



## **Metro West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 22 April 2020; 9.00am  
**Meeting Number:** MWJDAP/266  
**Meeting Venue:** via electronic means

### **Attendance**

#### **DAP Members**

Ms Francesca Lefante (Presiding Member)  
Mr Jarrod Ross (Deputy Presiding Member)  
Mr Jason Hick (Specialist Member)

#### *Item 8.1*

Cr Dan Loden (Local Government Member, City of Vincent)  
Cr Josh Topelberg (Local Government Member, City of Vincent)

#### *Item 9.1*

Cr James Nelson (Local Government Member, Town of Cambridge)  
Cr Rod Bradley (Local Government Member, Town of Cambridge)

### **Officers in attendance**

#### *Item 8.1*

Mr Max Bindon (City of Vincent)  
Mr Mitchell Hoad (City of Vincent)  
Mr Jay Naidoo (City of Vincent)

#### *Item 9.1*

Ms Jennifer Heyes (Town of Cambridge)

### **Minute Secretary**

Ms Ashlee Kelly (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Reegan Cake (Dynamic Planning)

#### *Item 9.1*

Mr Ross Underwood (Planning Solutions)  
Mr Ben Doyle (Planning Solutions)

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

Nil



## 1. Declaration of Opening

The Presiding Member declared the meeting open at 9.07am on 22 April 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that 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 meeting would not be recorded.

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

## 2. Apologies

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

Nil



## 7. Deputations and Presentations

7.1 Mr Reegan Cake (Dynamic Planning) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Vincent Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentation at Item 7.1 – 7.2 was heard prior to the application at Item 9.1.***

7.3 Mr Ross Underwood (Planning Solutions) addressed the DAP in support the application at Item 9.1 and responded to the questions from the panel.

7.4 The Town of Cambridge Officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

***The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 9.1.***

## PROCEDURAL MOTION

**Moved by:** Ms Francesca Lefante

**Seconded by:** Cr Josh Topelberg

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:** To facilitate a request from the Town of Cambridge to have the Form 2 dealt with first.

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

8.1 Property Location:	Nos. 77-83 (Lots 456 and 17) Scarborough Beach Road, Mount Hawthorn
Development Description:	Proposed Childcare Premises
Applicant:	Dynamic Planning and Developments
Owner:	Colaust Pty Ltd
Responsible Authority:	City of Vincent
DAP File No:	DAP/19/01674

## REPORT RECOMMENDATION

**Moved by:** Cr Josh Topelberg

**Seconded by:** Cr Dan Loden

**Approve** DAP Application reference DAP/19/01674 and accompanying plans referenced as drawings S01 rev6, S02 rev6, S03 rev6, S04 rev4, S05 rev3 and landscape plans Revision F dated 27/03/2020 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 Vincent Local Planning Scheme No. 2, and pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:



## Conditions:

### 1. Amalgamation

Prior to the lodgement of a Building Permit application for the proposed development, Lots 456 and 17 ('the lots') are to be amalgamated into a single lot on a Certificate of Title; or alternatively, the owner entering into a legal agreement with the City and secured by an absolute caveat lodged over the certificates of title to the lots requiring the amalgamation to be completed within twelve months of the issue of a Building Permit for the proposed works.

### 2. Use

2.1 The Child Care Premises subject to this approval shall be used for the following purpose, as defined by the City of Vincent Local Planning Scheme No. 2:

*Child Care Premises means a premises where-*

- *an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- *a child care service as defined in the Child Care Services Act 2007 section 4 is provided;*

2.2 The Child Care Premises is limited to a maximum number of 91 persons at any one time;

2.3 The Child Care Premises shall be limited to the following hours of operation:

- Monday to Friday 7:00am to 7:00pm; and
- Saturday 7:00am to 6:00pm

### 3. Glazing

Glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.

### 4. Public Art

4.1 In accordance with City of Vincent Policy No. 7.5.13 Percent for Art the application is required to make a public art contribution of \$20,150.00 being one percent of the \$2,015,000 million value of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration prior to the lodgement of a Building Permit stipulating the choice of:

- Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
- Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.



- 4.2 The owner, or the applicant on behalf of the owner, shall comply with the City of Vincent Policy No. 7.5.13 Percent for Public Art in conjunction with the above chosen option:
- Option 1 –  
prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; or
  - Option 2 –  
prior to the issue of an Occupancy Permit pay the above cash-in-lieu contribution amount.

5. Vehicle Sight Lines

No solid walls, letterboxes or fences above 0.75 metres in height, unless provided visually permeable as defined in the Residential Design Codes of WA, to be constructed within 1.5 metres of where:

- walls, letterboxes or fences adjoin vehicular access points to the site and the vehicular access point of 75 Scarborough Beach Road; or
- a driveway meets a public street or right-of-way; or
- two streets intersect.

6. Wheel Stops

Wheel stops or semi mountable kerbing shall be provided for car parking bays adjacent to the childcare premises in accordance with AS2890.1 clause 2.4.5.4, to the satisfaction of the City prior to occupation or use of the development.

7. Traffic Island Replacement

The traffic island that conflicts with the Scarborough Beach Road vehicle access shall be removed and reconstructed to the east of the existing traffic island to the City's specifications and satisfaction, at the expense of the owner prior to occupation or use of the development.

8. Parking Management Plan

Prior to occupation or use of the development, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:

- Allocation of staff and time restricted car parking bays, including associated signage and line markings, to the specifications of the City.

The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

9. Removal of Redundant Crossover

Prior to the first occupation or use of the development, redundant or "blind" crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner's full expense.



10. Right-of-Way Widening

10.1 A 0.5 metre wide right-of-way widening is to be provided, constructed and drained to the specifications of the City of Vincent at the landowner/applicant cost along the south western Imbros Lane boundary of the subject land (refer advice note 6). The right-of-way is to be accurately illustrated on any future Deposited Plan or Survey-strata plan and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown prior to first occupation of the development.

10.2 Prior to the first occupation of the development, the full length and width of the adjacent right-of-way boundary of the development Lots 17 and 456, shall be sealed and drained in accordance with the City's specification, at the full cost of the developer.

10.3 The eave encroachment into the 0.5m wide right-of-way widening area shall not be more than 230mm in accordance with the City of Vincent Policy No: 7.4.9 Encroachments Over Crown Lands.

11. Car Parking, Access and Bicycle Facilities

11.1 Prior to the commencement of the approved use a total of 19 car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS2890.1.

11.2 A minimum of four (4) short-term bicycle bays shall be provided within the development. The bicycle bay shall be designed in accordance with AS2890.3 and installed prior to occupation to the satisfaction of the City.

12. Schedule of External Finishes

Prior to the lodgement of a Building Permit a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.

13. Acoustic Report

All recommended measures in the updated acoustic report prepared by Herring Storer Acoustics dated 14 February 2020 shall be undertaken in accordance with the report to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

14. Landscape and Reticulation Plan

14.1 A detailed landscape and reticulation plan for the adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 (or other reasonable scale as determined by the City) and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;



- The provision of two new trees of 200 litres pot size each within the verge of Scarborough Beach Road adjoining the development site; and
- The tree and plant species are to be in accordance with the City's recommended tree species list.

14.2 All works shown in the approved landscape plan shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

#### 15. Verge Trees

With exception of the two verge trees which conflict with the vehicle access on Scarborough Beach Road, verge trees shall not be removed without prior written approval of the City. The verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City.

#### 16. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City.

#### 17. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve

#### 18. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation Reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors; and
- Consultation plan with nearby properties.



19. Waste Management Plan

A revised Waste Management Plan shall be provided prior to occupation of the development specifying waste receptacle collection hours. The revised Waste Management Plan shall be implemented to the City's satisfaction, prior to occupation or use of the development.

20. Signage

All signage is to be in strict accordance with the City of Vincent Policy No. 7.5.2 Signs and Advertising, unless further development approval is obtained.

21. General

This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.

**Advice Notes**

1. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's standard crossover specifications.
2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any materials within the road reserve.
3. An Infrastructure Protection Bond together with a non-refundable inspection fee of \$100 shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable. The bond value will be confirmed upon submission of a Building Permit.
4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.
5. With respect to stormwater, no further consideration shall be given to the disposal of stormwater 'off-site' without the submission of a geotechnical report from a qualified consultant. Should the approval to dispose of stormwater 'off-site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.





6. In reference to Condition 5, visually permeable is defined as *“in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street”*.
7. In reference to Condition 10, ceding of the Right-of-Way widening will be required at the time of amalgamation of Lots 17 and 456.
8. Should waste collection by the City be required instead of a private waste collection, the bin store area is required to be modified to the specifications and satisfaction of the City.
9. The applicant is required to submit a Food Business Notification/Registration form together with a food safety program for verification to Health Services in accordance with the *Food Act 2008*, Food Safety Standard 3.2.1 – *Food safety programs* and Food Safety Standard 3.3.1 – *Food service for vulnerable populations*. Detailed floor plans will be required to be submitted for assessment and approval at the Building Permit stage. For a copy of the registration application please visit <https://www.vincent.wa.gov.au/business/starting-a-new-business/food-business.aspx> or for more information please speak to an Environmental Health Officer on 9273 6000.
10. The kitchen shall be designed in compliance with the FSANZ Food Safety Standards Chapter 3 and AS 4674-2004 '*Design, construction and fit-out of food premises*', including the provision of a bin store.
11. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
12. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005, Part 14. An application must be made within 28 days of the determination.



## AMENDING MOTION 1

**Moved by:** Cr Dan Loden

**Seconded by:** Mr Jarrod Ross

That Condition 14.1 be amended to read as follows:

*A detailed landscape and reticulation plan for the adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 (or other reasonable scale as determined by the City) and show the following:*

- *The location and type of existing and proposed trees and plants;*
- *Areas to be irrigated or reticulated;*
- *The provision of ~~two~~ **four new Sapium sebiferum ('Chinese Tallow') trees of 200 litres pot size each within the verge of Scarborough Beach Road and the adjacent traffic island in the road reserve. Three of these trees are to be of at least 200 litres pot size each located in the verge adjoining the development site and one of these trees is to be of at least 100 litres pot size located within the adjacent traffic island;** and*
- *The tree and plant species are to be in accordance with the City's recommended tree species list.*

**The Amending Motion was put and CARRIED (4/1).**

For: Mr Jarrod Ross  
Mr Jason Hick  
Cr Josh Topelberg  
Cr Dan Loden  
Against: Ms Francesca Lefante

**REASON:** The provision of additional trees can be accommodated in the traffic island and road verge to improve the streetscape.

## AMENDING MOTION 2

**Moved by:** Cr Dan Loden

**Seconded by:** Ms Francesca Lefante

That a new Advice Note 13 be added to read as follows:

*In relation to Condition 21, a further two years has been added to the date by which the development shall be substantially commenced, pursuant to Clause 4.2 of the Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020.*

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

**REASON:** To provide sufficient timeframe to commence development, given the current challenges faced in the Covid-19 to implement development.



## REPORT RECOMMENDATION (AS AMENDED)

**Approve** DAP Application reference DAP/19/01674 and accompanying plans referenced as drawings S01 rev6, S02 rev6, S03 rev6, S04 rev4, S05 rev3 and landscape plans Revision F dated 27/03/2020 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 Vincent Local Planning Scheme No. 2, and pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:

### Conditions:

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#### 2. Use

2.1 The Child Care Premises subject to this approval shall be used for the following purpose, as defined by the City of Vincent Local Planning Scheme No. 2:

*Child Care Premises means a premises where-*

- *an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- *a child care service as defined in the Child Care Services Act 2007 section 4 is provided;*

2.2 The Child Care Premises is limited to a maximum number of 91 persons at any one time;

2.3 The Child Care Premises shall be limited to the following hours of operation:

- Monday to Friday 7:00am to 7:00pm; and
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Glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.



#### 4. Public Art

4.1 In accordance with City of Vincent Policy No. 7.5.13 Percent for Art the application is required to make a public art contribution of \$20,150.00 being one percent of the \$2,015,000 million value of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration prior to the lodgement of a Building Permit stipulating the choice of:

- Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
- Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.

4.2 The owner, or the applicant on behalf of the owner, shall comply with the City of Vincent Policy No. 7.5.13 Percent for Public Art in conjunction with the above chosen option:

- Option 1 –  
prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; or
- Option 2 –  
prior to the issue of an Occupancy Permit pay the above cash-in-lieu contribution amount.

#### 5. Vehicle Sight Lines

No solid walls, letterboxes or fences above 0.75 metres in height, unless provided visually permeable as defined in the Residential Design Codes of WA, to be constructed within 1.5 metres of where:

- walls, letterboxes or fences adjoin vehicular access points to the site and the vehicular access point of 75 Scarborough Beach Road; or
- a driveway meets a public street or right-of-way; or
- two streets intersect.

#### 6. Wheel Stops

Wheel stops or semi mountable kerbing shall be provided for car parking bays adjacent to the child care premises in accordance with AS2890.1 clause 2.4.5.4, to the satisfaction of the City prior to occupation or use of the development.

#### 7. Traffic Island Replacement

The traffic island that conflicts with the Scarborough Beach Road vehicle access shall be removed and reconstructed to the east of the existing traffic island to the City's specifications and satisfaction, at the expense of the owner prior to occupation or use of the development.



## 8. Parking Management Plan

Prior to occupation or use of the development, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:

- Allocation of staff and time restricted car parking bays, including associated signage and line markings, to the specifications of the City.

The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

## 9. Removal of Redundant Crossover

Prior to the first occupation or use of the development, redundant or “blind” crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner’s full expense.

## 10. Right-of-Way Widening

10.1 A 0.5 metre wide right-of-way widening is to be provided, constructed and drained to the specifications of the City of Vincent at the landowner/applicant cost along the south western Imbros Lane boundary of the subject land (refer advice note 6). The right-of-way is to be accurately illustrated on any future Deposited Plan or Survey-strata plan and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown prior to first occupation of the development.

10.2 Prior to the first occupation of the development, the full length and width of the adjacent right-of-way boundary of the development Lots 17 and 456, shall be sealed and drained in accordance with the City's specification, at the full cost of the developer.

10.3 The eave encroachment into the 0.5m wide right-of-way widening area shall not be more than 230mm in accordance with the City of Vincent Policy No: 7.4.9 Encroachments Over Crown Lands.

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11.2 A minimum of four (4) short-term bicycle bays shall be provided within the development. The bicycle bay shall be designed in accordance with AS2890.3 and installed prior to occupation to the satisfaction of the City.

## 12. Schedule of External Finishes

Prior to the lodgement of a Building Permit a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.



### 13. Acoustic Report

All recommended measures in the updated acoustic report prepared by Herring Storer Acoustics dated 14 February 2020 shall be undertaken in accordance with the report to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

### 14. Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 (or other reasonable scale as determined by the City) and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of four new *Sapium sebiferum* ('Chinese Tallow') trees within the verge of Scarborough Beach Road and the adjacent traffic island in the road reserve. Three of these trees are to be of at least 200 litres pot size each located in the verge adjoining the development site and one of these trees is to be of at least 100 litres pot size located within the adjacent traffic island; and
- The tree and plant species are to be in accordance with the City's recommended tree species list.

14.2 All works shown in the approved landscape plan shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

### 15. Verge Trees

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## 20. Signage

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This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.

### **Advice Notes**

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3. An Infrastructure Protection Bond together with a non-refundable inspection fee of \$100 shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable. The bond value will be confirmed upon submission of a Building Permit.
4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.
5. With respect to stormwater, no further consideration shall be given to the disposal of stormwater 'off-site' without the submission of a geotechnical report from a qualified consultant. Should the approval to dispose of stormwater 'off-site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
6. In reference to Condition 5, visually permeable is defined as "*in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street*".
7. In reference to Condition 10, ceding of the Right-of-Way widening will be required at the time of amalgamation of Lots 17 and 456.
8. Should waste collection by the City be required instead of a private waste collection, the bin store area is required to be modified to the specifications and satisfaction of the City.
9. The applicant is required to submit a Food Business Notification/Registration form together with a food safety program for verification to Health Services in accordance with the *Food Act 2008*, Food Safety Standard 3.2.1 – *Food safety programs* and Food Safety Standard 3.3.1 – *Food service for vulnerable populations*. Detailed floor plans will be required to be submitted for assessment and approval at the Building Permit stage. For a copy of the registration application please visit <https://www.vincent.wa.gov.au/business/starting-a-new-business/food-business.aspx> or for more information please speak to an Environmental Health Officer on 9273 6000.
10. The kitchen shall be designed in compliance with the FSANZ Food Safety Standards Chapter 3 and AS 4674-2004 '*Design, construction and fit-out of food premises*', including the provision of a bin store.
11. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.





12. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005, Part 14. An application must be made within 28 days of the determination.
13. In relation to Condition 21, a further two years has been added to the date by which the development shall be substantially commenced, pursuant to Clause 4.2 of the Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020.

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

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

*Cr James Nelson and Cr Rod Bradley left the panel at 9.38am.*

*Cr Dan Loden and Cr Josh Topelberg joined the panel at 9.38am.*

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

- 9.1** Property Location: Lot 800 (No. 12) Salvado Road, Subiaco  
Development Description: Extension to Term of Development Approval - Proposed Expansion of Existing Hospital Car Park (Amendment to DAP/17/01242)  
Proposed Amendments: Two Year Extension to Term of Development Approval  
Applicant: Planning Solutions  
Owner: St John of God Health Care Inc.  
Responsible Authority: Town of Cambridge  
DAP File No: DAP/17/01242

**REPORT RECOMMENDATION**

**Moved by:** Cr James Nelson

**Seconded by:** Cr Rod Bradley

1. **Accept** that the DAP Application reference DAP/17/01242 as detailed on the DAP Form 2 dated 22 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/17/01242 as detailed on the DAP Form 2 dated 22 January 2020 and accompanying plans SDA00.02, SDA02.10, SDA02.11, SDA02.21, SDA02.23, SDA02.25, SDA02.27, SDA02.29, SDA02.31, SDA02.33, SDA03.02 and SDA04.00 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 *Local Planning Scheme No. 1* for the proposed minor amendment to the approved hospital car park extension at Lot 800 (No.12) Salvado Road, Subiaco for the following reasons:



**Reasons:**

1. The proposal does not satisfy Town of Cambridge Local Planning Policy 1.4 (LPP 1.4), nor the relevant considerations set out in the *Planning and Development (Development Assessment Panels) Regulations 2011*, r.17 Practice Note 4 for the following reasons : due to the following:
  - a. The planning framework has changed since the development application was approved. The Town of Cambridge Local Planning Strategy (LPS) has been advertised for public comment, the City of Subiaco Local Planning Scheme No.5 (LPS No.5) has been gazetted and the requirement for a Local Development Plan (LDP) for the site has now been in place for over two years.

In addition, the carpark in this form and location is not part of the current draft master plan for the site and as such until such time as the master planning and LDP are completed for the site, it cannot be demonstrated how the carpark development fits with the overall redevelopment of the site and does not adversely impact on the surrounding road network and compatibility with new development on surrounding sites as outlined in the draft Town of Cambridge LPS and the City of Subiaco LPS No.5.

- b. Pursuant to r.17(2)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*, an application for an extension of time for the carpark can be made at any time after the expiry of an application. For this reason, an application for the extension of time for the carpark is premature given the status of the planning framework, including the current master planning for the site.
  - c. The changes to the planning framework, together with the uncertainty with the current draft of the master plan, and without an approved LDP, it would likely result in the application not being approved if it was to be considered now.
  - d. The applicant has not actively and relatively conscientiously pursued implementation of the car park as it was approved i.e in the form and location approved. In over two years since the approval of the carpark, only master planning for the site has been pursued and this master planning has resulted in an expected change to the location and form of the car park.

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

For: Cr James Nelson  
Cr Rod Bradley

Against: Ms Francesca Lefante  
Mr Jarrod Ross  
Mr Jason Hick



## ALTERNATE MOTION

**Moved by:** Mr Jarrod Ross

**Seconded by:** Ms Jason Hick

That the Metro West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01242 as detailed on the DAP Form 2 dated 22 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/17/01242 as detailed on the DAP Form 2 dated 22 January 2020 and development plans SDA00.02, SDA02.10, SDA02.11, SDA02.21, SDA02.23, SDA02.25, SDA02.27, SDA02.29, SDA02.31, SDA02.33, SDA03.02 and SDA04.00 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 *Local Planning Scheme No. 1* for the proposed minor amendment to the approved hospital car park extension at Lot 800 (No.12) Salvado Road, Subiaco, subject to the following:
  - a. The previous development approval (DAP/17/01242, dated 17 January 2018) and its conditions remain in effect (including the plans stamped as part of the previous approval).
  - b. The term of development approval is extended for a further **2 years** from the date of this approval notice.

**The Alternate Motion was put and CARRIED (3/2).**

For: Ms Francesca Lefante  
Mr Jarrod Ross  
Mr Jason Hick

Against: Cr James Nelson  
Cr Rod Bradley

**REASON:** The panel considered the planning framework had not substantially changed since the original approval, and given the development proposal had not changed either the extension of time for substantial commencement was considered appropriate.



## 10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

Current SAT Applications		
LG Name	Property Location	Application Description
Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre

## 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 10.14am.