



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 5 February 2020; 9:00 AM
Meeting Number: MWJDAP/258
Meeting Venue: Town of Claremont Council Chambers
308 Stirling Highway
Claremont

Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Mr Jarrod Ross (Deputy Presiding Member)
Mr Jason Hick (Specialist Member)
Cr Bruce Haynes (Local Government Member, Town of Claremont)
Cr Paul Kelly (Local Government Member, Town of Claremont)

Officers in attendance

Mr David Vinicombe (Town of Claremont)
Mr Marty Symmons (Town of Claremont)

Minute Secretary

Ms Debbie Hill (Town of Claremont)

Applicants and Submitters

Mr Nathan Stewart (Rowe Group)
Mr Sean Fairfoul (Rowe Group)
Mr Behnam Bordbar (Transcore)
Mr Robin White (Transcore)
Mr Gianni da Rui (Meyer Shircore)
Mr Aaron Caratti (Sharon Property Pty Ltd)
Mr Nathan Caratti (Kenby Property Pty Ltd)
Mr Tim Reynolds (Herring Storer Acoustics)
Mr Bob Hindle (The Atlantis Group)
Ms Jane Muirsmith
Mr Zane Randell
Mr Chris Mellor
Mr Julien Flack

Members of the Public / Media

There were 23 members of the public in attendance.



1. Declaration of Opening

The Presiding Member declared the meeting open at 9:02am on 5 February 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 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

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Bruce Haynes and Cr Paul Kelly, declared that they participated in a prior Council meeting in relation to the application at item 10.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Haynes and Cr Kelly acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Ms Francesca Lefante, declared that she 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 acknowledged that she is 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 her, which will be considered on its planning merits.

7. Deputations and Presentations

- 7.1 Ms Jane Muirsmith addressed the DAP against the application at Item 10.1.
- 7.2 Mr Zane Randell addressed the DAP against the application at Item 10.1.
- 7.3 Mr Julien Flack addressed the DAP against the application at Item 10.1.
- 7.4 Mr Chris Mellor (Mellor Architects) addressed the DAP against the application at Item 10.1.
- 7.5 Mr Marty Symmons (Town of Claremont) addressed the DAP against the application at Item 10.1 and responded to questions from the panel.
- 7.6 Mr Giannie da Rui (Meyer Shircore) addressed the DAP in support of the application at Item 10.1.
- 7.7 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.8 Mr Sean Fairfoul (Rowe Group) addressed the DAP in support the application at Item 10.1 and responded to questions from the panel.
- 7.9 Mr David Vinicombe (Town of Claremont) addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Mr Jarrod Ross

That the meeting be adjourned for a period of five (5) minutes to allow the Town of Claremont Officers to review the alternate resolutions provided by the applicant.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was adjourned at 11:04am.

The meeting was reconvened at 11:14am.

8. Form 1 – Responsible Authority Reports – DAP Application

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:	Lots 18-19 (162-164) Alfred Road, Claremont
Development Description:	Child Care Centre
Applicant:	Sharon Property Pty Ltd C/- Rowe Group
Owner:	Sharon Property Pty Ltd Nathan Caratti, Kenby Property Pty Ltd Aaron Caratti
Responsible Authority:	Town of Claremont
DAP File No:	DAP/19/01600

REPORT RECOMMENDATION

Moved by: Cr Bruce Haynes

Seconded by: Cr Paul Kelly

That the Metro West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 161 of 2019, resolves to:

Reconsider its decision dated 12 July 2019 and **refuse** DAP Application reference DAP/19/01600 and accompanying amended plans Attachment 3 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Part V of the Town of Claremont Local Planning Scheme No.3, for the following reasons:

Reasons

1. The proposed Child Care Centre is inconsistent with Town of Claremont Local Planning Scheme No. 3 with respect to:
 - a. Day Care Centre is an 'SA' use within Table 1 – Land Use Table. It is considered the proposal will have a significant detrimental impact on the existing quiet residential amenity of residents in the locality by way of increased traffic volumes and safety, on street parking and visual amenity. Accordingly the land use is not considered to be an appropriate land use within the 'Residential' zone.
 - b. Clause 46(3) which requires "*the continuation of the domestic scale and architectural character of the area...*" It is considered the bulk of the building and the excessive area of hardstand for parking is not fully in keeping with the residential character of the area
2. The proposed Child Care Centre is inconsistent with Town of Claremont Local Planning Policy 206 – Child Care Centres with respect to:
 - a. Location requirements as:
 - i. The proposal is not contained within a preferred zone, nor immediately adjacent to a preferred zone.
 - ii. The proposal does not adjoin a compatible land use and the traffic increase has not been demonstrated to be suitable from an engineering view.
 - iii. The site is not of sufficient size to accommodate the development without impacting on the amenity of the surrounding area.



- iv. Access to the site includes access from a local access street which is likely to result in traffic, parking and associated amenity concerns.
 - v. The proposal is located on a high traffic volume road where noise is likely to have an adverse impact on the site.
 - b. Site requirements, as the site is not of sufficient size to accommodate the development with required outdoor play areas suitably located.
 - c. Development requirements as:
 - i. The visual appearance of the parking associated with the development does not reflect the residential character of the area with excessive hardstand area.
 - ii. Outdoor play areas are located adjacent to the residential boundary to the east and considered to be disruptive to residential amenity.
 - iii. The Traffic Impact Statement does not take into consideration the locational circumstances of the site. The increase in traffic will have a detrimental impact on levels of service for the Alfred Road and Butler Avenue intersection, and may result in increased safety risks. It is noted that the residents submitted an independent Traffic Impact Statement which makes a number of recommendations for modifications to the road network to improve traffic and pedestrian safety which cannot be accommodated due to specific constraints identified at this location, further indicating that the site is not suitable for the development.
 - iv. Access is proposed from Butler Avenue which is a short no-through Access Road and is likely to have a significantly detrimental impact on the amenity of residents and locality.
 - v. Outdoor play areas are located adjacent to boundaries with residential properties, which may have a negative impact on the adjoining residents.
 - vi. The introduction of a commercial Child Care Centre into the predominantly residential area will likely have a detrimental impact on the amenity of the locality in regards to traffic and parking, and consequent safety issues.
3. The proposed building significantly exceeds the requirements for internal and external play areas under the *Child Care Services (Child Care) Regulations 2006*. This unnecessarily increases the bulk of the building, impacting on the existing residential amenity of the area. It also provides an opportunity for an application to be made in the future to increase the number of children at the centre, which could then potentially have an even greater impact on residential amenity.

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

For: Ms Francesca Lefante
Cr Bruce Haynes
Cr Paul Kelly

Against: Mr Jarrod Ross
Mr Jason Hick

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



Current SAT Applications		
LG Name	Property Location	Application Description
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
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 11:52am.