



Minutes of the Metro Central Joint Development Assessment Panel

Meeting Date and Time: 21 September 2018; 9am
Meeting Number: MCJDAP/312
Meeting Venue: Town of Victoria Park
99 Shepperton Road
Victoria Park

Attendance

DAP Members

Ms Rachel Chapman (A/Presiding Member)
Ms Kym Petani (A/Deputy Presiding Member)
Mr John Taylor (A/Specialist Member)

Item 8.1

Cr Vicki Potter (Local Government Member, Town of Victoria Park)
Cr Claire Anderson (Local Government Member, Town of Victoria Park)

Item 9.1

Cr Jai Wilson (Local Government Member, Town of Bassendean)
Cr Kathryn Hamilton (Local Government Member, Town of Bassendean)

Officers in attendance

Item 8.1

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

Item 9.1

Mr Brian Reed (Town of Bassendean)

Minute Secretary

Ms Amy Noon (Town of Victoria Park)

Applicants and Submitters

Item 8.1

Mr Tayne Evershed (Planning Solutions)
Mr Ross Underwood (Planning Solutions)
Mr Julius Skinner (LSV Borrello Lawyers)
Mr Fred Chaney (Taylor Robinson Chaney Broderick)

Ms Rachel Chapman
A/Presiding Member, Metro Central JDAP



Item 9.1

Mr Nik Hidding (Peter Webb & Associates)
Mr Brendan Foley (Lavan)

Members of the Public / Media

There were 11 members of the public in attendance.

1. Declaration of Opening

The A/Presiding Member declared the meeting open at 9am on 21 September 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting is being held.

The A/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 A/Presiding Member advised that the meeting was 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 A/Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Ms Megan Adair (Presiding Member)
Mr Michael Hardy (Specialist Member)

3. Members on Leave of Absence

DAP Member, Ms Megan Adair has been granted leave of absence by the Director General for the period of 17 September 2018 to 3 October 2018 inclusive.

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

5. Declarations of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

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7. Deputations and Presentations

- 7.1 Mr Ross Underwood (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Julius Skinner (LSV Borrello Lawyers) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Fred Chaney (Taylor Robinson Chaney Broderick) addressed the DAP in support of the application at Item 8.1 and answered questions from the panel.
- 7.4 Mr Brendan Foley (Lavan) addressed the DAP in support of the application at Item 9.1 and answered questions from the panel.

The A/Deputy Presiding Member, Ms Kym Petani, joined the meeting at 9.10am.

8. Form 1 – Responsible Authority Reports – DAP Applications

- 8.1 Property Location: 4 – 10 (Lot 4) Hayman Road, Bentley
Development Description: Four storey apartment building for independent living units with basement parking and new recreational facilities
Applicant: Planning Solutions
Owner: Uniting Church Homes
Responsible Authority: Town of Victoria Park
DAP File No: DAP/18/01437

REPORT RECOMMENDATION

Moved by: Ms Kym Petani

Seconded by: Cr Vicki Potter

That the Metro Central Joint Development Assessment Panel (JDAP) resolves to:

Approve DAP Application reference DAP/18/01437 and accompanying plans received 12 June 2018 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1 and Clause 30 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. Prior to the submission of an application for a building permit, Lots 4 and 5 are to be amalgamated into a single lot on a Certificate of Title or the proposed buildings are to be located entirely within the boundaries of Lot 4.
2. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.

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3. A landscaping plan detailing the size, location and type of planting is to be provided to the satisfaction of the Town prior to the submission of an application for building permit, with the landscaping plan to include a minimum of ten (10) new trees of a minimum size of 90L at the time of planting..
4. Those existing trees noted 'Retained' on the Tree Strategy Plan are to be retained to the satisfaction of the Town.
5. Before the subject development is first occupied or commences operation all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Town.
6. A minimum of seven (7) car parking bays within the existing Jenkins Avenue car parking area are to be marked as visitors bays prior to the occupation of the building.
7. External colours, finishes and materials to be used in the construction of the building are to be in accordance with the colour schedule attached with the approved plans, unless otherwise approved in writing by the Town.
8. External fixtures, including but not restricted to airconditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street, secondary street or right-of-way.
9. Prior to the submission of an application for a building permit a Construction Management Plan shall be submitted to and approved in writing by the Town which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, cranes and any other details as required by the Town. Construction works shall take place in accordance with the approved details at all times.
10. Further details being provided of sightlines where the driveway to the basement carpark intersects with Jenkins Avenue, with such details being to the Town's satisfaction.
11. Prior to the submission of an application for a building permit, the applicant is to submit further details of the proposed balustrades with such details being to the satisfaction of the Town.

Advice Notes

1. To avoid delays in the issuing of a building permit, the applicant should commence the subdivision/amalgamation procedure without delay. A licensed land surveyor should be engaged for this purpose.

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2. The applicant/owner should refer to the **Requirements of Other Council Business Units**, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
3. The landscaping plan to include detail on the material used for paving on the perimeter of the building.
4. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
5. All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
6. A demolition permit is required to be applied for and obtained from the Council prior to demolition of the existing building(s) and/or structure(s) on the site.
7. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
8. The Town will permit the Owner to defer compliance with condition No. 1, provided that the Owner enters into a deed of agreement with the Town prepared by the Town's solicitors at the Owner's cost agreeing to complete the amalgamation within 12 months of the issue of the building permit. The agreement shall require the registration of an absolute caveat on the title to the subject land, until such time as the amalgamation has been completed to the Town's satisfaction.

AMENDING MOTION 1

Moved by: Cr Vicki Potter

Seconded by: Cr Claire Anderson

- (i) To delete condition 10 and renumber the remaining conditions accordingly.
- (ii) To add advice note 9 (now advice note 7) to read:

9. *The Town recommends that the applicant undertake an assessment of the vehicle sightlines at the point where the driveway to the basement car parking area intersects with Jenkins Avenue based upon the ultimate road network as per the approved master plan.*

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REASON: The panel thought it reasonable to amend the conditions and advice notes, as per the alternate officer's recommendation, distributed prior to the meeting.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Ms Kym Petani

Seconded by: Cr Vicki Potter

(i) To delete condition 1 and renumber the remaining conditions appropriately.

REASON: The panel acknowledged that it is a long-held planning principle to amalgamate lots so buildings do not straddle lot boundaries, however in this case the condition does not serve a planning purpose as the land tenure already restricts land uses and there is no risk of the lots being sold individually and used.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Ms Kym Petani

Seconded by: Ms Rachel Chapman

(i) To delete condition 2 and renumber the remaining conditions appropriately.

The Amending Motion was put and LOST (2/3).

For: Ms Rachel Chapman
Ms Kym Petani

Against: Cr Vicki Potter
Cr Claire Anderson
Mr John Taylor

AMENDING MOTION 4

Moved by: Cr Vicki Potter

Seconded by: Cr Claire Anderson

(i) To delete advice notes 1, 8 and renumber remaining advice notes accordingly.

REASON: Advice notes relate to condition 1 which has been deleted.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Central Joint Development Assessment Panel (JDAP) resolves to:

Approve DAP Application reference DAP/18/01437 and accompanying plans received 12 June 2018 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of

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Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1 and Clause 30 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
2. A landscaping plan detailing the size, location and type of planting is to be provided to the satisfaction of the Town prior to the submission of an application for building permit, with the landscaping plan to include a minimum of ten (10) new trees of a minimum size of 90L at the time of planting.
3. Those existing trees noted 'Retained' on the Tree Strategy Plan are to be retained to the satisfaction of the Town.
4. Before the subject development is first occupied or commences operation all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Town.
5. A minimum of seven (7) car parking bays within the existing Jenkins Avenue car parking area are to be marked as visitors bays prior to the occupation of the building.
6. External colours, finishes and materials to be used in the construction of the building are to be in accordance with the colour schedule attached with the approved plans, unless otherwise approved in writing by the Town.
7. External fixtures, including but not restricted to airconditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street, secondary street or right-of-way.
8. Prior to the submission of an application for a building permit a Construction Management Plan shall be submitted to and approved in writing by the Town which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, cranes and any other details as required by the Town. Construction works shall take place in accordance with the approved details at all times.
9. Prior to the submission of an application for a building permit, the applicant is to submit further details of the proposed balustrades with such details being to the satisfaction of the Town.

Advice Notes

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1. The applicant/owner should refer to the **Requirements of Other Council Business Units**, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
2. The landscaping plan to include detail on the material used for paving on the perimeter of the building.
3. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
4. All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
5. A demolition permit is required to be applied for and obtained from the Council prior to demolition of the existing building(s) and/or structure(s) on the site.
6. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
7. The Town recommends that the applicant undertake an assessment of the vehicle sightlines at the point where the driveway to the basement car parking area intersects with Jenkins Avenue based upon the ultimate road network as per the approved master plan.

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

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

Cr Vicki Potter and Cr Claire Anderson left the meeting at 9.39am.

Cr Jai Wilson and Cr Kathryn Hamilton joined the meeting at 9.39am.

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

9.1 Property Location:	Lot 54 (Nos 25-27) Hamilton Street; Lot 84 (No 68) Old Perth Road and Lot 85(No 70) Old Perth Road
Development Description:	Mixed Development Comprising Alterations and Additions to Nursing Home, Shops and 18 Multiple Dwellings
Proposed Amendments	To amend the approval by the deletion of condition 34 relating to developer contributions
Applicant:	Peter Webb and Associates
Owner:	T & T Management Services Pty Ltd.
Responsible Authority:	Town of Bassendean
DAP File No:	DAP/18/01379

REPORT RECOMMENDATION

Moved by: Cr Jai Wilson

Seconded by: Cr Kathryn Hamilton

That the Metro Central Joint Development Assessment Panel (JDAP) resolves to:

1. **Accept** that the DAP Application reference number DAP/18/01379 as detailed on the DAP Form 2 dated 13 July 2018 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/18/01379 as detailed on the DAP Form 2 date 13 July 2018 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Clause 67(g) of the Town of Bassendean Local Planning Scheme No.10, for the proposed minor amendment to the approved Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings at Lot 54 (Nos. 25-27) Hamilton Street, Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean, for the following reasons:
 - a) Condition 24 of the approval dated 28 May 2018 does not infringe Regulation 73 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - b) Condition 24 of the approval dated 28 May 2018 is considered to be a valid planning condition inasmuch as it is made for a planning purpose, reasonably and fairly relates to the development permitted, and is not considered to be unreasonable; and
 - c) Deletion of the condition would set an undesirable precedent for other applications subject to Local Planning Policy No 1 - Town Centre Strategy and Guidelines, within the Town of Bassendean.

The report recommendation was put and LOST (2/3)

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For: Cr Jai Wilson
Cr Kathryn Hamilton

Against: Mr John Taylor
Ms Rachel Chapman
Ms Kym Petani

ALTERNATE RECOMMENDATION

Moved by: Ms Kym Petani

Seconded by: Mr John Taylor

Administrative change to correctly reflect that Condition 34, of the original determination, is to be deleted rather than the incorrect reference to Condition 24 in the Report Recommendation.

That the Metro Central Joint Development Assessment Panel (JDAP) resolves to:

1. **Accept** that the DAP Application reference number DAP/18/01379 as detailed on the DAP Form 2 dated 13 July 2018 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/18/01379 as detailed on the DAP Form 2 date 13 July 2018 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Clause 67(g) of the Town of Bassendean Local Planning Scheme No.10, for the proposed minor amendment to the approved Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings at Lot 54 (Nos. 25-27) Hamilton Street, Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean, subject to.

Deleted Conditions

34. Prior to the issue of a Building Permit, the applicant shall pay to the Town of Bassendean the 2% contribution of the building construction costs as prescribed under LPP No. 1 - Town Centre Area Strategy and Guidelines for Bassendean. The 2% contribution is inclusive of the 1% public art contribution required in accordance with the previous condition.

REASON: The officer recommendation to refuse to approve the deletion of Condition 34 was not supported for the reasons that Condition 34 lacks transparency as to the infrastructure items that it is seeking to fund and does not meet the tests for validity as it could not be demonstrated that the proposed development generated the need for the contribution. Furthermore, in accordance with Regulation 73, a local government must not levy a contribution for the provision of infrastructure or facilities for an area unless there is a developer contribution plan in place for the area and the Town's Local Planning Policy – Town Centre Area Strategy and Guidelines for

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Bassendean were not considered to satisfy the requirements for a developer contribution plan.

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

For: Ms Rachel Chapman
Ms Kym Petani
Mr John Taylor

Against: Cr Jai Wilson
Cr Kathryn Hamilton

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

Current Applications		
LG Name	Property Location	Application Description
City of South Perth	Lots 2-20 (72-74) Mill Point Road, South Perth	36 Level (118.2m) Mixed Use Development
City of South Perth	Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth	43-Storey Mixed Development
City of Melville	Lots 1060 (20) and 1061 (22) Kintail Road, Applecross	16 Storey mixed use residential development with 91 apartments and 5 non-residential tenancies

11. General Business / Meeting Closure

The A/Presiding Member announced that in accordance with Section 7.3 of DAP Standing Order 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 A/Presiding Member declared the meeting closed at 10.22am.

Ms Rachel Chapman
A/Presiding Member, Metro Central JDAP