.

The Construction Management Plan shall address the following, where applicable (as determined by the Town):

- a) Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
- b) Contact details of essential site personnel, construction period and operating hours;
- c) The on-site storage of materials and equipment;
- d) Site security and public safety and amenity measures;
- e) Community information, consultation and complaints and incident procedures;
- f) Traffic, access and parking management;
- g) Vibration, air, dust and noise management;
- h) Dilapidation reports of nearby properties;
- i) Construction waste and materials re-use;
- j) Earthworks, excavation, land retention/piling methods and associated matters;
- k) Stormwater and sediment control;
- l) Protection of existing roads, kerbs, footpaths, street trees and miscellaneous services;
- m) Asbestos removal;
- n) Any other matter deemed relevant by the Town.

The Construction Management Plan shall be implemented upon commencement of any site works/development for their entire duration to the satisfaction of the Town.

7. The Acoustic Report (prepared by Lloyd George Acoustic and dated 5 October 2018, Rev. A) shall be implemented to the satisfaction of the Town prior to commencement of use and thereafter maintained for the life of the development to the satisfaction of the Town.



8. Prior to commencement of use, the existing redundant crossover to Lot 587 (No. 264) Selby Street, Wembley shall be removed and the verge and kerb reinstated to the specification and satisfaction of the Town.
9. Prior to commencement of use, a vehicle crossover shall be constructed to the specification and satisfaction of the Town. The vehicle crossover shall be constructed with a maximum width of 6m.
10. A minimum of 13 carparking bays shall be provided on the subject site in accordance with *Australian Standard 2890.1 - Off-street car parking* (as amended) and *Australian Standard 2890.6 - Off-street parking for people with disabilities* (as amended) (where applicable).
11. All vehicle parking, manoeuvring and circulation areas indicated on the approved plans shall be sealed/paved, marked, kerbed and drained prior to the commencement of use and thereafter maintained for the life of the development to the satisfaction of the Town.
12. Vehicle access for the subject site shall be restricted to that shown on the approved plans.
13. The existing footpath shall be retained across the proposed crossover.
14. The development shall be connected to the Water Corporation's reticulated sewer, where available, prior to commencement of use.
15. Prior to commencement of use, the external surface finish of the boundary wall(s) shall be finished to the same standard as the rest of the development to the satisfaction of the Town (provided access is granted by the adjoining landowner).
16. All structures (and associated footings) shall be contained within the lot boundaries of the subject site.
17. The landscaping areas and associated reticulation as shown on the approved plans, shall be installed within six months of the development's practicable completion and be maintained thereafter by the landowner to the satisfaction of the Town.
18. All stormwater shall be contained and disposed of on-site at all times, to the satisfaction of the Town.
19. Signage shall not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure to the satisfaction of the Town.
20. Any external lighting shall be located (and thereafter operated) in accordance with *Australian Standard 4282 - Control of the Obtrusive Effects of Outdoor Lighting* (as amended) and the *Town of Cambridge Private Property Local Law 2016* (as amended) to the satisfaction of the Town.



Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of **two years** (or another period specified in the approval) after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought and obtained.
3. If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.
4. This is a development approval of the Town. It is not an approval to commence or carry out the development under any other legislation (including any of the Town's local laws). It is the responsibility of the landowner to obtain any other necessary approvals, permits, licences or consent required under any other legislation, and to commence and carry out the development in accordance with all relevant legislation.
5. The applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. The landowner is advised that a Demolition Permit application shall be submitted to, and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
7. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
8. The landowner is advised that a Building Permit application shall be submitted to, and approved by the Town prior to any construction or site works commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
9. The landowner is advised that a "Vehicle Crossover Application Form" shall be submitted to, and approved by the Town prior to the commencement of any site works/development.

All crossovers shall be constructed in accordance with the Town's *Policy No.5.2.7 - Standard Vehicle Crossover* (as amended).

10. The landowner is advised that connection to reticulated sewer requires prior approval from the Water Corporation.

Commercial and industrial premises may be required to obtain a "Trade Waste Permit" from the Water Corporation. The Trade Waste Permit may require the installation of specific equipment such as grease traps, oil separators or other devices.



11. The installation of any external air conditioning units shall be in a location and manner that ensures noise emissions do not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
12. The noise generated by activities on-site, including machinery motors or vehicles shall not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.

All development works are to be carried out in accordance with control of noise practices set out in Australia Standard 2436 - Guide to noise and vibration control on construction, demolition and maintenance sites (as amended).

13. The undertaking of the development (including any site works) shall not cause a dust nuisance (as determined by the Town) in accordance with the Town of Cambridge Private Property Local Law 2016 (as amended).

Where required, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner at the direction of the Town.

14. The fit-out and operation of the Child Day Care Centre shall be in accordance with the *Child Care Services (Child Care) Regulations 2006*.
15. The landowner is advised that the development requires a "Certificate of approval" from the Town for a "Public building" prior to the commencement of use in accordance with the *Health (Miscellaneous Provisions) Act 1911* and the *Health (Public Buildings) Regulations 1992*.
16. The design, construction and fit-out for new food premises or the renovation/alteration of existing food premises shall be in accordance with *Australian Standard 4674 - Design, construction and fit-out of food premises* (as amended).
17. The landowner is advised that a "Food Act 2008 Notification/Registration Form" shall be submitted to, and approved by the Town prior to any food being prepared/sold on the premises in accordance with the *Food Act 2008* and *Food Regulations 2009*.
18. With regard to condition 2c), the applicant is advised that based on comments obtained from the Town's Design Review Panel a bolder profile of roof sheet (eg. standing seam) may work better to emphasise the vertical rhythm of the some of the building elements.

AMENDING MOTION

Moved by: Ms Francesca Lefante

Seconded by: Mr John Syme

That a new Condition 21 be added to read as follows:

Prior to work commencing an amended landscaping plan is to be submitted to, and approved, by the Town which shows the grassed portion of the verge adjacent to the property also being landscaped, at the applicant's cost, to enhance the local amenity. This is to include, as a minimum:



- a) 2 *Melaleuca quinquinerva* (Broadleaf Paperbark) trees on the verge with an 8m spacing;
- b) Both trees to be a minimum of 2m tall on installation and staked and planted to Town of Cambridge specifications;
- c) Understorey landscape to include species limited to <500mm tall for sightlines; and
- d) Details regarding the installation of an internal irrigation system.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The inclusion of additional landscaping on the verge.

REPORT RECOMMENDATION (AS AMENDED)

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 - c) Roofing material(s) being proposed which are to the Town's satisfaction (refer to advice note 18).

Prior to lodgement of the Building Permit application, amended plans shall be submitted to, and approved by, the Town showing the above. These amended plans shall be implemented prior to the commencement of use at the landowner's full cost and to the satisfaction of the Town.

3. The landowner shall comply with the Town's *Local Planning Policy 3.19 - Percent for Public Art* via **one** of the following options:
 - a. Provide public art on the subject site, with a minimum value of \$21,000



[Option 1]; OR

- b. Provide public art in the vicinity of the subject site in the public realm
[Option 2]; OR
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The Waste Management Plan shall be implemented at all times to the satisfaction of the Town.

5. The preparation of a Parking Management Plan for staff and visitors shall be submitted to, and approved by, the Town prior to lodgement of the Building Permit application.

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13. The existing footpath shall be retained across the proposed crossover.



14. The development shall be connected to the Water Corporation's reticulated sewer, where available, prior to commencement of use.
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Advice Notes:

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3. If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.



4. This is a development approval of the Town. It is not an approval to commence or carry out the development under any other legislation (including any of the Town's local laws). It is the responsibility of the landowner to obtain any other necessary approvals, permits, licences or consent required under any other legislation, and to commence and carry out the development in accordance with all relevant legislation.
5. The applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. The landowner is advised that a Demolition Permit application shall be submitted to, and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
7. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
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Where required, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner at the direction of the Town.

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17. The landowner is advised that a "Food Act 2008 Notification/Registration Form" shall be submitted to, and approved by the Town prior to any food being prepared/sold on the premises in accordance with the *Food Act 2008* and *Food Regulations 2009*.
18. With regard to condition 2c), the applicant is advised that based on comments obtained from the Town's Design Review Panel a bolder profile of roof sheet (eg. standing seam) may work better to emphasise the vertical rhythm of the some of the building elements.

The Report Recommendation (as amended) was put and CARRIED (3/1).

For: Ms Francesca Lefante
Mr Clayton Higham
Mr John Syme

Against: Cr Rod Bradley

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motion.

The Presiding Member noted the following State Administrative Tribunal Applications -

Current Applications		
LG Name	Property Location	Application Description
City of Vincent	Lot 10 (125) Richmond Street, Leederville	Modifications to the external façade of a Three Storey Multiple Dwelling Development
City of Vincent	Lot 100 (82) Ellesmere Street and Lot 304 (35) Blackford Street, Mount Hawthorn	Child Care Premises
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Cambridge	Lot 181 (61-69) Cambridge Street, West Leederville	Redevelopment of Abbotsford Private Hospital



Current Applications		
LG Name	Property Location	Application Description
Town of Claremont	Lot 508 (3) Shenton Road, Claremont	Eight Storey Mixed Use Development

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 1:57pm.