# Appendix A

JDAP Application Determination and Approved Plans

TOWN OF VICTORIA PARK Received: 16/12/2019



Government of **Western Australia** Development Assessment Panels

LG Ref: 5.2019.216.1 DAP Ref: DAP/19/01613 Enquiries: (08) 6551 9919

Mr Sheldon Turner Total Project Management PO Box 7752 Cloisters Square WA 6850

Dear Mr Turner

# METRO CENTRAL JDAP - TOWN OF VICTORIA PARK - DAP APPLICATION - 5.2019.216.1 - DETERMINATION

Property Location:	Lots 31,32 & 33 Canning Highway, Victoria Park
Application Details:	23 Multiple Dwellings

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the Town of Victoria Park on 20 May 2019 for the above-mentioned development.

This application was considered by the Metro Central JDAP at its meeting held on 15 August 2019, where in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011.* 

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Mr Sturt McDonald on behalf of the Town of Victoria Park on 9311 8163.

Yours sincerely,

**DAP Secretariat** 

26 August 2019

- Encl. DAP Determination Notice Approved Plans
- Cc: Mr Sturt McDonald Town of Victoria Park



### Planning and Development Act 2005

### Town of Victoria Park Town Planning Scheme No. 1

### Metro Central Joint Development Assessment Panel

## Determination on Development Assessment Panel Application for Planning Approval

**Property Location:** Lots 31,32 & 33 Canning Highway, Victoria Park **Application Details:** 23 Multiple Dwellings

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 15 August 2019, subject to the following:

1. **Approve** DAP Application reference DAP/19/01613 and accompanying plans at **Attachment 1** 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 Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1, and pursuant to 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, date stamped approved 15 August 2019 at all times, unless otherwise authorised by the Town.
- 2. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before the development is commenced. Where an acid sulphate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
- 3. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a Construction Management Plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy and location of waste disposal bins;
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;



- g) A dilapidation report detailing the state of footpaths, Town assets and public utilities within the road reserve in the vicinity of the site. This report will be used to ensure that any and all damage sustained to Footpaths, Town assets and public utilities located within the road reserve during construction are reinstated at the applicant's expense to Town or relevant service provider's specifications and requirements;
- b) Details of preventative measures that shall be implemented to ensure that no construction material, topsoil, runoff or deleterious matter is allowed to enter the stormwater system, adjacent Parks and Recreation reserve or the River; and
- i) Other matters likely to impact on the surrounding properties.
- 4. Prior to lodging an application for a building permit, the applicant must submit an Urban Water Management Plan to the satisfaction of the Town in consultation with the Department of Biodiversity Conservation and Attractions. The development shall be constructed in accordance with the approved details and shall be thereafter maintained. (See related advice notes)
- 5. Prior to the submission of a building permit, arrangements being made to the satisfaction of the Town that address concerns relating to bins (on collection day) obstructing pedestrian traffic by either of the following means:
  - a. A contribution of \$16,625.57 being paid to the Town for the cost of constructing a footpath along the northern edge of McCallum Lane. The development is to thereafter operate in accordance with the Waste Management Plan dated 25 July 2019 unless otherwise approved by the Town in writing; or
  - b. A revised Waste Management Plan being provided to the satisfaction of the Town demonstrating means by which bins can be collected by while neither footpath, car bays or manoeuvring areas be obstructed as part of bin presentation area, and providing means by which these management practices can be guaranteed for the life of the development. The development to thereafter operate in accordance with the approved details.
- 6. Prior to lodging an application for a building permit, a detailed Noise Management Plan is to be submitted and approved by the Town, which demonstrates that the development has been designed to meet the relevant requirements of State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' (SPP5.4). The report must be prepared by a suitably qualified and competent person in accordance with the SPP5.4 Guidelines. Any recommended mitigation or design measures are to be incorporated into the drawings submitted for a building permit and the development shall be constructed in accordance with the approved details. (See related advice note)
- 7. Should the implementation of noise mitigation and design measures leave any apartment not achieving the target noise levels outlined within State Planning Policy 5.4 '*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*' to the satisfaction of the Town, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the relevant strata lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"The dwelling is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."



- 8. Prior to lodging an application for a building permit, either (i) Lots 31, 32 and 33 are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of Lots 31, 32 and 33 into a single lot within 12 months of the issue of a building permit.
- 9. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town. (See related advice note)
- 10. Prior to the occupation or strata-titling of the building(s), whichever occurs first, landscaping as per the approved details being implemented to the satisfaction of the Town.
- 11. Prior to the submission of an application for a building permit, a contribution of a sum of 1% of the total construction value being made to the Town towards public art by either:
  - a. Payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or
  - b. Payment to the Town of a bond to the value of the contribution, on the basis that the owner is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by the Town. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development, at which time the bond will be refunded by Council. The public art is to be maintained thereafter by the owner/occupiers; or
  - c. A public art proposal shall be submitted to and approved in writing by the Town. Once approved, the public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development or strata titling of the building, whichever occurs first, and thereafter be maintained for the life of the development to the satisfaction of the Town.
- 12. Prior to lodging an application for a building permit, plans are to be submitted demonstrating to the satisfaction of the Town that five of the apartments satisfy the silver standard outlined within the Liveable Housing Design Guidelines. (See related advice note)
- 13. Prior to lodging an application for a building permit, details of privacy screening to the interface between No.59 Canning Hwy and the balconies in the western corner of the subject site are to be provided to the satisfaction of the Town, inclusive of screening to the south-western face of the balconies on the upper ground floor and the fourth floor. The development shall be constructed in accordance with the approved details unless otherwise approved by the Town in writing and shall be thereafter maintained.



- 14. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Town prior to submission of an application for a building permit, particularly details relating to:
  - a. details of colours and materials of security gate screening; and
  - b. details of perforated powder coated screening to elevations.

The development shall be constructed in accordance with the approved details and shall be thereafter maintained.

- 15. Prior to lodging an application for a building permit, details of the height & location of hot water units located in storerooms are to be provided to the satisfaction of the Town, demonstrating that their placement is such that the hot water unit is accessible and that the storerooms retain their intended function
- 16. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, details of a 1kw photovoltaic system provided to each apartment. (See related advice note)
- 17. Prior to lodging an application for a building permit, details of water efficient fixtures and fittings installed within the development are to be provided to the satisfaction of the Town. (See related advice note)
- 18. Prior to lodging an application for a building permit, details of the security intercom system for access to all car parking bays (inclusive of residential visitor bays) are to be provided to the satisfaction of the Town.
- 19. Prior to occupation or use of the development, the redundant crossovers to Lots 31, 32 and 33 as shown on the approved plans, must be removed and the verge and kerb reinstated at the cost of the owner to the specification and satisfaction of the Town.
- 20. Prior to the submission of an application for a building permit, the applicant is to provide further details demonstrating that a 6 metre by 6 metre sightline truncation area at the intersection of Taylor Street and McCallum Lane will remain free of any obstructions that would inhibit line of sight for turning vehicles to the satisfaction of the Town. Any fixture or improvement located within the visual truncation area is not to exceed a height of 750mm. (See related advice note)
- 21. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.
- 22. Prior to the occupation or use of the development, all on site car bays being provided in accordance with the approved plans.
- 23. A minimum of five (5) car parking bays to be provided on site for the exclusive use of visitors. These bays shall be marked for the exclusive use of visitors prior to the first occupation or commencement of the development.



- 24. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
- 25. A zero lot gutter to be provided for the boundary wall(s) unless otherwise approved in writing by the Town.
- 26. Prior to the occupation or the strata-titling of the building(s), whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall(s) must be finished to the same standard as the rest of the development to the satisfaction of the Town.
- 27. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
- 28. No earthworks shall encroach onto the Canning Highway road reserve
- 29. No development other than landscaping shall be permitted on the land as shown as required for future road purposes on the enclosed Land Protection Plan: 1.1041/2. (See attachment 10)
- No stormwater drainage shall be discharged onto the Canning Highway road reserve, including the road requirement as shown within Land Protection Plan: 1.1041/2 (See attachment 10)
- 31. The ground levels on the Canning Highway boundary are to be maintained as existing.

#### Advice Notes

- 1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
- 2. 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.
- 3. With respect to the condition requiring details of a 1kw photovoltaic system being provided to each apartment, it is noted that the applicant has advises that, to reduce energy consumption from the development and greenhouse gas emissions from the development (O4.15.1), *"We are proposing to include a 1kw solar system per apartment"* (see attachment 17)
- 4. With respect to the condition requiring details of water efficient fixtures, it is noted that the applicant's submission advises that, to minimise potable water consumption throughout the development (O4.16.1), *"Fixtures and fittings with efficient WELs Ratings will be proposed"* (see attachment 5)



- 5. The applicant is advised that the proposed works are located in a high to moderate acid sulphate soils risk area. The Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation website at <u>www.dwer.wa.gov.au</u>. If any acid sulphate soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
- 6. With respect to the condition for an Urban Water Management Plan (UMWP), the Department of Biodiversity, Conservation and Attractions advises the following:
  - a. The stormwater management system (UMWP) shall be designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater from the proposed development should be managed in accordance with Department of Biodiversity, Conservation and Attractions Policy 49 - Planning for Stormwater Management Affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulations Stormwater Management Manual for Western Australia and Decision Process for Stormwater Management in WA, and water sensitive urban design principles. Stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained or detained at source as much as practical and will not be permitted to enter the river untreated (in particular from the carpark). The Urban Water Management Plan is to make specific reference to clause 4.16, Design Guidance 4.16.5 of State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments. Incorporate the use of deep soil zones within the site to locate vegetation and assist with stormwater management as referred to in the Western Australian Planning Commission's draft Apartment Design Guidelines. The Urban Water Management Plan required be emailed can to rivers.planning@dbca.wa.gov.au for preliminary feedback.

With respect to the condition for an Urban Water Management Plan, the Town's Street Operations Team advises the following:

- b. The Stormwater Management Plan should be designed and signed by a certified and qualified practising Hydraulic Engineer that will address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI). In the event that changes to the approved plans (i.e finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for amendment to the development approval may be required.
- c. Proposed Stormwater overflow DN150 direct connection pipe to TOVP Drainage system (Depicted in attachment 11) is not approved or permitted and is to be removed from the stormwater designs.
- d. As internal grades will overland flow towards McCallum Lane, Applicant is permitted by Manager of Technical Services to use last soakwell as a bubble-up pit during heavy storm events.



- 7. With respect to the condition requiring details demonstrating that the silver standard of Liveable Housing Design Guidelines are achieved by the units on the upper ground floor, please be advised that the level of detail required include (but are not limited to) wall reinforcement for future handrails, hobless showers, slip-resistant floor surface etc. Please note that Town of Victoria Staff have identified that the following requirement may require alterations to the floor plans of apartments:
  - a. a minimum 1200mm clear circulation space forward of the toilet pan exclusive of the swing of the door in accordance with Figure 3(a).
  - b. The toilet pan should be located in the corner of the room (if the toilet is located in a combined toilet / bathroom) to enable installation of grabrails at a future date. Reinforcement guidelines for walls

The applicant may wish to seek the services of a disability access consultant to assist in addressing these matters.

- 8. With respect to the condition for a revised landscaping plan, it is noted that the landscaping plan provided within Attachments 6 and 13 was for a *previous design iteration*. The approved DA plans include additional on-structure planting and Deep Soil Areas adjacent to/above the car parking gate and visitor bays that are not detailed within the landscaping package received to date. The Town expects the landscaping plan to include the following details:
  - Plan to scale not less than 1:200, preferably 1:100;
  - North point and lot boundaries;
  - Existing trees for retention or removal, including verge trees;
  - Verges include all services and features from the property line to the roadway edge;
  - Hard surfacing areas, footpaths, crossovers and driveways;
  - Retaining walls, fences and other structures;
  - Note proposed irrigation type (waterwise design preferred);
  - Mulch type large-particled to allow for effective drainage;
  - Mulch application depth minimum 70mm;
  - Mulch is to be suitably retained on the verge to prevent the contamination of street drainage systems;
  - Landscaping of the street verge in accordance with the Town of Victoria Park's 'Your Street Verge - Sustainable Landscaping Guide' on the Town's website;
  - Plant legend showing:
    - Proposed plant species (botanic and common names);
    - Container size (not less than 130mm);
    - Plant quantities;
    - Waterwise plant selection; and
    - Appropriate spacing moderate planting density, relative to the eventual mature size and spread of the species selected;
  - Plantings within sightline areas to be mulched and have a maximum height of 750mm on the verge and in visual truncation areas; and
  - Landscape maintenance schedule.

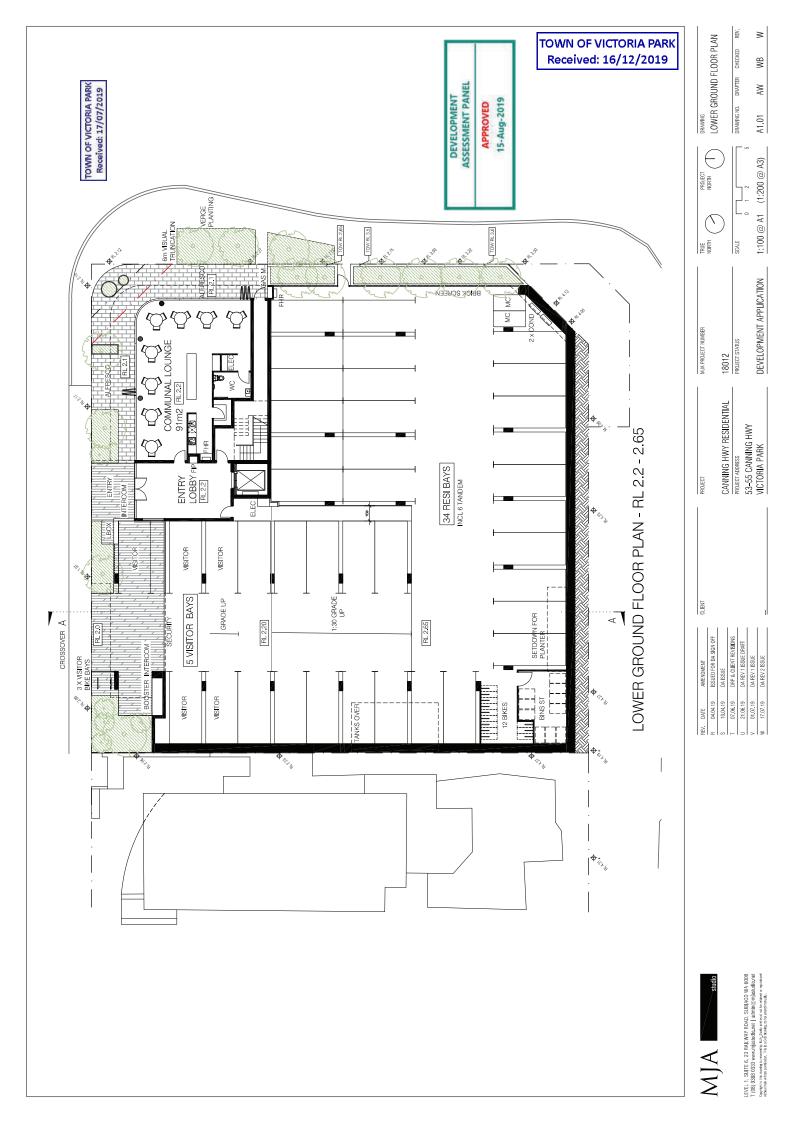
Landscaping is to be installed in accordance with the approved plan continually maintained to a standard to the satisfaction of the Town.

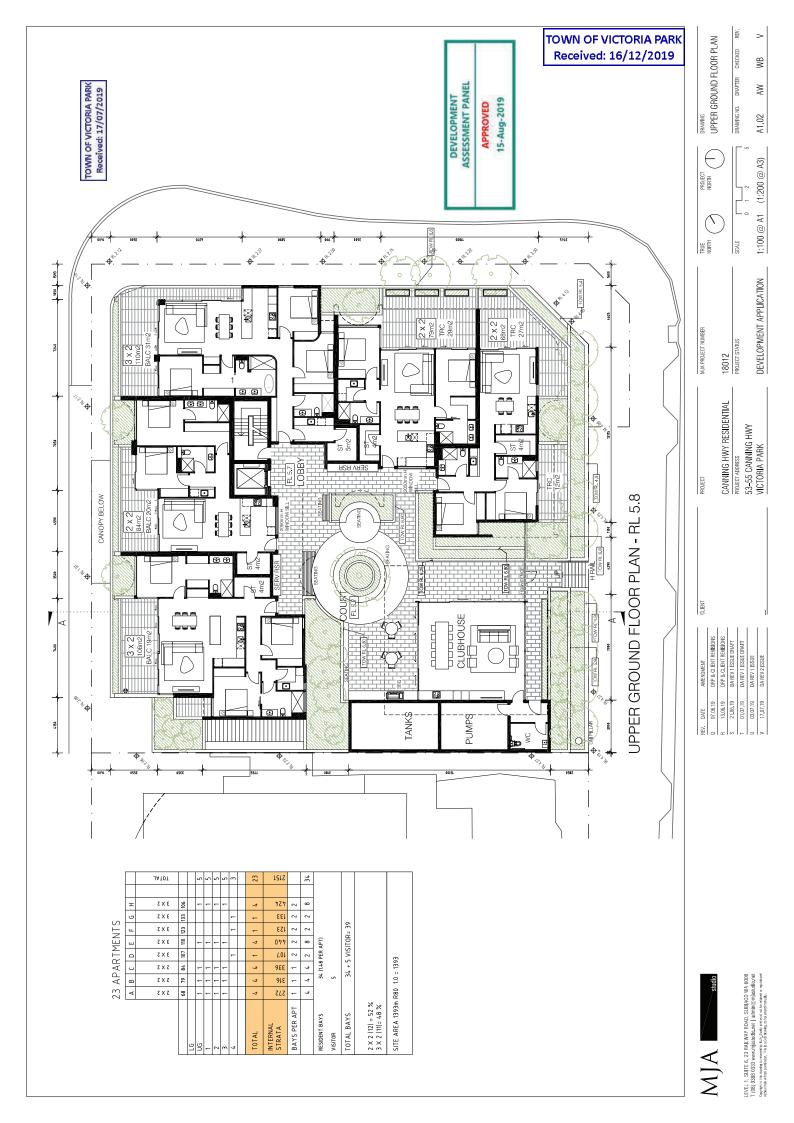


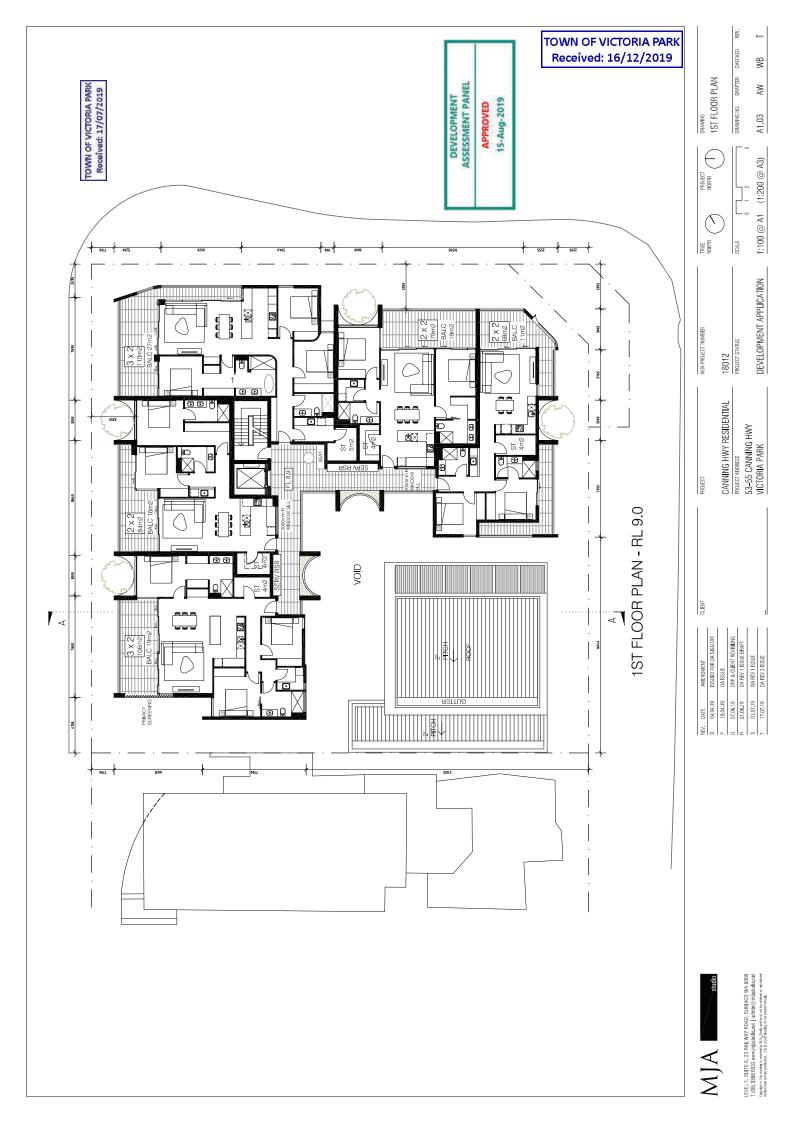
- 9. With respect to the condition for an acoustic report, it is noted that the acoustic report provided with the development application concluded that further information and would be required to determine acoustic treatments to be provided and that "*specific glazing configurations will be provided as the project progresses into later stages*" (See Attachment 12). In summary, the Town is of a view that a second report is required.
- 10. With respect to the condition for a 6 metre by 6 metre sightline truncation area at the intersection of Taylor Street and McCallum Lane, it is noted that the Town's Street Improvement team initially requested this area be ceded to the Crown. Given that the structure of the building would project into this truncation area in its upper floors, such an approach would either impact on the design of the building or would pose problematic liability issues to be resolved. Given that the lower ground floor area of the building keeps clear of the 6x6m truncation, a compromise was reached in which only a 4m x 4m area will be sought to be ceded to the Crown at this corner while a condition of development approval ensures that the purpose of the larger truncation (sightlines) is still achieved.
- 11. In relation conditions relating to Land Protection Plan 1.1041/2 the project for the upgrading/widening of Canning Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change.

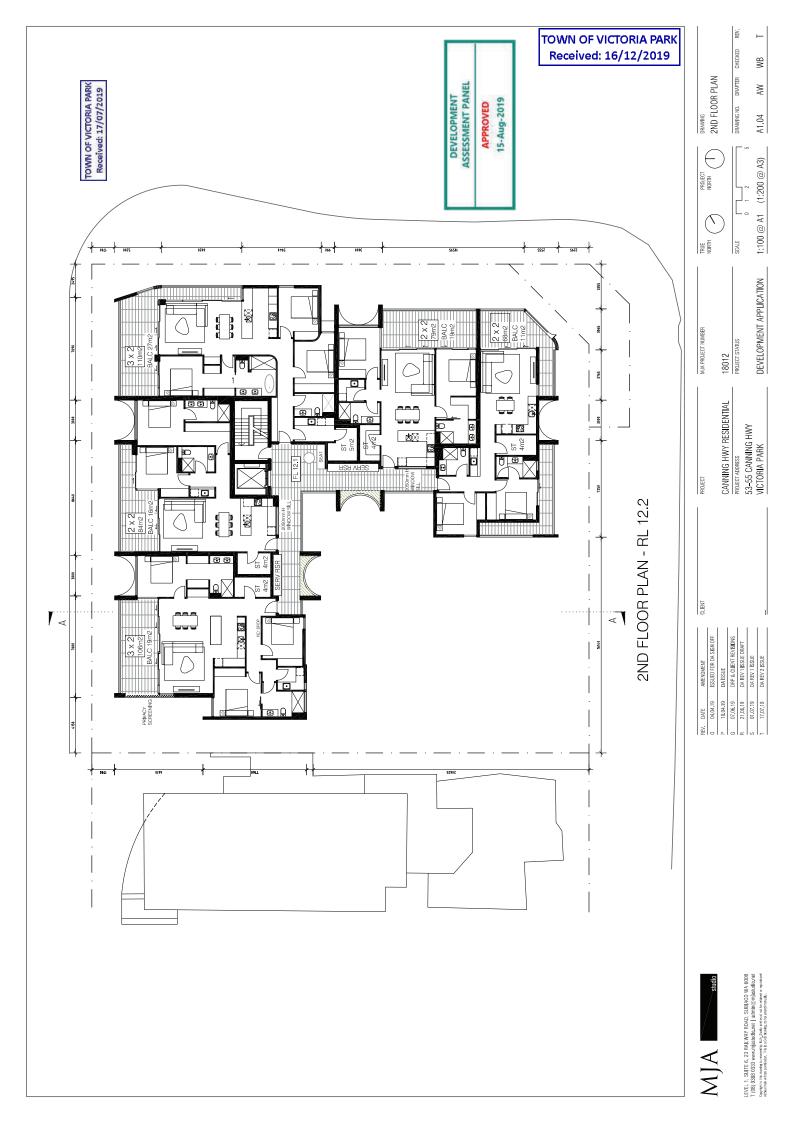
The applicant/owner should refer to the <u>Requirements of Other Council Business</u> <u>Units</u> (see Attachment 9), which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or

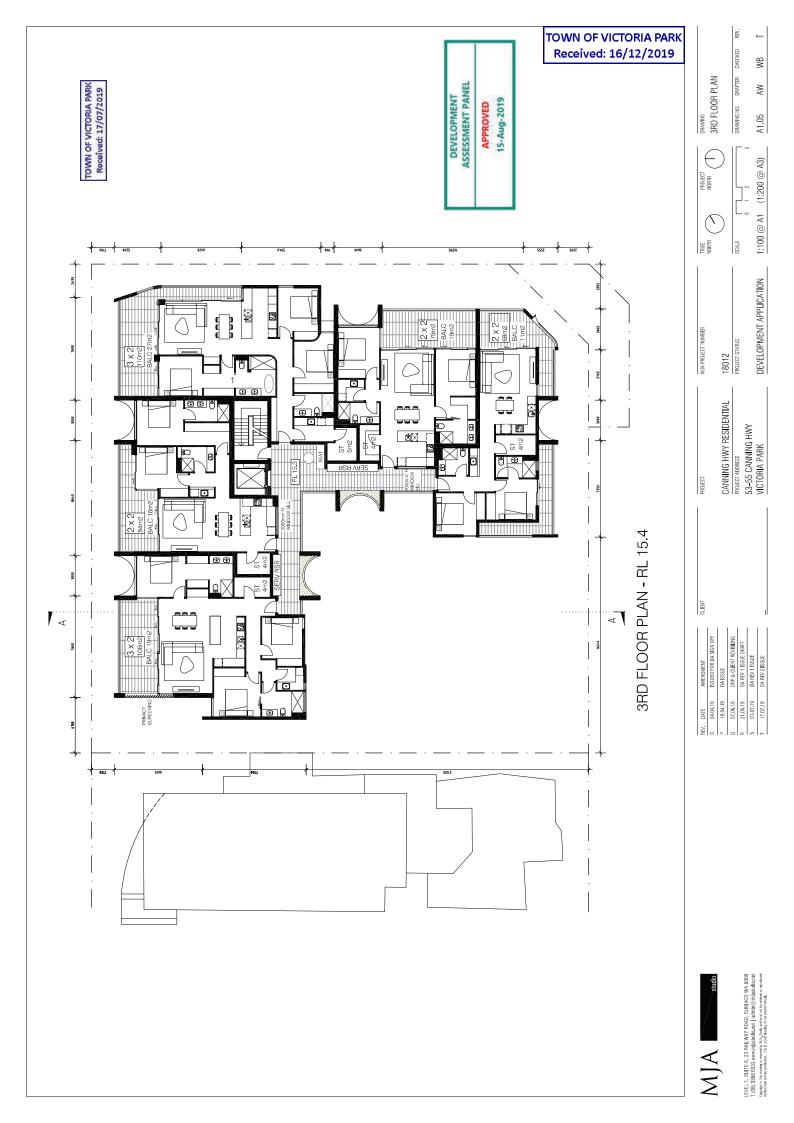
Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011.* 

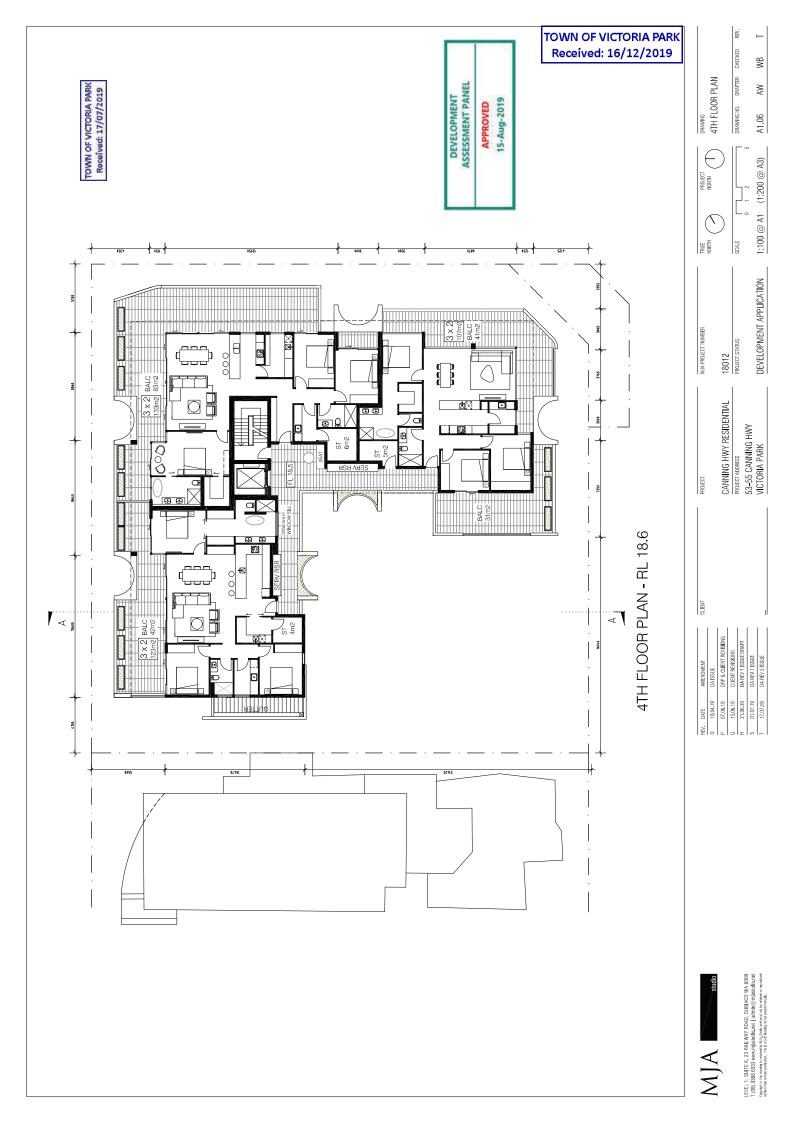


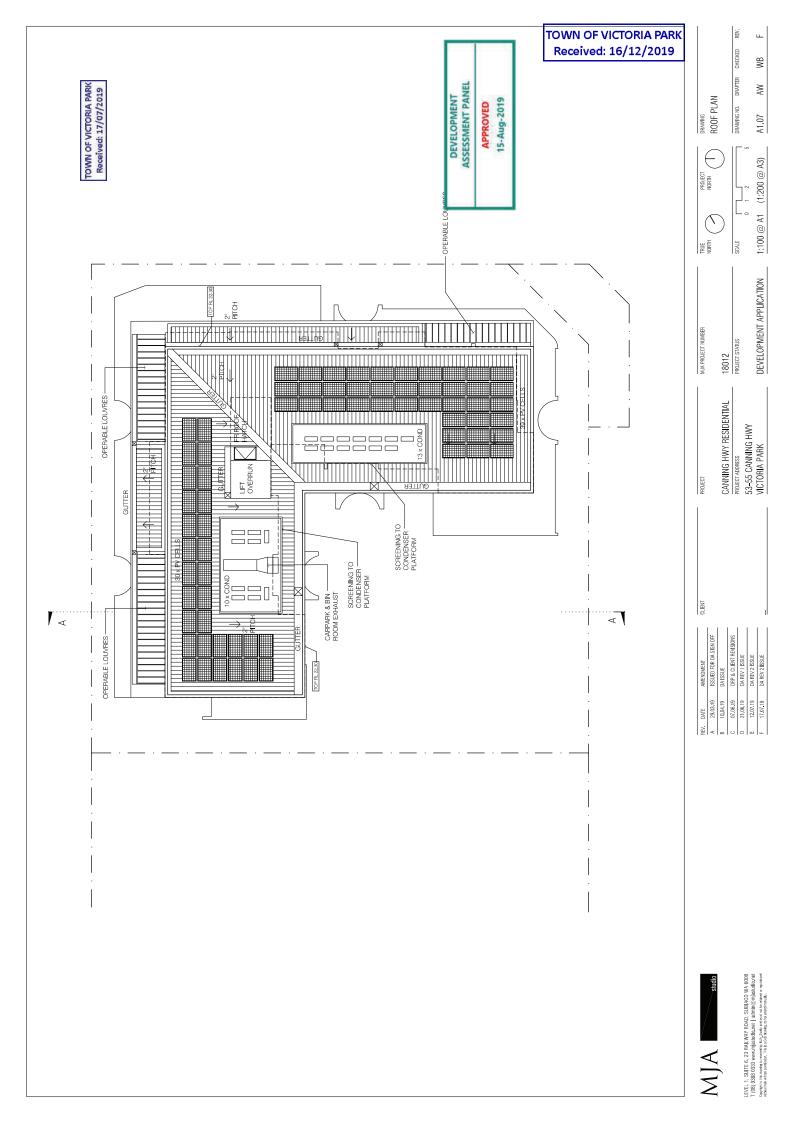


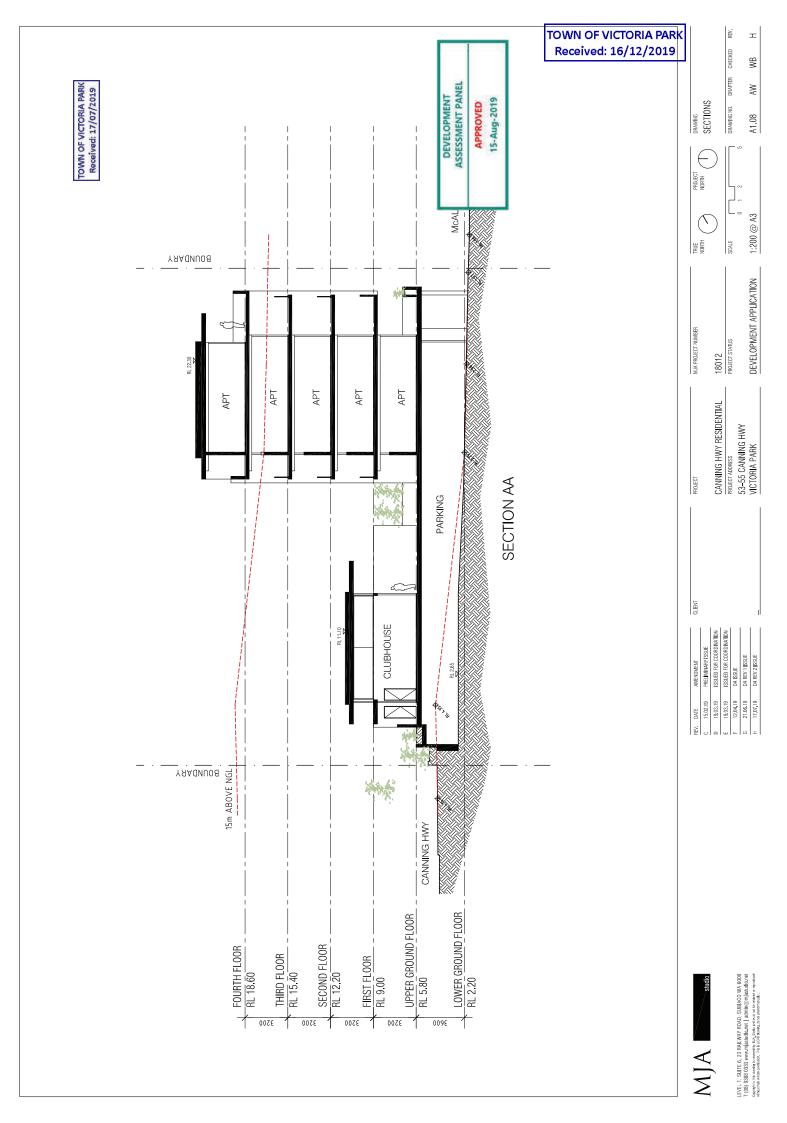






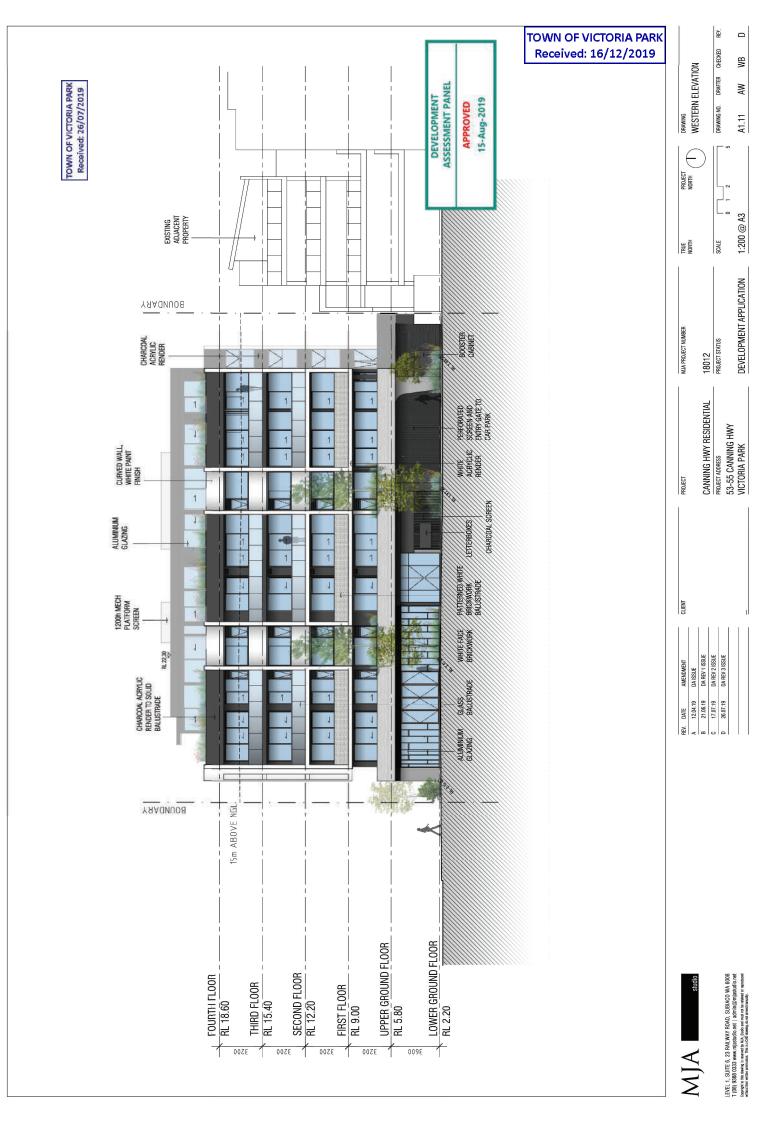


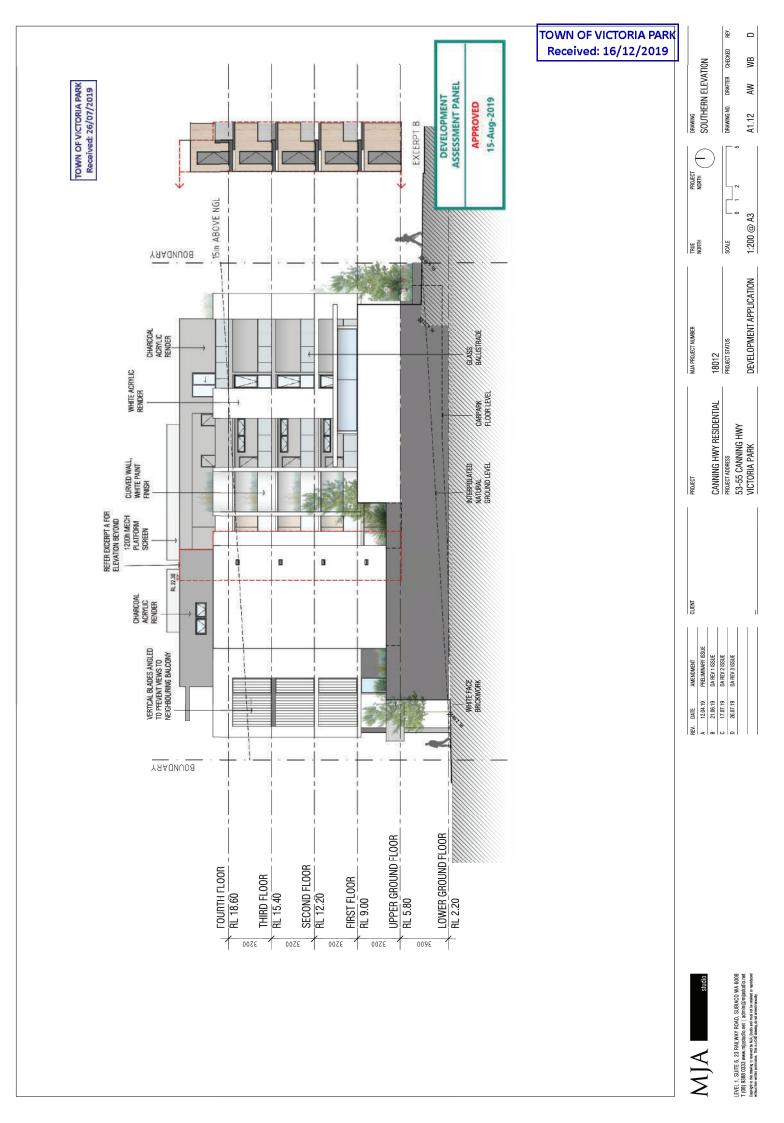












TOWN OF VICTORIA PARK Received: 16/12/2019