



## Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 12 April 2023; 9.30am  
**Meeting Number:** MISJDAP/136  
**Meeting Venue:** Electronic Means

*This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person*

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Mr Clayton Higham   
Presiding Member, Metro Inner-South JDAP



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## Attendance

### DAP Members

Mr Clayton Higham (Presiding Member)  
Ms Lindsay Baxter (A/Deputy Presiding Member)  
Mr Peter Lee (Third Specialist Member)  
Cr Luana Lisandro (Local Government Member, Town of Victoria Park)  
Cr Vicki Potter (Local Government Member, Town of Victoria Park)

### Officers in attendance

Ms Kelly Vilkson (Town of Victoria Park)

### Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

### Applicants and Submitters

Mr Alessandro Stagno (Apex Planning)

### Members of the Public / Media

Ms Victoria Rifici from PerthNow was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.27am on 12 April 2023 and acknowledged the traditional owners and paid 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Ms Rachel Chapman (Deputy Presiding Member)

Mr Clayton Higham   
Presiding Member, Metro Inner-South JDAP



### 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 11 April 2023.

All members declared that they had duly considered the documents.

### 6. Disclosure of Interests

Nil

### 7. Deputations and Presentations

7.1 Mr Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

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

#### 8.1 No.148 & 150 (Lots 210 and 209) Shepperton Road, Victoria Park

Development Description:	Proposed Child Care Premises
Applicant:	Apex Planning
Owner:	Giorgi Holdings Pty Ltd
Responsible Authority:	Town of Victoria Park
DAP File No:	DAP/22/02404

### REPORT RECOMMENDATION

**Moved by:** Cr Vicki Potter

**Seconded by:** Ms Lindsay Baxter

Mr Clayton Higham   
Presiding Member, Metro Inner-South JDAP



That the Metro Inner-South JDAP resolves to:

**Approve** DAP Application reference DAP/22/02404 and accompanying plans (at 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 Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning 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 specified period, the approval shall lapse and be of no further effect.
3. The development, once commenced, is to be carried out in accordance with the stamped approved plans, at all times, unless otherwise authorised by the Town or where relevant the Metro Inner-South JDAP.
4. To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town.
5. Prior to the occupation or use of the development, Lots 209 and 210 are to be amalgamated into a single lot on a Certificate of Title, or alternatively the landowner may enter 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 209 and 210 into a single lot at a later time to the satisfaction of the Town.
6. The number of children and staff attending the Child Care Premises is limited to a maximum of 90 children and 17 staff at any one time.
7. The Child Care Premises is restricted in its hours of operation to Monday to Friday from 6:30am to 6.30pm for staff and from 7.00am to 6.30pm for visitors/customers.
8. Prior to the occupation or use of the development, a minimum of 18 car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with Australian Standard AS2890.1 and thereafter maintained to the satisfaction of the Town.
9. Prior to the occupation or use of the development, six visitor car parking bays and 12 staff car parking bays, as shown on the Site Plan, are to be sign posted and/or clearly marked to the satisfaction of the Town.

**Mr Clayton Higham**   
**Presiding Member, Metro Inner-South JDAP**



10. Prior to lodging an application for a building permit, an amended plan is to be submitted showing the provision of a minimum of four bicycle facilities for use by staff and/or visitors in accordance with Australian Standard AS2890.3 and to the satisfaction of the Town. Prior to the occupation or use of the development the approved bicycle parking facilities are to be installed and thereafter maintained to the satisfaction of the Town.
11. Prior to the occupation or use of the development, the applicant is to submit and have approved by the Town a Parking Management Plan which addresses the following matters:
  - a) the measures to inform patrons and staff of:
    - i. on-site parking availability and use;
    - ii. parking availability in the area;
    - iii. available public transport to and from the site;
  - b) the measures to be implemented to encourage visitors/customers and staff to walk or use public transport rather than drive to the site; and
  - c) the measures to be implemented to manage parking during peak periods.
12. Prior to occupation or use of the development, a Memorandum of Understanding between the proprietor and the Town is to be prepared and executed by both parties to the satisfaction of the Town of Victoria Park, which includes the following commitments by the proprietor:
  - a) to implement the measures contained in the approved Parking Management Plan;
  - b) to provide a copy of the approved Parking Management Plan to all patrons of the Child Care Premises at the time of enrolment, and to require patrons to acknowledge the Parking Management Plan;
  - c) to work with the Town to resolve any issues that may arise from the operation of the centre; and
  - d) that should the business be sold, the proprietor will inform the purchaser of the need to enter into the same or similar Memorandum of Understanding with the Town.
13. Upon 12 months of operation, the applicant is to submit a report which addresses the actual operation of the centre, including patronage patterns and origins, staffing and student numbers, travel modes, implementation of the measures contained in the approved Parking Management Plan and the commitments in the Memorandum of Understanding. The report is to include a Transport Impact Statement completed by a suitably qualified traffic consultant, which analyses the impact of the development upon traffic and parking conditions in the area, and any recommended actions.
14. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art.



15. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
16. The external colours, finishes and materials of the building(s) are to be in accordance with the colours and material schedule as depicted on the stamped approved Elevations, unless otherwise approved in writing by the Town. Prior to the occupation or use of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
17. Prior to lodging an application for a building permit, a revised Landscaping Plan, showing the following modifications/details is to be submitted for approval by the Town:
  - a) Landscaping within the outdoor play areas;
  - b) Soft landscaping within the Axon Avenue street setback area to be no less than 50 percent of the street setback area;
  - c) Verge treatments on both Shepperton Road and Axon Avenue to include soft landscaping using waterwise plants and mulch, and irrigation in accordance with the Town's Street Verge Landscaping Guidelines; and
  - d) New street trees are to be a species of tree to the satisfaction of the Town.

Prior to occupancy or use of the development, the landscaping shown on the approved Landscaping Plan is to be installed and reticulated, and the landscaping thereafter maintained for the life of the development to the satisfaction of the Town.
18. This development approval does not include approval for the built in seating and crushed limestone walkway, as shown on the Floor Plan within the street corner truncation area.
19. The proposed trees, as shown on the Landscaping Plan, shall be a species of tree that has the potential at maturity to be a minimum height of 5 metres and a minimum canopy width of 4 metres and is a minimum size of at least 35 litres when planted. The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the dwelling. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.
20. A Tree Growth Zone with a dimension of 2 metre by 2 metre and depth of 1 metre shall be maintained around each tree to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zone.



21. Prior to lodging an application for a building permit, the applicant must submit a Construction Management Plan for approved by the Town 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) Construction traffic and pedestrian management; and
  - h) Any other matters likely to impact on the surrounding properties.The approved Construction Management Plan is to be thereafter implement to the satisfaction of the Town during the construction works.
22. Prior to lodging an application for building permit, a Waste Management Plan is to be submitted and approved by the Town. The approved Waste Management Plan is to be implemented and complied with by the operator and landowner(s) for the life of the development, unless otherwise agreed to in writing by the Town.
23. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
24. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town.
25. Prior to occupation or use of the development, the redundant crossovers to Shepperton Road and Axon Avenue, as shown on the approved plans, are to be removed and the kerbing, verge and footpath (where relevant) reinstated at the cost of the owner and to the satisfaction of the Town.
26. Prior to occupation or use of the development, the land required for the road widening of Albany Highway as shown on the attached Land Requirement Plan Extract No. 1.5086 is to be set aside as a separate lot for future acquisition.
27. No part of the development, other than approved temporary landscaping is to be located within the land requirement for Albany Highway as detailed in the attached Main Roads Marked Up Plan.
28. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
29. Any proposed illumination of the sign must not exceed 300 cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise.
30. The sign must not flash, pulsate or chase.

**Mr Clayton Higham**   
**Presiding Member, Metro Inner-South JDAP**





31. The signage device must not contain fluorescent, reflective or retro-reflective colours or materials.
32. The signage must not be in electronic/digital format.
33. No works are permitted within the Albany Highway Road Reservation unless Main Roads has issued a Working on Roads Permit.
34. Stormwater shall not be discharged into the Albany Highway Road Reserve or the future widened road reservation.
35. No waste collection is permitted from the Albany Highway or the widened road reservation.
36. Prior to lodging an application for a building permit, a revised Noise Assessment (prepared by Lloyd George, dated 15 November 2022) detailing the following amendments is to be submitted for approval by the Town:
  - a) Confirm the justification for a 60-minute monitoring period that was not undertaken at peak traffic hour
  - b) Specify the details of the Quiet House C design package and acoustic treatments required to the façade, including the walls, ceilings and glazing
  - c) Clarify the requirements of the fencing surface density in compliance with State Planning Policy 5.4 for the outdoor play areas, and

Prior to the occupation or use of the development, the recommended noise mitigation measures contained in the revised Noise Assessment as approved by the Town are to be implemented prior to occupancy and thereafter complied with by the operator and landowner(s) for the life of the development to the satisfaction of the Town.
37. Prior to the occupation or use of the development, certification from a qualified acoustic consultant confirming that the noise mitigation methods in the revised approved Noise Assessment has been achieved is to be submitted to the Town.
38. Prior to the occupation or use of the development, 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 proposed lot(s). The notification is to state as follows:  
*'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'*
39. Prior to the occupation or use of the development, a vehicle safety barrier must be installed (within the site) at the applicant's cost, to protect the external play area adjacent to Albany Highway.
40. Prior to the occupation or use of the development, an anti-graffiti coating is to be applied to the wall adjoining the Albany Highway road reserve to Main Roads requirements.





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## Advice Notes

1. 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.
2. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
3. In relation to the clearance of planning conditions, a building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.
4. With regards to public art, the contribution being 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) the owner/applicant 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 Council. 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) the applicant/owner entering into a legal agreement with the Town prepared by the Town's solicitors at the cost of the owner/applicant, undertaking 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 Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.
5. The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street that the building faces.
6. The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.

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7. Landscaping of the adjacent verge area (between the kerb and the property boundary), with the exception of lawn planting, requires approval from the Town's Parks service area. To submit a verge application please complete a 'Verge Treatment Application Form' and refer to the 'Street Verge Guidelines'. Both documents available from the Town's website at <https://www.victoriapark.wa.gov.au/Your-property/House-and-garden/Gardens-and-verges/Adopt-a-verge-program>
8. Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Improvement Unit for approval prior to construction of a new crossover. Residential Vehicle crossovers shall be constructed from the following approved materials: Brick / Block Pavers, In-Situ concrete, In-Situ Lime-Crete, In-Situ Exposed aggregate or any other material approved by the Town.
9. This development approval does not grant permission to use the adjoining property or to remove or replace the existing dividing fences without neighbour's consent. Dividing fences are controlled through the *Dividing Fences Act 1961*. Accordingly, the developer/owner(s) is to liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.
10. All boundary fencing to be provided in accordance with the *Dividing Fences Act 1961* and all boundary fencing behind the front building line to be a minimum of 1.8 metres and a maximum of 2.4 metres in height (or such other height agreed to in writing by the relevant adjoining land owners) at any point along the boundary, measured from the highest retained ground level.
11. The stormwater drainage on-site is to be in accordance with the Town's 'Onsite Stormwater Drainage' fact sheet, available from the Town's website. For further information contact the Town's Street Improvement business unit on (08) 9311 8111.
12. All stormwater drainage shall be designed and signed by a certified Hydraulic Engineer. An overland flow path is to be included in the design to ensure diversion of stormwater from the development during storm events.
13. The upgrading/widening of Albany 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 and that Main Roads assumes no liability for the information provided.
14. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
15. Main Roads specifications for the anti-graffiti coating can be found at <https://www.mainroads.wa.gov.au/globalassets/technical-commercial/technical-library/specifications/900-series-miscellaneous/specification-908-anti-graffiti.pdf>

  
**Mr Clayton Higham**  
Presiding Member, Metro Inner-South JDAP



## AMENDING MOTION 1

**Moved by:** Mr Clayton Higham

**Seconded by:** Mr Peter Lee

That Condition No.13 be deleted, and the remaining Conditions be renumbered accordingly.

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

**REASON:** The panel members considered this condition to not be valid. This view was supported by the officers.

## AMENDING MOTION 2

**Moved by:** Mr Clayton Higham

**Seconded by:** Cr Vicki Potter

The following amendments were made en bloc:

(i) That Condition No.14 (now Condition No.13) be amended to read as follows:

***Prior to commencement of site works, the applicant/owner is to contribute a sum of 1% of the estimated value of building work towards public art by either electing to:***

- 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) the owner/applicant 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 Council. 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) the applicant/owner entering into a legal agreement with the Town prepared by the Town's solicitors at the cost of the owner/applicant, undertaking 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 Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.***

(ii) That Advice Note 4 be deleted and the remaining Advice Notes be renumbered accordingly.

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

Mr Clayton Higham   
Presiding Member, Metro Inner-South JDAP



**REASON:** The panel members agreed that the modification to the condition would provide greater flexibility for the applicant without compromising the intent or outcome of the public art. The modification of the condition incorporating the terms of Advice Note 4 means that the applicant has the options as part of the condition. This change was supported by the officers.

### **AMENDING MOTION 3**

**Moved by:** Mr Clayton Higham

**Seconded by:** Cr Vicki Potter

That Condition No.17b) (now Condition No.16b)) be amended, and the remaining letters to be re-alphabetised, to read as follows:

*Prior to lodging an application for a building permit, a revised Landscaping Plan, showing the following modifications/details is to be submitted for approval by the Town:*

- a) *Landscaping within the outdoor play areas;*
- ~~b) *Soft landscaping within the Axon Avenue street setback area to be no less than 50 percent of the street setback area;*~~
- b) *Verge treatments on both Shepperton Road and Axon Avenue to include soft landscaping using waterwise plants and mulch, and irrigation in accordance with the Town's Street Verge Landscaping Guidelines; and*
- c) *New street trees are to be a species of tree to the satisfaction of the Town.*

*Prior to occupancy or use of the development, the landscaping shown on the approved Landscaping Plan is to be installed and reticulated, and the landscaping thereafter maintained for the life of the development to the satisfaction of the Town.*

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

**REASON:** The panel members agreed that the requirement for soft landscaping as required by the condition was not possible. The officers acknowledged this and supported the modification to the condition.

### **AMENDING MOTION 4**

**Moved by:** Mr Clayton Higham

**Seconded by:** Cr Vicki Potter

That Condition No.19 (now Condition No.18) be amended to read as follows:

*The proposed trees, as shown on the Landscaping Plan, shall be a species of tree that has the potential at maturity to be a minimum height of 5 metres and a minimum canopy width of 4 metres and is a minimum size of at least 35 litres when planted. The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the **development dwelling**. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.*

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

Mr Clayton Higham   
Presiding Member, Metro Inner-South JDAP



**REASON:** This is to correct the reference to the development not being a dwelling.

#### **AMENDING MOTION 5**

**Moved by:** Mr Clayton Higham

**Seconded by:** Cr Luana Lisandro

That Condition No.22 (now Condition No.21) be amended to read as follows:

*Prior to lodging an application for building permit, a Waste Management Plan is to be submitted and approved by the Town. The approved Waste Management Plan is to be implemented and complied with by the ~~operator and~~ landowner(s) for the life of the development, unless otherwise agreed to in writing by the Town.*

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

**REASON:** The change to the condition is to make it clear that the responsibility for implementing the Waste Management Plan rests with the landowner as the approval runs with the landowner.

#### **AMENDING MOTION 6**

**Moved by:** Mr Clayton Higham

**Seconded by:** Cr Luana Lisandro

The following amendments were made en bloc:

(i) That Condition No.26 (now Condition No.25) be amended to read as follows:

*Prior to occupation or use of the development, the land required for the road widening of ~~Albany Highway~~ **Shepperton Road** as shown on the attached Land Requirement Plan Extract No. 1.5086 is to be set aside as a separate lot for future acquisition.*

(ii) That Condition No.27 (now Condition No.26) be amended to read as follows:

*No part of the development, other than approved temporary landscaping is to be located within the land requirement for ~~Albany Highway~~ **Shepperton Road** as detailed in the attached Main Roads Marked Up Plan.*

(iii) That Condition No.33 (now Condition No.32) be amended to read as follows:

*No works are permitted within the ~~Albany Highway~~ **Shepperton Road** Reservation unless Main Roads has issued a Working on Roads Permit.*

(iv) That Condition No.34 (now Condition No.33) be amended to read as follows:

*Stormwater shall not be discharged into the ~~Albany Highway~~ **Shepperton Road** Reserve or the future widened road reservation.*

**Mr Clayton Higham**  
Presiding Member, Metro Inner-South JDAP



- (v) That Condition No.35 (now Condition No.34) be amended to read as follows:

*No waste collection is permitted from the ~~Albany Highway~~ **Shepperton Road** or the widened road reservation.*

- (vi) That Condition No.39 (now Condition No.38) be amended to read as follows:

*Prior to the occupation or use of the development, a vehicle safety barrier must be installed (within the site) at the applicant's cost, to protect the external play area adjacent to ~~Albany Highway~~ **Shepperton Road**.*

- (vii) That Condition No.40 (now Condition No.39) be amended to read as follows:

*Prior to the occupation or use of the development, an anti-graffiti coating is to be applied to the wall adjoining the ~~Albany Highway~~ **Shepperton Road** reserve to Main Roads requirements.*

- (viii) That Advice Note 12 be amended to read as follows:

*The upgrading/widening of ~~Albany Highway~~ **Shepperton Road** 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 and that Main Roads assumes no liability for the information provided.*

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

**REASON:** While MRWA explained that the road widening reservation is correctly referred to as part of the Albany Highway widening the MRWA were prepared to accept the change to reflect the fact that the proposal is on Shepperton Road. The intent of the condition does not change.

## **AMENDING MOTION 7**

**Moved by:** Mr Clayton Higham

**Seconded by:** Ms Lindsay Baxter

That Condition No.39 (now Condition No.38) be amended to read as follows:

*Prior to the occupation ~~or use~~ of the development, a vehicle safety barrier must be installed (within the site) at the applicant's cost, to protect the external play area adjacent to Shepperton Road. **The vehicle safety barrier is to be installed along an agreed extent of the site's frontage to Shepperton Road to the satisfaction of the Town in consultation with Main Roads.***

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

**REASON:** The minor amendment improves the clarity around the condition and when it is to apply.

**Mr Clayton Higham**   
**Presiding Member, Metro Inner-South JDAP**





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## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-South JDAP resolves to:

**Approve** DAP Application reference DAP/22/02404 and accompanying plans (at 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 Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning 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 specified period, the approval shall lapse and be of no further effect.
3. The development, once commenced, is to be carried out in accordance with the stamped approved plans, at all times, unless otherwise authorised by the Town or where relevant the Metro Inner-South JDAP.
4. To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town.
5. Prior to the occupation or use of the development, Lots 209 and 210 are to be amalgamated into a single lot on a Certificate of Title, or alternatively the landowner may enter 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 209 and 210 into a single lot at a later time to the satisfaction of the Town.
6. The number of children and staff attending the Child Care Premises is limited to a maximum of 90 children and 17 staff at any one time.
7. The Child Care Premises is restricted in its hours of operation to Monday to Friday from 6:30am to 6.30pm for staff and from 7.00am to 6.30pm for visitors/customers.
8. Prior to the occupation or use of the development, a minimum of 18 car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with Australian Standard AS2890.1 and thereafter maintained to the satisfaction of the Town.
9. Prior to the occupation or use of the development, six visitor car parking bays and 12 staff car parking bays, as shown on the Site Plan, are to be sign posted and/or clearly marked to the satisfaction of the Town.

**Mr Clayton Higham**   
Presiding Member, Metro Inner-South JDAP





10. Prior to lodging an application for a building permit, an amended plan is to be submitted showing the provision of a minimum of four bicycle facilities for use by staff and/or visitors in accordance with Australian Standard AS2890.3 and to the satisfaction of the Town. Prior to the occupation or use of the development the approved bicycle parking facilities are to be installed and thereafter maintained to the satisfaction of the Town.
11. Prior to the occupation or use of the development, the applicant is to submit and have approved by the Town a Parking Management Plan which addresses the following matters:
  - a) the measures to inform patrons and staff of:
    - i. on-site parking availability and use;
    - ii. parking availability in the area;
    - iii. available public transport to and from the site;
  - b) the measures to be implemented to encourage visitors/customers and staff to walk or use public transport rather than drive to the site; and
  - c) the measures to be implemented to manage parking during peak periods.
12. Prior to occupation or use of the development, a Memorandum of Understanding between the proprietor and the Town is to be prepared and executed by both parties to the satisfaction of the Town of Victoria Park, which includes the following commitments by the proprietor:
  - a) to implement the measures contained in the approved Parking Management Plan;
  - b) to provide a copy of the approved Parking Management Plan to all patrons of the Child Care Premises at the time of enrolment, and to require patrons to acknowledge the Parking Management Plan;
  - c) to work with the Town to resolve any issues that may arise from the operation of the centre; and
  - d) that should the business be sold, the proprietor will inform the purchaser of the need to enter into the same or similar Memorandum of Understanding with the Town.
13. Prior to commencement of site works, the applicant/owner is to contribute a sum of 1% of the estimated value of building work towards public art by either electing to:
  - 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) the owner/applicant 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 Council. 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) the applicant/owner entering into a legal agreement with the Town prepared by the Town's solicitors at the cost of the owner/applicant, undertaking 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 Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.

14. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
15. The external colours, finishes and materials of the building(s) are to be in accordance with the colours and material schedule as depicted on the stamped approved Elevations, unless otherwise approved in writing by the Town. Prior to the occupation or use of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
16. Prior to lodging an application for a building permit, a revised Landscaping Plan, showing the following modifications/details is to be submitted for approval by the Town:
  - a) Landscaping within the outdoor play areas;
  - b) Verge treatments on both Shepperton Road and Axon Avenue to include soft landscaping using waterwise plants and mulch, and irrigation in accordance with the Town's Street Verge Landscaping Guidelines; and
  - c) New street trees are to be a species of tree to the satisfaction of the Town.Prior to occupancy or use of the development, the landscaping shown on the approved Landscaping Plan is to be installed and reticulated, and the landscaping thereafter maintained for the life of the development to the satisfaction of the Town.
17. This development approval does not include approval for the built in seating and crushed limestone walkway, as shown on the Floor Plan within the street corner truncation area.
18. The proposed trees, as shown on the Landscaping Plan, shall be a species of tree that has the potential at maturity to be a minimum height of 5 metres and a minimum canopy width of 4 metres and is a minimum size of at least 35 litres when planted. The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the development. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.



19. A Tree Growth Zone with a dimension of 2 metre by 2 metre and depth of 1 metre shall be maintained around each tree to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zone.
20. Prior to lodging an application for a building permit, the applicant must submit a Construction Management Plan for approved by the Town 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) Construction traffic and pedestrian management; and
  - h) Any other matters likely to impact on the surrounding properties.The approved Construction Management Plan is to be thereafter implement to the satisfaction of the Town during the construction works.
21. Prior to lodging an application for building permit, a Waste Management Plan is to be submitted and approved by the Town. The approved Waste Management Plan is to be implemented and complied with by the landowner(s) for the life of the development, unless otherwise agreed to in writing by the Town.
22. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
23. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town.
24. Prior to occupation or use of the development, the redundant crossovers to Shepperton Road and Axon Avenue, as shown on the approved plans, are to be removed and the kerbing, verge and footpath (where relevant) reinstated at the cost of the owner and to the satisfaction of the Town.
25. Prior to occupation or use of the development, the land required for the road widening of Shepperton Road as shown on the attached Land Requirement Plan Extract No. 1.5086 is to be set aside as a separate lot for future acquisition.
26. No part of the development, other than approved temporary landscaping is to be located within the land requirement for Shepperton Road as detailed in the attached Main Roads Marked Up Plan.
27. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
28. Any proposed illumination of the sign must not exceed 300 cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise.

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29. The sign must not flash, pulsate or chase.
  30. The signage device must not contain fluorescent, reflective or retro-reflective colours or materials.
  31. The signage must not be in electronic/digital format.
  32. No works are permitted within the Shepperton Road Reservation unless Main Roads has issued a Working on Roads Permit.
  33. Stormwater shall not be discharged into the Shepperton Road Reserve or the future widened road reservation.
  34. No waste collection is permitted from the Shepperton Road or the widened road reservation.
  35. Prior to lodging an application for a building permit, a revised Noise Assessment (prepared by Lloyd George, dated 15 November 2022) detailing the following amendments is to be submitted for approval by the Town:
    - a) Confirm the justification for a 60-minute monitoring period that was not undertaken at peak traffic hour
    - b) Specify the details of the Quiet House C design package and acoustic treatments required to the façade, including the walls, ceilings and glazing
    - c) Clarify the requirements of the fencing surface density in compliance with State Planning Policy 5.4 for the outdoor play areas, and

Prior to the occupation or use of the development, the recommended noise mitigation measures contained in the revised Noise Assessment as approved by the Town are to be implemented prior to occupancy and thereafter complied with by the operator and landowner(s) for the life of the development to the satisfaction of the Town.
  36. Prior to the occupation or use of the development, certification from a qualified acoustic consultant confirming that the noise mitigation methods in the revised approved Noise Assessment has been achieved is to be submitted to the Town.
  37. Prior to the occupation or use of the development, 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 proposed lot(s). The notification is to state as follows:  
*'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'*
  38. Prior to the occupation of the development, a vehicle safety barrier must be installed (within the site) at the applicant's cost, to protect the external play area adjacent to Shepperton Road. The vehicle safety barrier is to be installed along an agreed extent of the site's frontage to Shepperton Road to the satisfaction of the Town in consultation with Main Roads.



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39. Prior to the occupation or use of the development, an anti-graffiti coating is to be applied to the wall adjoining the Shepperton Road reserve to Main Roads requirements.

### Advice Notes

1. 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.
2. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
3. In relation to the clearance of planning conditions, a building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.
4. The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street that the building faces.
5. The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.
6. Landscaping of the adjacent verge area (between the kerb and the property boundary), with the exception of lawn planting, requires approval from the Town's Parks service area. To submit a verge application please complete a 'Verge Treatment Application Form' and refer to the 'Street Verge Guidelines'. Both documents available from the Town's website at <https://www.victoriapark.wa.gov.au/Your-property/House-and-garden/Gardens-and-verges/Adopt-a-verge-program>
7. Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Improvement Unit for approval prior to construction of a new crossover. Residential Vehicle crossovers shall be constructed from the following approved materials: Brick / Block Pavers, In-Situ concrete, In-Situ Lime-Crete, In-Situ Exposed aggregate or any other material approved by the Town.

  
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8. This development approval does not grant permission to use the adjoining property or to remove or replace the existing dividing fences without neighbour's consent. Dividing fences are controlled through the *Dividing Fences Act 1961*. Accordingly, the developer/owner(s) is to liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.
9. All boundary fencing to be provided in accordance with the *Dividing Fences Act 1961* and all boundary fencing behind the front building line to be a minimum of 1.8 metres and a maximum of 2.4 metres in height (or such other height agreed to in writing by the relevant adjoining land owners) at any point along the boundary, measured from the highest retained ground level.
10. The stormwater drainage on-site is to be in accordance with the Town's 'Onsite Stormwater Drainage' fact sheet, available from the Town's website. For further information contact the Town's Street Improvement business unit on (08) 9311 8111.
11. All stormwater drainage shall be designed and signed by a certified Hydraulic Engineer. An overland flow path is to be included in the design to ensure diversion of stormwater from the development during storm events.
12. The upgrading/widening of Albany 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 and that Main Roads assumes no liability for the information provided.
13. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
14. Main Roads specifications for the anti-graffiti coating can be found at <https://www.mainroads.wa.gov.au/globalassets/technical-commercial/technical-library/specifications/900-series-miscellaneous/specification-908-anti-graffiti.pdf>

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

**REASON:** The proposed childcare facility was considered to be a well resolved proposal in terms of design and parking as well as being suitably located. The panel felt that the proposed development met the intent of the planning framework.

**9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil

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## 10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/01936 DR168/2021	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Officer Tower	09/08/2021
DAP/22/02244 DR121/2022	City of Fremantle	Nos. 34-38 (Lots 1823, 1209, 1212 and 1217) Amherst Street and Nos. 2-4 (Lots 1223 and 1222) Stack Street, Fremantle	56 Grouped Dwellings	30/11/2022
DAP/22/02290 DR234/2022	Town of Victoria Park	No.384 (Lot 3) Berwick Street, East Victoria Park	Proposed 13 Grouped Dwellings	23/12/2022
DAP/18/01521 DR15/2023	City of Belmont	225 (Lot 500), Great Eastern Highway, Belmont	Use Not Listed: Third Party Signage	31/01/2023
DAP/22/02314 DR220/2022	City of Melville	No.532 (Lot No.101) Canning Highway, Attadale	Additions and alterations to motor vehicle sales & Motor vehicle repair premises	12/12/2022

## 11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

## 12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 9.54am.

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