



## Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 14 March 2023; 9.30am  
**Meeting Number:** MISJDAP/132  
**Meeting Venue:** Town of Victoria Park  
99 Shepperton Road, Victoria Park

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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 Rachel Chapman (Deputy Presiding Member)  
Mr John Syme (A/Third Specialist Member)  
Cr Vicki Potter (Local Government Member, Town of Victoria Park)  
Cr Luana Lisandro (Local Government Member, Town of Victoria Park)

### Officers in attendance

Mr Robert Cruickshank (Town of Victoria Park)

### Minute Secretary

Mr Robert Cruickshank (Town of Victoria Park)

### Applicants and Submitters

Ms Renee Young (Element)  
Mr Andrew Howe (Element)  
Mr Mark Solomons, landowner  
Mr Kristjan Donaldson (Donaldson Boshard Architects)  
Mr Grant Boshard (Donaldson Boshard Architects)

### Members of the Public / Media

There were 2 members of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 14 March 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.

  
Mr Clayton Higham  
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## 2. Apologies

Mr Peter Lee (Third Specialist Member)

## 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 10.1, received on 10 March 2023.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Mr Higham, declared that he participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Mr Higham acknowledged that he is not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before him, which will be considered on its planning merits.

## 7. Deputations and Presentations

- 7.1 Mr Mark Solomons addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.2 Mr Kristjan Donaldson (Donaldson Boshard Architects) addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.3 Ms Renee Young (element) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.4 Mr Malcolm Mackay addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.5 The Town of Victoria Park Officers addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

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

Nil

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

Nil

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

**10.1 No.176 (Lot 40) Burswood Road, Burswood**

Development Description: Proposed Officer Tower

Summary of Modifications:

- a. Building height remains at 18 storeys but increased in height by 1m (from 77.6m to 78.6m);
- b. Maximum tower width reduced from 49m to 43.6m;
- c. Plot ratio reduced from 3.98 (16,800m<sup>2</sup>) to 3.8 (16,180m<sup>2</sup>);
- d. Tower floorplate for Levels 4-13 reduced from 1300m<sup>2</sup> to 1220m<sup>2</sup>;
- e. Office spaces provided to activate podium levels;
- f. On-site car parking shortfall reduced by 3 bays (from a shortfall of 138 bays to 132 bays);
- g. Pathway provided to demonstrate ability to deliver sustainability commitment of minimum 5-star Green Star rating; and

Change of external colour from green to bronze/gold.

Applicant:

Element

Owner:


Esarebee Pty Ltd & Perth Property Syndicate Pty Ltd

Responsible Authority:

Town of Victoria Park

DAP File No:

DAP/21/01936

  
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## REPORT RECOMMENDATION

**Moved by:** Cr Vicki Potter

**Seconded by:** Ms Rachel Chapman

With the agreement of the mover and seconder, the following amendment was made to the report recommendation:

That Condition No. 2 be amended to read as follows:

***Prior to the issuing of a building permit ~~Prior to occupancy of the development,~~ the owner is required to provide a contribution to the Town towards the upgrade of the median and modified line marking at the intersection of Burswood Road and Kitchener Way to facilitate a 2 staged right turn crossing from Kitchener Way into Burswood Road. The percentage of contribution is to be determined by the Town based upon the volume of traffic generated by the development that will impact the intersection. The intersection improvement works are to be completed at a time determined by the Town but being no later than 2 years post-occupancy of the development.***

**REASON:** To provide clarity as to timing of the intersection improvement works.

That the Metro Inner South Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 168 of 2021, resolves to:

**Reconsider** its decision dated 8 July 2021 and **approve** DAP Application reference DAP/21/01936 and amended plans date stamped received 23 January 2023 – refer to **Attachment 3** - in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the Town of Victoria Park Town Planning Scheme No. 1, and pursuant to clause 24(1) and 30 of the Metropolitan Region Scheme, subject to the following conditions:

1. For the life of the building, unless otherwise approved by the Town, the following facilities are to be provided for community benefit to the satisfaction of the Town:
  - (a) Ground floor café space;
  - (b) Conferencing facilities on ground floor to be available for community and nearby business use; and
  - (c) Childcare premises on podium rooftop to be available to the general public rather than being restricted to employees of the building.

  
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2. Prior to the issuing of a building permit, the owner is required to provide a contribution to the Town towards the upgrade of the median and modified line marking at the intersection of Burswood Road and Kitchener Way to facilitate a 2 staged right turn crossing from Kitchener Way into Burswood Road. The percentage of contribution is to be determined by the Town based upon the volume of traffic generated by the development that will impact the intersection. The intersection improvement works are to be completed at a time determined by the Town but being no later than 2 years post-occupancy of the development.
  
3. Prior to lodging an application for a building permit a detailed parking management plan is to be submitted and approved by the Town of Victoria Park, including details of:
  - a. How alternate modes of transport will be encouraged and incentivised by the site operators, effective from the development first being occupied.
  - b. The allocation of car bays to staff and visitors, and any measures to prevent the use of visitors bays by staff.
  - c. Drop off and pick up bays for the child care use including any time restrictions on the use of the bays for drop off or pick up purposes.
  - d. How employees and visitors will be able to access the secured on-site parking bays;
  - e. The contact details of the responsible person(s) for the day to day management of the parking (if known);
  - f. Strategies to be employed to manage parking demand created by the site; and
  - g. Maintenance and management details for the end of trip facilities.

The parking management plan is to thereafter be implemented to the satisfaction of the Town.

4. Prior to the submission of a building permit application, the applicant submitting a Green Star Buildings Designed assessment report (pre-certification) prepared by a suitably qualified independent consultant, demonstrating to the satisfaction of the Town that the building design will achieve a minimum 5 star Green Star rating (or recognised equivalent).
  
5. Prior to occupancy, the applicant submitting a report prepared by a suitably qualified independent consultant, providing as-built certification to the satisfaction of the Town confirming that a minimum 5 star Green Star rating (or recognised equivalent) has been achieved.
  
6. The child care premises being limited to a maximum of 110 children and 20 staff at any one time to the satisfaction of the Town.
  
7. A minimum of 25 on-site car bays being provided for the exclusive use of the child care premises as depicted on the approved plans.
  
8. The sit down dining area of the café being limited to a maximum of 100m<sup>2</sup>.

  
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9. 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. (Refer related Advice Note)
10. Prior to the submission of an application for a building permit, a final Acoustic Report shall be submitted for the Town's approval identifying measures to be implemented to ensure that the development will comply with the requirements of the Environmental (Noise) Regulations 1997 and State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning'. Recommended mitigation measures shall be implemented prior to occupancy and on an ongoing basis to the Town's satisfaction. (See related advice note)
11. A final Wind Impact Statement, including wind tunnel model measurements, being undertaken to quantify and compare the wind conditions against acceptable pedestrian wind comfort criteria and, if necessary, including mitigation strategies to achieve compliance with the criteria, with details being submitted for approval by the Town prior to applying for a building permit, with any significant design changes resulting from the amended wind impact analysis being the subject of a separate application for approval.
12. Prior to submission of an application for the relevant building permit, complete details of the proposed external colours, finishes and materials to be used in the construction of the building are to be submitted to and approved in writing by the Town, on advice of its Design Review Panel. The development shall be constructed in accordance with the approved details and shall be thereafter maintained to the Town's satisfaction.
13. Prior to the submission of an application for a building permit, full details of finishes and treatment of boundary walls to be provided to the satisfaction of the Town. Any exposed portions of boundary wall which will be visible from adjoining properties or public places shall be decoratively treated to the satisfaction of the Town.
14. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting and lighting to car parking areas, 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.
15. Waste Management being undertaken at all times in accordance with the Waste Management Plan prepared by Talis Consultants dated 1 December 2022, to the satisfaction of the Town.
16. Traffic flow within the porte-cochere being restricted to a one way movement, with appropriate signage being installed to restrict vehicle movement accordingly to the satisfaction of the Town.

  
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17. Prior to submission of an application for the relevant building permit, a detailed landscaping plan and reticulation plan prepared by a landscape architect depicting the development site and the adjacent verges shall be submitted to and approved in writing by the Town, on advice of its Design Review Panel (refer to related advice note).
18. Prior to the occupation or strata-titling of the building(s), whichever occurs first, the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.
19. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
20. Prior to the submission of an application for a building permit, the applicant is to submit a report prepared by an arborist for approval by the Town, detailing the measures to be implemented both during construction and post-occupancy to ensure the protection of the existing trees on Lots 76, 77 and 100 that are in close proximity to the boundary with the development site.
21. Prior to submission of an application for the relevant building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter be implemented to the satisfaction of the Town (refer to related advice note).
22. Prior to the lodgement of a building permit application, a detailed Drainage and Stormwater Management Plan is required to be submitted to the Town for approval. The detailed Drainage and Stormwater Management Plan shall demonstrate the on-site retention of stormwater drainage and be implemented to the satisfaction of the Town.
23. Prior to the occupation or strata-titling of the development, whichever occurs first, all car and motorcycle/scooter parking spaces together with their access aisles are to be of dimensions that satisfy the relevant Australian Standard and are to be clearly constructed, sealed, marked and drained. The on-site parking spaces shall be maintained thereafter, to the satisfaction of the Town.
24. Prior to occupancy, bicycle parking bays and end-of-trip facilities being provided as per the approved drawings, with such facilities thereafter being provided and maintained to the satisfaction of the Town.
25. Prior to the installation of any signage a Signage Strategy is to be lodged for approval by the Town and thereafter implemented to the satisfaction of the Town.
26. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Environmental Regulation before the development is commenced. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.

  
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27. Prior to submission of an application for the relevant 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. The development shall be constructed in accordance with the approved details, and maintained thereafter, to the satisfaction of the Town.
28. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
29. This approval does not relate to the proposed landscaping and improvement works external to the site including works and landscape treatments within the verge. Separate approval is to be obtained from the Town for these works.
30. To address the conditions of this development 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 owner/applicant and be cleared in writing by the Town (refer to related advice note).
31. The development, once commenced, is to be carried out in accordance with the approved plans at Attachment 3 at all times, unless otherwise authorised by the Town.
32. This decision constitutes planning approval only and is valid for a period of four (4) 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.

#### Advice Notes

- AN1 With regards to a public art contribution, 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 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 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.
- AN2 With respect to the colours and materials selections, regard should be given to high quality finishes, glare mitigation and energy efficiency. In addition, the paving treatment to the porte-cochere should be a high quality material finish.

  
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- AN3 With respect to the submission of a Lighting Plan, it is to include lighting to illuminate the vehicle and pedestrian entry points, communal areas, bicycle parking area(s), public open spaces and any other security and safety lighting for the development.
- AN4 The required amended landscaping plan shall included more considered and updated plant species selection, and further details of the landscaping of the podium rooftop including child care outdoor play area.
- AN5 With respect to a Construction Management Plan, it is to address 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) Other matters likely to impact on the surrounding properties.
- AN6 The required final Acoustic Report is to address, but not be limited to the following:
- a) Documenting the location, height and type of balustrade used for modelling transport noise reductions.
  - b) Documenting the location of the neighbouring building assessment points and the forecast environmental noise levels at each storey of these locations.
  - c) A detailed SPP5.4 assessment demonstrating compliance both outside and within the childcare centre.
  - d) A revised noise emission assessment using the louder child noise levels as documented in the Association of Australasian Acoustical Consultants Child Care Centre Acoustic Assessment Version 3.0.
  - e) All building services noise sources.
  - f) The noise control measures that would be implemented currently for the site, and those additional treatments that would be required, were residential premises constructed at sensitive locations around the site.
- AN7 The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT) prior to the erection of a crane on the subject site. Applications are to be made online at <https://paat.perthairport.com.au>
- AN8 It is strongly recommended that the applicant or responsible contractor engage early with Perth Airport to understand aviation safety implications for construction equipment before construction plans are progressed.
- AN9 Advice from Perth Airport is that the absolute highest point of the development shall not exceed a maximum height of 105.75m Australian Height Datum.

  
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AN10 The applicant is to note the following advice from the Public Transport Authority (PTA):

- Compliance with PTA's Working In and Around Rail Document 8103-400-004.
- The fence on the railway boundary is to remain in place and up to PTA specifications.
- The applicant to comply with the PTA's accessibility requirements;
- The applicant to ensure maintainability of the PTA infrastructure including the PTA fence is not restricted; and
- No structure/façade/screens from the building can protrude into the PTA's rail reserve air space.
- During construction, any planned disruption to Transperth services should be sent through to [Transperth.ServiceDisruptions@pta.wa.gov.au](mailto:Transperth.ServiceDisruptions@pta.wa.gov.au)

AN11 This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.

AN12 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.

AN13 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.

AN14 A verge permit is required to be obtained from the Town prior to commencement of any work in the verge (including, but not limited to, landscaping, parking, paving and lighting) in relation to this development approval.

AN15 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.

AN16 With respect to clearing the conditions of this development approval, a building permit cannot be issued until those conditions of the development approval requiring clearance 'prior to the submission of an application for the relevant building permit' are given written 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 a building permit application. Should a building permit application be submitted without written planning clearance, then the building permit application will be put on hold until written planning clearance is obtained or the application may be refused.

  
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## AMENDING MOTION 1

**Moved by:** Cr Luana Lisandro

**Seconded by:** Cr Vicki Potter

That a new Advice Note No. 17 be added to read as follows:

***In relation to condition 3 and the preparation of a Parking Management Plan, the applicant is requested to give consideration to allocating some of the on-site parking to be available for use by the general public outside normal business hours.***

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

**REASON:** To investigate the potential added community benefit of the use of some of the on-site car parking by the general public outside normal business hours.

### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner South Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 168 of 2021, resolves to:

**Reconsider** its decision dated 8 July 2021 and **approve** DAP Application reference DAP/21/01936 and amended plans date stamped received 23 January 2023 – refer to **Attachment 3** - in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the Town of Victoria Park Town Planning Scheme No. 1, and pursuant to clause 24(1) and 30 of the Metropolitan Region Scheme, subject to the following conditions:

1. For the life of the building, unless otherwise approved by the Town, the following facilities are to be provided for community benefit to the satisfaction of the Town:
  - (a) Ground floor café space;
  - (b) Conferencing facilities on ground floor to be available for community and nearby business use; and
  - (c) Childcare premises on podium rooftop to be available to the general public rather than being restricted to employees of the building.
2. Prior to the issuing of a building permit, the owner is required to provide a contribution to the Town towards the upgrade of the median and modified line marking at the intersection of Burswood Road and Kitchener Way to facilitate a 2 staged right turn crossing from Kitchener Way into Burswood Road. The percentage of contribution is to be determined by the Town based upon the volume of traffic generated by the development that will impact the intersection. The intersection improvement works are to be completed at a time determined by the Town, but being no later than 2 years post-occupancy of the development.

  
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3. Prior to lodging an application for a building permit a detailed parking management plan is to be submitted and approved by the Town of Victoria Park, including details of:
  - a. How alternate modes of transport will be encouraged and incentivised by the site operators, effective from the development first being occupied.
  - b. The allocation of car bays to staff and visitors, and any measures to prevent the use of visitors bays by staff.
  - c. Drop off and pick up bays for the child care use including any time restrictions on the use of the bays for drop off or pick up purposes.
  - d. How employees and visitors will be able to access the secured on-site parking bays;
  - e. The contact details of the responsible person(s) for the day to day management of the parking (if known);
  - f. Strategies to be employed to manage parking demand created by the site; and
  - g. Maintenance and management details for the end of trip facilities.

The parking management plan is to thereafter be implemented to the satisfaction of the Town.

4. Prior to the submission of a building permit application, the applicant submitting a Green Star Buildings Designed assessment report (pre-certification) prepared by a suitably qualified independent consultant, demonstrating to the satisfaction of the Town that the building design will achieve a minimum 5 star Green Star rating (or recognised equivalent).
5. Prior to occupancy, the applicant submitting a report prepared by a suitably qualified independent consultant, providing as-built certification to the satisfaction of the Town confirming that a minimum 5 star Green Star rating (or recognised equivalent) has been achieved.
6. The child care premises being limited to a maximum of 110 children and 20 staff at any one time to the satisfaction of the Town.
7. A minimum of 25 on-site car bays being provided for the exclusive use of the child care premises as depicted on the approved plans.
8. The sit down dining area of the café being limited to a maximum of 100m<sup>2</sup>.
9. 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. (Refer related Advice Note)
10. Prior to the submission of an application for a building permit, a final Acoustic Report shall be submitted for the Town's approval identifying measures to be implemented to ensure that the development will comply with the requirements of the Environmental (Noise) Regulations 1997 and State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning'. Recommended mitigation measures shall be implemented prior to occupancy and on an ongoing basis to the Town's satisfaction. (See related advice note)

  
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11. A final Wind Impact Statement, including wind tunnel model measurements, being undertaken to quantify and compare the wind conditions against acceptable pedestrian wind comfort criteria and, if necessary, including mitigation strategies to achieve compliance with the criteria, with details being submitted for approval by the Town prior to applying for a building permit, with any significant design changes resulting from the amended wind impact analysis being the subject of a separate application for approval.
12. Prior to submission of an application for the relevant building permit, complete details of the proposed external colours, finishes and materials to be used in the construction of the building are to be submitted to and approved in writing by the Town, on advice of its Design Review Panel. The development shall be constructed in accordance with the approved details and shall be thereafter maintained to the Town's satisfaction.
13. Prior to the submission of an application for a building permit, full details of finishes and treatment of boundary walls to be provided to the satisfaction of the Town. Any exposed portions of boundary wall which will be visible from adjoining properties or public places shall be decoratively treated to the satisfaction of the Town.
14. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting and lighting to car parking areas, 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.
15. Waste Management being undertaken at all times in accordance with the Waste Management Plan prepared by Talis Consultants dated 1 December 2022, to the satisfaction of the Town.
16. Traffic flow within the porte-cochere being restricted to a one way movement, with appropriate signage being installed to restrict vehicle movement accordingly to the satisfaction of the Town.
17. Prior to submission of an application for the relevant building permit, a detailed landscaping plan and reticulation plan prepared by a landscape architect depicting the development site and the adjacent verges shall be submitted to and approved in writing by the Town, on advice of its Design Review Panel (refer to related advice note).
18. Prior to the occupation or strata-titling of the building(s), whichever occurs first, the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.
19. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.

  
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20. Prior to the submission of an application for a building permit, the applicant is to submit a report prepared by an arborist for approval by the Town, detailing the measures to be implemented both during construction and post-occupancy to ensure the protection of the existing trees on Lots 76, 77 and 100 that are in close proximity to the boundary with the development site.
21. Prior to submission of an application for the relevant building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter be implemented to the satisfaction of the Town (refer to related advice note).
22. Prior to the lodgement of a building permit application, a detailed Drainage and Stormwater Management Plan is required to be submitted to the Town for approval. The detailed Drainage and Stormwater Management Plan shall demonstrate the on-site retention of stormwater drainage and be implemented to the satisfaction of the Town.
23. Prior to the occupation or strata-titling of the development, whichever occurs first, all car and motorcycle/scooter parking spaces together with their access aisles are to be of dimensions that satisfy the relevant Australian Standard and are to be clearly constructed, sealed, marked and drained. The on-site parking spaces shall be maintained thereafter, to the satisfaction of the Town.
24. Prior to occupancy, bicycle parking bays and end-of-trip facilities being provided as per the approved drawings, with such facilities thereafter being provided and maintained to the satisfaction of the Town.
25. Prior to the installation of any signage a Signage Strategy is to be lodged for approval by the Town and thereafter implemented to the satisfaction of the Town.
26. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Environmental Regulation before the development is commenced. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
27. Prior to submission of an application for the relevant 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. The development shall be constructed in accordance with the approved details, and maintained thereafter, to the satisfaction of the Town.
28. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

  
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29. This approval does not relate to the proposed landscaping and improvement works external to the site including works and landscape treatments within the verge. Separate approval is to be obtained from the Town for these works.
30. To address the conditions of this development 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 owner/applicant and be cleared in writing by the Town (refer to related advice note).
31. The development, once commenced, is to be carried out in accordance with the approved plans at Attachment 3 at all times, unless otherwise authorised by the Town.
32. This decision constitutes planning approval only and is valid for a period of four (4) 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.

#### Advice Notes

- AN1 With regards to a public art contribution, 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 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 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.
- AN2 With respect to the colours and materials selections, regard should be given to high quality finishes, glare mitigation and energy efficiency. In addition, the paving treatment to the porte-cochere should be a high quality material finish.
- AN3 With respect to the submission of a Lighting Plan, it is to include lighting to illuminate the vehicle and pedestrian entry points, communal areas, bicycle parking area(s), public open spaces and any other security and safety lighting for the development.
- AN4 The required amended landscaping plan shall included more considered and updated plant species selection, and further details of the landscaping of the podium rooftop including child care outdoor play area.

  
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- AN5 With respect to a Construction Management Plan, it is to address the following matters:
- i) How materials and equipment will be delivered and removed from the site;
  - j) How materials and equipment will be stored on the site;
  - k) Parking arrangements for contractors;
  - l) Construction waste disposal strategy and location of waste disposal bins;
  - m) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - n) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - o) Construction traffic and pedestrian management; and
  - p) Other matters likely to impact on the surrounding properties.
- AN6 The required final Acoustic Report is to address, but not be limited to the following:
- a) Documenting the location, height and type of balustrade used for modelling transport noise reductions.
  - b) Documenting the location of the neighbouring building assessment points and the forecast environmental noise levels at each storey of these locations.
  - c) A detailed SPP5.4 assessment demonstrating compliance both outside and within the childcare centre.
  - d) A revised noise emission assessment using the louder child noise levels as documented in the Association of Australasian Acoustical Consultants Child Care Centre Acoustic Assessment Version 3.0.
  - e) All building services noise sources.
  - f) The noise control measures that would be implemented currently for the site, and those additional treatments that would be required, were residential premises constructed at sensitive locations around the site.
- AN7 The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT) prior to the erection of a crane on the subject site. Applications are to be made online at <https://paat.perthairport.com.au>
- AN8 It is strongly recommended that the applicant or responsible contractor engage early with Perth Airport to understand aviation safety implications for construction equipment before construction plans are progressed.
- AN9 Advice from Perth Airport is that the absolute highest point of the development shall not exceed a maximum height of 105.75m Australian Height Datum.

  
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- AN10 The applicant is to note the following advice from the Public Transport Authority (PTA):
- Compliance with PTA's Working In and Around Rail Document 8103-400-004.
  - The fence on the railway boundary is to remain in place and up to PTA specifications.
  - The applicant to comply with the PTA's accessibility requirements;
  - The applicant to ensure maintainability of the PTA infrastructure including the PTA fence is not restricted; and
  - No structure/façade/screens from the building can protrude into the PTA's rail reserve air space.
  - During construction, any planned disruption to Transperth services should be sent through to [Transperth.ServiceDisruptions@pta.wa.gov.au](mailto:Transperth.ServiceDisruptions@pta.wa.gov.au)
- AN11 This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
- AN12 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN13 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.
- AN14 A verge permit is required to be obtained from the Town prior to commencement of any work in the verge (including, but not limited to, landscaping, parking, paving and lighting) in relation to this development approval.
- AN15 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.
- AN16 With respect to clearing the conditions of this development approval, a building permit cannot be issued until those conditions of the development approval requiring clearance 'prior to the submission of an application for the relevant building permit' are given written 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 a building permit application. Should a building permit application be submitted without written planning clearance, then the building permit application will be put on hold until written planning clearance is obtained or the application may be refused.
- AN17 In relation to condition 3 and the preparation of a Parking Management Plan, the applicant is requested to give consideration to allocating some of the on-site parking to be available for use by the general public outside normal business hours.

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

**REASON:** The Panel, having considered the Responsible Authority Report, considered that the development is appropriate for the emerging context and demonstrates a level of design excellence to warrant support. In coming to a decision the panel gave due regard to the planning framework particularly noting the LPP33 which enabled the panel to consider the discretion sought in terms of building height. Due regard was also given the community comments noting the comments in the RAR which indicated that the views and any amenity loss was very marginal for the residents to the east of the proposed development. The proposal was considered to be an excellent outcome as a result the review process that it had been through.

The Presiding Member noted the following SAT Applications –

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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

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## **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 10.11am.

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