



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

**Meeting Date and Time:** 20 December 2019; 9:00 AM  
**Meeting Number:** MCJDAP/382  
**Meeting Venue:** Department of Planning, Lands and Heritage  
140 William Street  
Perth

### **Attendance**

#### **DAP Members**

Ms Megan Adair (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Mr John Syme (A/Specialist Member)

#### **Officers in attendance**

Ms Helen Smith (City of Bayswater) – *via teleconference*

#### **Minute Secretary**

Ms Ashlee Kelly (DAP Secretariat)

#### **Applicants and Submitters**

Mr Adam Wood (Urbis)  
Mr Ray Haeren (Urbis)

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

Nil

### **1. Declaration of Opening**

The Presiding Member declared the meeting open at 9:05am on 20 December 2019 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.



## **2. Apologies**

Cr Filomena Piffaretti (Local Government Member, City of Bayswater)  
Cr Catherine Ehrhardt (Local Government Member, City of Bayswater)  
Cr Eli Petersen-Pik (Local Government Member, City of Bayswater)

## **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 Adam Wood (Urbis) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Ray Haeren (Urbis) responded to questions from the panel in relation to Item 8.1.
- 7.3** Ms Helen Smith (City of Bayswater) responded to questions from the panel in relation to Item 8.1.

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

- |            |                          |                                  |
|------------|--------------------------|----------------------------------|
| <b>8.1</b> | Property Location:       | 135-137 Peninsula Road, Maylands |
|            | Development Description: | Proposed Child Day Care Centre   |
|            | Applicant:               | Allaf Property C/- Urbis Pty Ltd |
|            | Owner:                   | AP Developments6 Pty Ltd         |
|            | Responsible Authority:   | City of Bayswater                |
|            | DAP File No:             | DAP/19/01647                     |



## REPORT RECOMMENDATION

**Moved by:** Mr John Syme

**Seconded by:** Ms Rachel Chapman

That the Metro Central JDAP resolves to:

**Approve** DAP Application reference DAP/19/01647 and accompanying plans shown in Attachment 2, 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 Bayswater Town Planning Scheme No. 24, subject to the following conditions:

### Conditions

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. Revised plan(s) addressing the following matters shall be submitted to and approved by the City of Bayswater prior to the lodgement of a building permit application, and not result in any greater variation to the requirements of the town planning scheme and the City's policies:
  - (a) An amended front fence facing Peninsula Road designed more in keeping with the residential character of the streetscape and providing a sense of scale, variety, materiality and visual permeability to the public domain.
  - (b) An amended front fence along the north-west side lot boundary designed to comply with the requirements of the Residential Design Codes to the satisfaction of the City of Bayswater.
  - (c) The door on the north-west side of the upper level outdoor play area leading to the external stairway to be screened to a minimum height of 1.6m above the finished floor area.
  - (d) The landscaping plan being amended to include the additional landscaping areas to the north-west side of the car parking area as indicated on the site and ground floor plans.
  - (e) The monolith sign at the entrance being set back a minimum of 1m from the street boundary.
3. A geotechnical report covering the development area being prepared by a suitably qualified practitioner at the applicant's cost, to the satisfaction of the City of Bayswater. The report is to be lodged with the building permit application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
4. The approved parapet/boundary wall and footings abutting the boundary must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.



5. A detailed 'Schedule of Colours and Materials' shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
6. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.
7. A refuse and recycling management plan shall be submitted to and approved by the City of Bayswater, prior to commencement of any works. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.
8. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
9. Prior to commencement of development, outdoor lighting plans shall be submitted to and approved by the City of Bayswater. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
10. The vehicle parking area shall be constructed/upgraded in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, and thereafter maintained to the satisfaction of the City of Bayswater.
11. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
12. The existing crossovers on the road reserve are to be removed and the verge to be reinstated to the satisfaction of the City of Bayswater.
13. The existing and/or proposed driveways being constructed with brick paving or concrete to the satisfaction of the City of Bayswater.
14. The modification of the existing raised median in Peninsula Road is to be undertaken by the applicant/owner in accordance with the Transport Impact Statement to the satisfaction of and at no cost to the City of Bayswater.
15. Visibility truncations shall be provided to the footpath for the exit driveway in accordance with the Transport Impact Statement to the satisfaction of the City of Bayswater.
16. The Parking Management Plan shall be updated to take into consideration parking restrictions on the south-east side of the car park prior to 7:00am as specified in the Environmental Acoustic Assessment report and any requirements for manoeuvring of on-site waste collection vehicles in accordance with an approved waste management plan, to the satisfaction of the City of Bayswater. The requirements and recommendations of the report shall be implemented to the satisfaction of the City of Bayswater.
17. The Peninsula Road verge and median are not permitted to be used for car parking purposes in association with the child day care centre.



18. The Environmental Acoustic Assessment report shall be updated in accordance with any amended boundary fencing design and any noise arising from on-site waste collection in accordance with an approved waste management plan and shall demonstrate compliance of the proposed development with the requirements of the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City of Bayswater. The requirements and recommendations of the report shall be implemented to the satisfaction of the City of Bayswater.
19. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.
20. The number of children to be cared for onsite is limited to 112 only and the number of staff limited to 18 at any one time, to the satisfaction of the City of Bayswater.
21. The child day care centre is not permitted to operate on weekends or public holidays. Children are not permitted to arrive at the centre prior to 6.30am and are to leave the centre no later than 6.30pm Monday to Friday.
22. Acoustic fencing is to be erected prior to occupation of the development and maintained thereafter to the satisfaction of the City of Bayswater.
23. A construction management plan, detailing how the construction of the development will be managed to minimize the impact on the surrounding area, shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
24. The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% (\$21,000.00) of the estimated total construction cost of the development (\$2.1 million). Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's on-going maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to and approved by the City prior to the lodgement of a building permit application. Alternatively, the owner, or the applicant on behalf of the landowner, may opt to pay a cash-in-lieu contribution for the public art to the City of Bayswater in accordance with the provisions of the City's Percent for Public Art Policy, prior to the submission of a building permit application.
25. Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.
26. Any new front fencing is to comply with the requirements of the Residential Design Codes to the satisfaction of the City of Bayswater.
27. Prior to occupation, a total of two street trees are to be planted on the Peninsula Road verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.



28. Prior to occupation, Lots 81 and 82 are to be amalgamated into a single lot. Alternatively the owner may enter into a legal agreement with the City of Bayswater, prepared by the City's solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The agreement is required to be executed by all parties concerned prior to the commencement of the works hereby permitted.

### Advice Notes

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
4. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
5. Any onsite signage is to be installed in accordance with the City of Bayswater's Signage Policy to the satisfaction of the City.
6. With respect to revised plans addressing an amended front fence facing Peninsula Road, please consider:
  - (a) The introduction of a masonry or limestone wall 400-500mm high at the front boundary upon or behind which the palisade is placed. The exact solution should respect the height and safety requirements to ensure safe separation of the play area from the street.
  - (b) The introduction of full height masonry or limestone walls or piers at regular or random intervals to be decided by the proponent to provide a sense of scale, variety and materiality to the public domain and break up the relentless run of high palisade fence.
7. With respect to the street trees, a list of suitable tree species is provided on the City's website @ <http://www.bayswater.wa.gov.au/cproot/617/2/StreetTrees2010.pdf> or as determined by the City's Parks and Gardens Services. The recommended bag size is 45 litres (35 litres minimum).



8. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
9. Vehicle crossover shall be designed and constructed in accordance with the City's Specifications for Crossovers. Applicants/owners are advised to contact the City's Technical Services in regard to the crossover requirements, crossover application process and eligibility for the City's crossover subsidy.
10. The applicant is to submit a copy of the Australian Children's Education and Care Quality Authority approval to provide child care services to the City of Bayswater's Environmental Health Services prior to operation.
11. The premises is to comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The recommendations of the acoustic report are to be implemented as part of the building permit.
12. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations including the following:
  - *Environmental Protection (Liquid Waste) Regulations 1996*;
  - *Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No. 2) 1997*;
  - *Environmental Protection (Noise) Regulations 1997*;
  - *Health (Food Hygiene) Regulations 1993*;
  - *Health (Public Building) Regulations 1992*;
  - *Health (Air Handling and Water Systems) Regulations 1994*;
  - *Food Act 2008*;
  - *City of Bayswater Health Local Laws 2001*.

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

**Reason:** In accordance with details contained in the Responsible Authority Report

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

Nil

10. **Appeals to the State Administrative Tribunal**

Nil



The Presiding Member noted the following State Administrative Tribunal Application -

Current Applications		
LG Name	Property Location	Application Description
City of Melville	Nos. 10, 12 & 14 (Lots 311, 800 & 801) Forbes Road and Nos. 40A, 40B & 40C (Lots 802, 803 & 804) Kishorn Road, Applecross	20 Storey Mixed-Use Development comprising 97 Multiple Dwellings, 15 Short Stay Accommodation Units and 5 Non-Residential tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces)
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	Lots 81 and 82 (No.31) Labouchere Road and Lot 12 (No.24) Lyall Street, South Perth	Mixed use development comprising commercial and residential land uses (41 Storey) (next to Perth Zoo)
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 South Perth	Lots 29-31 (No 50-52) Melville Parade, South Perth	26 Level (88.9m) Mixed Use Development
City of South Perth	Lot 688 (1) Mends Street, South Perth	Mixed Use Residential and commercial development, modifications to existing post office and former police station buildings and works within the surrounding roadserves (Civic Triangle)

## 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 9.20am.