



## Metro Inner Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 5 June 2024; 1.00pm  
**Meeting Number:** MIDAP/16  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

A recording of the meeting is available via the following link: [MIDAP/16 - 5 June 2024 - City of Belmont - Town of Victoria Park](#)

### PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

### PART B – CITY OF BELMONT

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations
  - 5.1 Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale - Warehouse (Self Storage Facility) – DAP/23/02550

### PART C – TOWN OF VICTORIA PARK

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 1858 (No. 127-143) Hill View Terrace, Bentley - Eighteen (18) Multiple Dwellings – DAP/24/02643
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

**Clayton Higham**  
Presiding Member, Metro Inner DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Tenielle Brownfield
Ian Birch (Deputy Presiding Member)	Ashlee Kelly
Lindsay Baxter	Laura Simmons
<i>Part B – City of Belmont</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Robert Rossi	Brandon Pang
Cr Phil Marks	
<i>Part C – Town of Victoria Park</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Daniel Minson	Kelly Vilksen
Cr Peter Melrosa	Robert Cruickshank

<b>Applicant and Submitters</b>	
<i>Part B – City of Belmont</i>	
Andrew Cumming (Rowe Group) Jaida Adams (Rowe Group) Will Leaf (Ewert Leaf) Siew-Fun Then (Ewert Leaf) Nick Crang (National Storage) Thierry Yu (National Storage) - Zoom Jack Tesser (Encon)	
<i>Part C – Town of Victoria Park</i>	
Kaitlin Redmond-Ball (element Advisory) Adrian Iredale (Iredale Pederson Hook Architects) Rebecca Angus (Iredale Pederson Hook Architects) Tracy Mackay (Bridge42) Paul Grzelec (SwanCare)	

**Clayton Higham**  
Presiding Member, Metro Inner DAP



**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 2 persons observing the meeting via the livestream.

A handwritten signature in cursive script, appearing to read 'Clayton Higham'.

**Clayton Higham**  
**Presiding Member, Metro Inner DAP**



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1.02pm on 5 June 2024 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 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

### 2. Apologies

Nil.

### 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](#).

Clayton Higham  
Presiding Member, Metro Inner DAP



## **PART B – CITY OF BELMONT**

### **1. Declaration of Due Consideration**

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

### **2. Disclosure of Interests**

In accordance with section 2.4.10 of the DAP Code of Conduct 2024, DAP Member, Clayton Higham, declared that they had participated in a State Administrative Tribunal process in relation to the application at item 5.1. However, under section 2.1.3 of the DAP Code of Conduct 2024, Clayton Higham acknowledged that they are 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 them, which will be considered on its planning merits.

### **3. Form 1 DAP Applications**

Nil.

### **4. Form 2 DAP Applications**

### **5. Section 31 SAT Reconsiderations**

#### **5.1 Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale - Warehouse (Self Storage Facility) – DAP/23/02550**

#### **Deputations and Presentations**

Andrew Cumming (Rowe Group) and Will Leaf (Ewert Leaf) addressed the DAP in support of the recommendation for the application at Item 5.1 and responded to questions from the panel.

Helen and Stuart Ladham provided a written submission against the application at Item 5.1

Brandon Pang (City of Belmont) addressed the DAP in relation to the application at Item 5.1 and responded to questions from the panel.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## REPORT RECOMMENDATION

**Moved by:** Cr Phil Marks

**Seconded by:** Lindsay Baxter

That the Metro Inner Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 196 of 2023, resolves to:

**Reconsider** its decision dated 15 December 2023 and **SET ASIDE the refusal and approve the development for** DAP Application reference DAP/23/02550 and amended plans dated 29 April 2024 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Belmont Local Planning Scheme No. 15, subject to the following conditions:

### Conditions

1. Development shall be in accordance with the attached approved plan(s) dated 29 April 2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Inner *Development Assessment Panel or the City of Belmont*.
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. Prior to occupation of the development the subject lots shall be amalgamated and a new Certificate of Title obtained for the amalgamated lot.
4. Prior to lodgement of an application for a building permit, the owner/applicant shall submit a detailed schedule of external materials, finishes and colours to be used in the construction of the development to the satisfaction of the City and at the advice of the Design Review Panel.
5. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
6. Prior to lodging an application for a building permit, the owner/applicant shall seek approval from the City of Belmont for an artist to provide public art on the development site to a minimum value of \$189,000 (exclusive GST).
7. The approved public art concept/strategy shall be thereafter implemented and the artwork constructed and maintained for the life of the development to the satisfaction of the City.

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Presiding Member, Metro Inner DAP



8. Prior to lodging an application for a building permit, a detailed landscaping and irrigation plan for the subject site and the road verge *is to be prepared and submitted to the City for approval that incorporates the following:*
  - (a) suitable tree and shrubs species that can be accommodated along the setback areas to Great Eastern Highway, St Kilda Road and Acton Avenue.
  - (b) minimum of 13 advanced tree species at 90 litres pot size and a minimum height of 2 metres in the area as marked in 'RED' on the approved plans.

to the satisfaction of the City.
9. Prior to occupation or use of the development, landscaping, plants, verge treatment and irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.
10. Existing turf, irrigation, verge treatment or street trees located within the verge are City of Belmont assets and as such must not be damaged, removed or interfered with during the course of the development.
11. Prior to commencement of development, including demolition, the Applicant shall pre-pay fees in accordance with the Annual Fees and Charges for the removal of the existing Narrow-leave paperbark (*Melaleuca linarifolia*) street tree and the replacement planting of three (3) new street trees to be undertaken by the City.
12. Prior to the commencement of site works the applicant shall submit a Construction Management Plan to the City that outlines the following measures:
  - i. Public safety and amenity;
  - ii. Site plan and security;
  - iii. Contact details of essential site personnel, construction period and operating hours;
  - iv. Community information, consultation and complaints management procedures;
  - v. Noise, vibration, air and dust management;
  - vi. Dilapidation reports of nearby properties;
  - vii. Traffic, access and parking management that accords with the requirements of AS1742 Pt3;
  - viii. Waste management and materials re-use;
  - ix. Earthworks, excavation, land retention/piling methods and associated matters;

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Presiding Member, Metro Inner DAP



- x. Street tree management and protection; and/or
- xi. Any other matter deemed relevant by the City.

The plan shall thereafter be implemented to the satisfaction of the City.

13. Prior to the lodgement of a building permit, a Traffic Management Plan (for construction) must be submitted for approved to the satisfaction of Main Roads. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.
14. Prior to the commencement of development, a lighting plan *shall be* submitted for approval and implemented to the satisfaction of the City. The plan must show lighting for the common property areas, landscaped areas, driveway and pedestrian access to the development.
15. Any lighting installed on the building, landscaping, driveway or car parking areas shall operate in accordance with the requirements of Australian Standard AS 4282 - 2019 Control of the Obtrusive Effects of Outdoor Lighting to ensure:
  - a) all illumination is confined within the boundaries of the property; and
  - b) there will not be any nuisance caused to adjoining residents or the local areato the satisfaction of the City.
16. The following sustainability measures shall be implemented and maintained for the life of the development to the satisfaction of the City:
  - Photovoltaic panels on the roof to supply electricity;
  - Energy efficient appliances, lighting and fittings;
  - Low-VOC, furniture, paints and adhesives;
17. A Parking Management Plan (prepared by the applicant) shall be approved by the City of Belmont prior to lodgement of a building permit. The PMP shall be amended from time to time, as required, and implemented to the satisfaction of the City, to reflect any changes to staff numbers, the number of storage units and demand for parking bays by the use.
18. Prior to commencement of the use, the approved Parking Management Plan shall be implemented and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the City.
19. Prior to occupation or use of the development, the owner / applicant shall, after having obtained written approval from the City (Crossover Upgrade Application), construct the vehicle crossovers in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.

**Clayton Higham**  
Presiding Member, Metro Inner DAP





20. Prior to occupation or use of the development, the redundant vehicle crossover(s) are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Belmont in consultation with Main Roads and to the specifications of the City.
21. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
  - a) The approved plan;
  - b) Australian Standard AS/NZS 2890 and AS/NZS 1428;
  - c) Schedule 7 of City of Belmont Local Planning Scheme No. 15; and
  - d) The City's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City's specifications and thereafter maintained for the life of the development, to the satisfaction of the City.

22. All access ways, parking areas and hard stand areas shall be constructed and maintained in accordance with the City's engineering requirements and design guidelines.
23. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be always made available for the parking of vehicles by visitors and employees.
24. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.
25. Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, shall be located to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings to the satisfaction of the City. Detailed roof plan shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.
26. All of the recommended measures included in the Environmental Noise Impact Assessment prepared by WSP (date-stamped 28 August 2023), are to be implemented in full, to the satisfaction of the City.
27. Signage shall only advertise the businesses operating on the subject lot.

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Presiding Member, Metro Inner DAP



28. The signage shall:
- i. Use low illumination not exceeding 300cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise.
  - ii. Not flash, pulsate or chase;
  - iii. Not include fluorescent, reflective or retro reflective colours; and
  - iv. Not be an electronic or digital format;
- to the satisfaction of the City
29. Signs and associated structures must be placed on the subject site and must not overhang or encroach the Great Eastern Highway road reserve.
30. Prior to the submission of an application for a building permit, the development plans are to be amended as marked in red to widen and reconfigure the existing northern access point to St Kilda Road in accordance with the swept path diagrams for a continuous uninterrupted vehicle movement of the largest vehicle type expected to turn left-in and right-in to Main Roads requirements.
31. Prior to the submission of an application for a building permit, the approved plans are to be amended as marked in red to:
- i. Show the location and dimensions of an 'Entry' sign installed at the existing northern access point to St Kilda Road;
  - ii. Show the location and dimensions of an 'Exit' sign installed at the proposed southern access point to St Kilda Road; and
  - iii. Show the location and dimensions of an 'Entry' sign installed at the sliding gate entrance from the proposed access point to Acton Avenue.
- to the satisfaction of the City.
32. Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a restrictive covenant preventing vehicular access onto Great Eastern Highway being lodged on the certificate(s) of title of the proposed lot at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads WA as shown on the approved plans dated 29 April 2024 and the covenant is to specify:
- "No vehicular access is permitted to and from Great Highway from A to B."*
33. No structures above or below ground shall encroach into the Great Eastern Highway road reserve.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



34. No stormwater drainage is to be discharged onto the Great Eastern Highway road reserve.
35. No waste collection is permitted from Great Eastern Highway road reserve.

#### **Advice Notes**

- i. A development approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works. Please liaise with the City's Building Services Department to ascertain the requirements for a building permit to be issued.
- ii. The applicant should be aware of the requirements of Part D3 of the Building Code of Australia Volume One, its associated Australian Standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010.
- iii. Once a Building Permit has been granted and the works completed, the building should not be occupied until an application for an Occupancy Permit (accompanied by a Certificate of Construction Compliance and payment of statutory fees) has been applied for and granted by the City's Building Services.
- iv. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Building Services Department prior to the commencement of any demolition works. Please liaise with the City's Building Services Department for further information.
- v. The proposed public art concept will be forwarded to the Public Art Advisory Panel which will make recommendations for approval by the City's Coordinator Arts and Place. Full details and specifications should be submitted at the earliest opportunity to ensure that the finalisation of the public art does not delay the progression of the development.
- vi. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

If access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be repainted, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

- vii. The landscaping plan shall be a minimum size of A3 at a scale of not less than 1:200. It is recommended that the landscaping plan is prepared by a qualified landscape architect / designer and meets the requirements specified in the City's Landscaping Plan Information Sheet.

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Presiding Member, Metro Inner DAP



- viii. In relation to the landscaping, the plants are to be nurtured until they reach their typical mature dimensions and shall thereafter be maintained at those mature dimensions unless the City approves otherwise in writing.
- ix. This development is not approval for any alteration of the verge and/or removal of street tree/s. A Crossover Upgrade Application is to be lodged and approved, prior to commencement of any work on the verge.
- x. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”.
- xi. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City’s Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property’s internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City’s Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
- xii. The applicant is advised that development approval is not approval for the erection and/or construction of any signage. A building permit is required prior to the erection and/or construction of signage. Please liaise with the City’s Safer Communities – Building Surveying for more information.
- xiii. Please be advised that approval of the signage has been granted based on the plans and information submitted. Any physical changes to the sign structure and/or modifications that alter the nature of the sign will require lodgement of a new application unless otherwise approved by the City.
- xiv. 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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## AMENDING MOTION 1

**Moved by:** Lindsay Baxter

**Seconded by:** Clayton Higham

The following changes were moved en bloc:

- (i) That a new Condition no. 1 be added to read as follows and remaining Conditions be renumbered:

***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.***

- (ii) That Condition No. 5 be amended to read as follows:

*Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including ~~being free of measures to prevent against~~ vandalism, ~~to the satisfaction of the City.~~*

- (iii) That Condition No. 8 be amended to read as follows:

*Prior to lodging an application for a building permit, a detailed landscaping and irrigation plan for the subject site and the road verge is to be prepared and submitted to the City for approval that incorporates the following **to the satisfaction of the City:***

- (a) *suitable tree and shrubs species that can be accommodated along the setback areas to Great Eastern Highway, St Kilda Road and Acton Avenue.*  
(b) *minimum of 13 advanced tree species at 90 litres pot size and a minimum height of 2 metres in the area as marked in 'RED' on the approved plans.*

~~*to the satisfaction of the City.*~~

- (iv) That Condition No. 13 be amended to read as follows:

*Prior to the lodgement of a building permit, a Traffic Management Plan (for construction) must be submitted for approved to the satisfaction of Main Roads WA. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.*

- (v) That Condition No. 20 be amended to read as follows:

*Prior to occupation or use of the development, the redundant vehicle crossover(s) are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Belmont in consultation with Main Roads WA and to the specifications of the City.*

Clayton Higham  
Presiding Member, Metro Inner DAP



- (vi) That Condition No. 30 be amended to read as follows:

*Prior to the submission of an application for a building permit, the development plans are to be amended as marked in red to widen and reconfigure the existing northern access point to St Kilda Road in accordance with the swept path diagrams for a continuous uninterrupted vehicle movement of the largest vehicle type expected to turn left-in and right-in to Main Roads **WA** requirements.*

- (vii) That Condition No. 15 be amended to read as follows:

*Any lighting installed on the building, landscaping, driveway or car parking areas shall operate in accordance with the requirements of Australian Standard AS 4282 - 2019 Control of the Obtrusive Effects of Outdoor Lighting to ensure:*

- a) *all illumination is confined within the boundaries of the property; and*
- b) *there will not be any nuisance caused to adjoining residents or the local area **to the satisfaction of the City.***

~~*to the satisfaction of the City.*~~

- (viii) That Condition No. 17 be amended to read as follows:

*A Parking Management Plan (~~prepared by the applicant~~ **PMP**) shall be approved by the City of Belmont prior to lodgement of a building permit. The PMP shall be amended from time to time, as required, and implemented to the satisfaction of the City, to reflect any changes to staff numbers, the number of storage units and demand for parking bays by the use.*

- (ix) That Condition No.31 be amended to read as follows:

*Prior to the submission of an application for a building permit, the approved plans are to be amended as marked in red, **to the satisfaction of the City, to:***

- i. *Show the location and dimensions of an 'Entry' sign installed at the existing northern access point to St Kilda Road;*
- ii. *Show the location and dimensions of an 'Exit' sign installed at the proposed southern access point to St Kilda Road; and*
- iii. *Show the location and dimensions of an 'Entry' sign installed at the sliding gate entrance from the proposed access point to Acton Avenue.*

~~*to the satisfaction of the City.*~~

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- (x) That Condition No. 32 be amended to read as follows:

*Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a restrictive covenant preventing vehicular access onto Great Eastern Highway being lodged on the certificate(s) of title of the proposed lot at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads WA as shown on the approved plans dated 29 April 2024 and the covenant is to specify:*

*“No vehicular access is permitted to and from Great Eastern Highway ~~from A to B~~ for the full length of that road between Acton Avenue and St Kilda Road.”*

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

**REASON:** Apart from including the condition to ensure approval under the MRS is noted, the various amendments were either grammatical or words inserted to provide greater clarification.

#### **AMENDING MOTION 2**

**Moved by:** Clayton Higham

**Seconded by:** Lindsay Baxter

That Advice Note xii be deleted and the remaining advice notes be renumbered accordingly.

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

**REASON:** The advice note was contrary to the condition regarding signage.

#### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 196 of 2023, resolves to:

**Reconsider** its decision dated 15 December 2023 and **SET ASIDE the refusal and approve the development for** DAP Application reference DAP/23/02550 and amended plans dated 29 April 2024 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Belmont Local Planning Scheme No. 15, 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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



2. Development shall be in accordance with the attached approved plan(s) dated 29 April 2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Inner *Development Assessment Panel or the City of Belmont*.
3. 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.
4. Prior to occupation of the development the subject lots shall be amalgamated and a new Certificate of Title obtained for the amalgamated lot.
5. Prior to lodgement of an application for a building permit, the owner/applicant shall submit a detailed schedule of external materials, finishes and colours to be used in the construction of the development to the satisfaction of the City and at the advice of the Design Review Panel.
6. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including measures to prevent against vandalism.
7. Prior to lodging an application for a building permit, the owner/applicant shall seek approval from the City of Belmont for an artist to provide public art on the development site to a minimum value of \$189,000 (exclusive GST).
8. The approved public art concept/strategy shall be thereafter implemented and the artwork constructed and maintained for the life of the development to the satisfaction of the City.
9. Prior to lodging an application for a building permit, a detailed landscaping and irrigation plan for the subject site and the road verge is to be prepared and submitted to the City for approval that incorporates the following to the satisfaction of the City:
  - (a) suitable tree and shrubs species that can be accommodated along the setback areas to Great Eastern Highway, St Kilda Road and Acton Avenue.
  - (b) minimum of 13 advanced tree species at 90 litres pot size and a minimum height of 2 metres in the area as marked in 'RED' on the approved plans.
10. Prior to occupation or use of the development, landscaping, plants, verge treatment and irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.
11. Existing turf, irrigation, verge treatment or street trees located within the verge are City of Belmont assets and as such must not be damaged, removed or interfered with during the course of the development.

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Presiding Member, Metro Inner DAP





12. Prior to commencement of development, including demolition, the Applicant shall pre-pay fees in accordance with the Annual Fees and Charges for the removal of the existing Narrow-leave paperbark (*Melaleuca linarifolia*) street tree and the replacement planting of three (3) new street trees to be undertaken by the City.
13. Prior to the commencement of site works the applicant shall submit a Construction Management Plan to the City that outlines the following measures:
  - i. Public safety and amenity;
  - ii. Site plan and security;
  - iii. Contact details of essential site personnel, construction period and operating hours;
  - iv. Community information, consultation and complaints management procedures;
  - v. Noise, vibration, air and dust management;
  - vi. Dilapidation reports of nearby properties;
  - vii. Traffic, access and parking management that accords with the requirements of AS1742 Pt3;
  - viii. Waste management and materials re-use;
  - ix. Earthworks, excavation, land retention/piling methods and associated matters;
  - x. Street tree management and protection; and/or
  - xi. Any other matter deemed relevant by the City.

The plan shall thereafter be implemented to the satisfaction of the City.

14. Prior to the lodgement of a building permit, a Traffic Management Plan (for construction) must be submitted for approved to the satisfaction of Main Roads WA. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.
15. Prior to the commencement of development, a lighting plan *shall be* submitted for approval and implemented to the satisfaction of the City. The plan must show lighting for the common property areas, landscaped areas, driveway and pedestrian access to the development.

**Clayton Higham**  
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16. Any lighting installed on the building, landscaping, driveway or car parking areas shall operate in accordance with the requirements of Australian Standard AS 4282 - 2019 Control of the Obtrusive Effects of Outdoor Lighting to ensure:
  - a) all illumination is confined within the boundaries of the property; and
  - b) there will not be any nuisance caused to adjoining residents or the local area to the satisfaction of the City.
  
17. The following sustainability measures shall be implemented and maintained for the life of the development to the satisfaction of the City:
  - Photovoltaic panels on the roof to supply electricity;
  - Energy efficient appliances, lighting and fittings;
  - Low-VOC, furniture, paints and adhesives;
  
18. A Parking Management Plan (PMP) shall be approved by the City of Belmont prior to lodgement of a building permit. The PMP shall be amended from time to time, as required, and implemented to the satisfaction of the City, to reflect any changes to staff numbers, the number of storage units and demand for parking bays by the use.
  
19. Prior to commencement of the use, the approved Parking Management Plan shall be implemented and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the City.
  
20. Prior to occupation or use of the development, the owner / applicant shall, after having obtained written approval from the City (Crossover Upgrade Application), construct the vehicle crossovers in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.
  
21. Prior to occupation or use of the development, the redundant vehicle crossover(s) are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Belmont in consultation with Main Roads WA and to the specifications of the City.
  
22. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
  - a) The approved plan;
  - b) Australian Standard AS/NZS 2890 and AS/NZS 1428;
  - c) Schedule 7 of City of Belmont Local Planning Scheme No. 15; and
  - d) The City's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City's specifications and thereafter maintained for the life of the development, to the satisfaction of the City.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



23. All access ways, parking areas and hard stand areas shall be constructed and maintained in accordance with the City's engineering requirements and design guidelines.
24. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be always made available for the parking of vehicles by visitors and employees.
25. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.
26. Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, shall be located to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings to the satisfaction of the City. Detailed roof plan shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.
27. All of the recommended measures included in the Environmental Noise Impact Assessment prepared by WSP (date-stamped 28 August 2023), are to be implemented in full, to the satisfaction of the City.
28. Signage shall only advertise the businesses operating on the subject lot.
29. The signage shall:
  - i. Use low illumination not exceeding 300cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise.
  - ii. Not flash, pulsate or chase;
  - iii. Not include fluorescent, reflective or retro reflective colours; and
  - iv. Not be an electronic or digital format;to the satisfaction of the City
30. Signs and associated structures must be placed on the subject site and must not overhang or encroach the Great Eastern Highway road reserve.
31. Prior to the submission of an application for a building permit, the development plans are to be amended as marked in red to widen and reconfigure the existing northern access point to St Kilda Road in accordance with the swept path diagrams for a continuous uninterrupted vehicle movement of the largest vehicle type expected to turn left-in and right-in to Main Roads WA requirements.

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Presiding Member, Metro Inner DAP



32. Prior to the submission of an application for a building permit, the approved plans are to be amended as marked in red, to the satisfaction of the City to:
  - i. Show the location and dimensions of an 'Entry' sign installed at the existing northern access point to St Kilda Road;
  - ii. Show the location and dimensions of an 'Exit' sign installed at the proposed southern access point to St Kilda Road; and
  - iii. Show the location and dimensions of an 'Entry' sign installed at the sliding gate entrance from the proposed access point to Acton Avenue.
33. Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a restrictive covenant preventing vehicular access onto Great Eastern Highway being lodged on the certificate(s) of title of the proposed lot at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads WA as shown on the approved plans dated 29 April 2024 and the covenant is to specify:

*"No vehicular access is permitted to and from Great Eastern Highway for the full length of that road between Acton Avenue and St Kilda Road."*
34. No structures above or below ground shall encroach into the Great Eastern Highway road reserve.
35. No stormwater drainage is to be discharged onto the Great Eastern Highway road reserve.
36. No waste collection is permitted from Great Eastern Highway road reserve.

#### Advice Notes

- i. A development approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works. Please liaise with the City's Building Services Department to ascertain the requirements for a building permit to be issued.
- ii. The applicant should be aware of the requirements of Part D3 of the Building Code of Australia Volume One, its associated Australian Standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010.
- iii. Once a Building Permit has been granted and the works completed, the building should not be occupied until an application for an Occupancy Permit (accompanied by a Certificate of Construction Compliance and payment of statutory fees) has been applied for and granted by the City's Building Services.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- iv. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Building Services Department prior to the commencement of any demolition works. Please liaise with the City's Building Services Department for further information.
- v. The proposed public art concept will be forwarded to the Public Art Advisory Panel which will make recommendations for approval by the City's Coordinator Arts and Place. Full details and specifications should be submitted at the earliest opportunity to ensure that the finalisation of the public art does not delay the progression of the development.
- vi. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

If access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be repainted, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

- vii. The landscaping plan shall be a minimum size of A3 at a scale of not less than 1:200. It is recommended that the landscaping plan is prepared by a qualified landscape architect / designer and meets the requirements specified in the City's Landscaping Plan Information Sheet.
- viii. In relation to the landscaping, the plants are to be nurtured until they reach their typical mature dimensions and shall thereafter be maintained at those mature dimensions unless the City approves otherwise in writing.
- ix. This development is not approval for any alteration of the verge and/or removal of street tree/s. A Crossover Upgrade Application is to be lodged and approved, prior to commencement of any work on the verge.
- x. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting".

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- xi. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City's Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
- xii. Please be advised that approval of the signage has been granted based on the plans and information submitted. Any physical changes to the sign structure and/or modifications that alter the nature of the sign will require lodgment of a new application unless otherwise approved by the City.
- xiii. 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.

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

For: Clayton Higham  
Ian Birch  
Lindsay Baxter  
Cr Phil Marks

Against: Mayor Robert Rossi

**REASON:** The majority of the panel considered that the revised proposal represented a vast improvement to the original application plans, providing much greater opportunity for activation and surveillance together with increased and improved landscaping to the Great Eastern Highway frontage. While panel members noted that the use may not be ideal in this location it is early days for the Scheme amendment and this proposal generally meets the requirements of the current planning framework.

*Mayor Robert Rossi and Cr Phil Marks (Local Government DAP Member, City of Belmont) left the panel at 1.49pm.*

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## PART C – TOWN OF VICTORIA PARK

*Cr Daniel Minson and Cr Peter Melrosa (Local Government DAP Member, Town of Victoria Park) joined the panel at 1.50am.*

### 1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 1858 (No. 127-143) Hill View Terrace, Bentley - Eighteen (18) Multiple Dwellings – DAP/24/02643

##### Deputations and Presentations

Kaitlin Redmond-Ball (element Advisory), Paul Grzelec (SwanCare) and Adrian Iredale (Iredale Pederson Hook Architects) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Robert Cruickshank and Kelly Vilkson (Town of Victoria Park) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** Cr Daniel Minson

**Seconded by:** Ian Birch

That the Metro Inner DAP resolves to:

**Approve** DAP Application reference DAP/24/02643 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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



2. 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.
3. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
4. Prior to lodging an application for a building permit, a covering letter and copy of the final working drawings (prepared for the submission for an application for a building permit) and all associated reports and information that address the conditions of approval are to be submitted to, and cleared by, the Town of Victoria Park.
5. Prior to lodging an application for building permit, plans and details demonstrating that all dwellings have been designed to achieve the gold standard accessibility requirements outlined within the Liveable Housing Design Guidelines are to be provided for approval by the Town. Prior to the issuing of an occupancy permit, the applicant/owner shall provide confirmation that the as-constructed development has achieved the approved gold standard accessibility requirements to the satisfaction of the Town.
6. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town details of the proposed future provision of Electric Vehicle charging infrastructure including provision of switchboard capacity, metering and cable access to the proposed future location. (Refer to related advice note)
7. Prior to lodging an application for a building permit, the applicant is to submit details to the satisfaction of the Town confirming that the building (as-designed) incorporates the sustainability commitments of the Sustainability Design Report by EmergeN dated 17 April 2024 (Attachment 4).
8. Prior to the occupation or use of the development, the applicant is to submit details to the satisfaction of the Town confirming that the building (as-constructed) incorporates the sustainability commitments of the Sustainability Design Report by EmergeN dated 17 April 2024 (Attachment 4).
9. Prior to lodging an application for building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer to related Advice Note)
10. Prior to lodging an application for building permit, plans and details are to be submitted for approval by the Town demonstrating the following modifications:
  - a) storage areas clearly labelled and doors to either open outwards or provide a sliding door.
  - b) air-conditioning enclosures clearly labelled and details of the screening to air-conditioning enclosures.

**Clayton Higham**  
Presiding Member, Metro Inner DAP





- c) integration of down pipes and the rainwater drainage strategy within and external to the building fabric.
- d) the Bin storage area door to either open inwards or provide a sliding door.

The development is to be constructed in accordance with the approved amended plans and thereafter maintained to the satisfaction of the Town.

11. Prior to lodging an application for building permit, detailed plans showing soft landscaping and reticulation, hard landscaping and lighting for the subject site, and the proposed extension of Grandis Boulevard and the adjacent Adie Court road verge must be submitted to and approved by the Town. The detailed landscaping plans are to demonstrate:
  - a) provision of visual privacy screening in the form of soft landscaping or alternative screening device/s between the terraces of Apartments 1 to 4 and the communal open space.
  - b) construction details and methodology or materials for the hardstand areas, including seating areas, demonstrating compliance with universal access design requirements.
  - c) removal of car parking bay 18 and replacement with soft landscaping including planting of a small tree.
  - d) modified soft landscaping to the Town's satisfaction. (Refer to related advice note).
12. Prior to the occupation or use of the development, landscaping works are to be undertaken in accordance with the approved landscaping plan/s to the satisfaction of the Town and thereafter maintained to the satisfaction of the Town.
13. Prior to commencement of works, engineering drawings and specifications are to be submitted to and approved by the Town, detailing the design of:
  - a) The extension of the communal street Grandis Boulevard to the public road Adie Court; and
  - b) Modifications to the Adie Court road carriageway and verge areas, as recommended in the Traffic Impact Assessment by Uloth dated 9 May 2024 (Attachment 5), and including a raised intersection plateau, pavement marking and signs plan with pedestrian crossing facilities, drainage plan, services plan, vehicle turning movements plan, and typical details.
14. Prior to the occupation or use of the development, the works referred to in Condition 13 are to be undertaken in accordance with the approved plans, engineering drawings and specifications to the satisfaction of the Town.
15. Prior to the occupation or use of the development, four (4) visitor car parking bays on the north-eastern side of the proposed Grandis Boulevard communal street extension, as shown on the approved plans, are to be constructed and line marked and/or sign posted for the purpose of 'Visitor Parking Only', to the satisfaction of the Town.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



16. Prior to the occupation or use of the development, all car bays being provided in accordance with the Australian Standards for off street car parking (AS2890.1) and the Australian Standards for off-street parking for people with disabilities (AS2890.6), as applicable, and thereafter maintained to the satisfaction of the Town. (Refer to related advice note)
17. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy and location of waste disposal bins;
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - g) Construction traffic and pedestrian management; and
  - h) Other matters likely to impact on the surrounding properties.
18. Prior to the commencement of any site works, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Town, must be submitted to the Local Government. The plan must address, but not be limited to, the following matters:
  - a) Recycling of demolition materials including concrete;
  - b) Removal of hazardous materials and disposal at any approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
19. External colours, finishes and materials of the building(s) are to be in accordance with the stamped approved colours and material schedule, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
20. The Waste Management Plan prepared by Talis Consultants dated 28 March 2024 (Attachment 6) is to be implemented at all times to the satisfaction of the Town.
21. Prior to lodging an application for building permit, an amended Stormwater Drainage / Management Plan that has been designed and signed by a certified Hydraulic Engineer addressing stormwater runoff from roofs, driveways, communal streets and other impervious surfaces generated by a small rainfall event, is to be submitted for approval by the Town. All stormwater must be contained and disposed of on-site at all times, in accordance with the approved Stormwater Management, to the satisfaction of the Town. (Refer to related advice note)

**Clayton Higham**  
Presiding Member, Metro Inner DAP



22. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

### Advice Notes

1. In regard to an amended landscaping, reticulation and lighting plan/s, please be advised that:
  - a) The Town expects the landscaping plan/s to be broadly consistent with the landscaping plans prepared by CAPA Landscape Architecture dated 19 March 2024 and 10 May 2024 (Attachments 3.a and 3.b).
  - b) Construction details, methodology or materials for the seating are to be provided.
  - c) Lighting details including lighting types, lux levels and applicable design standards are to be provided.
  - d) Soft landscaping is to be reviewed in relation to the following advice –
    - i. Plant and tree species along the south-western edge of the building are to be shade tolerant.
    - ii. Local Banksia species is recommended for the Banksia woodland, as Banksia integrifolia is an east coast species.
    - iii. Shade trees to be provided to the Adie Court footpaths.
    - iv. Eucalyptus caesia is not recommended near pedestrian/traffic areas due to weeping form being high maintenance.
    - v. Bauhinia species is not recommended near pedestrian/traffic areas.
    - vi. Gleditsia triacanthos and cultivars is not recommended as they are known for causing root damage.
    - vii. Agonis flexuosa variegata and Hymenosporum flavum are not recommended as they are not drought tolerant species.
    - viii. Trees in paving areas require at least 1200mm by 1200mm paving-free area. Where the dimension is less it is recommended that the design be modified to provide for permeable paving and extended/lengthened beds housing multiple trees.
2. In relation to the provision of Electric Vehicle charging infrastructure, the Town's expectation is that provision (electrical capacity, space, metering and management system) for Electric Vehicle charging will be in accordance with section J9D4 of NCC 2022 Volume One.
3. In regard 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.

Clayton Higham  
Presiding Member, Metro Inner DAP



4. In relation to the required amended Stormwater Management Plan, please address the following matters:
  - a) The plan is to be signed by a qualified, practising Hydraulic Engineer.
  - b) The proposed pit lids are to be of a trafficable standard.
  - c) The location of soakwells in the Grandis Boulevard median are to be reviewed in relation to the proposed location of tree planting.
  - d) The plan is to depict how the stormwater downpipes and the system connect to the soakwell system.
  - e) Details are to be provided proposed drainage cell system, including in relation to the structural suitability for the expected vehicle load/s.
  - f) Details regarding how the system accessed for maintenance, replacement, and cleaning.
5. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
6. Your attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia - Access for People with Disabilities, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.
7. A demolition permit is required to be applied for and obtained from the Council prior to demolition of the existing building(s) and/or structure(s) on the site.
8. A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111.
9. Prior to the occupation of the development, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town of Victoria Park.
10. A separate application is to be submitted to the Town's Street Improvement business unit for approval prior to construction of a new crossover. To submit a crossover application please complete a 'Crossover Installation Application Form' and refer to the 'Crossover Installation Package'. Both documents are available from the Town's website.
11. In relation to the Town's street trees, the land owner / applicant is advised:
  - a) 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.
  - b) Unauthorised verge tree pruning or removal is subject to a penalty under the Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## AMENDING MOTION 1

**Moved by:** Ian Birch

**Seconded by:** Lindsay Baxter

The following amendments were made en bloc:

- (i) That Condition No. 9 be amended to read as follows:

*Prior to ~~lodging an application for building permit~~ **occupancy**, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer to related Advice Note) **unless otherwise agreed to by the Town.***

- (ii) That a new Advice Note No. 12 be added to read as follows:

***The Town notes the applicant's intent to separately review the masterplan in relation to the delivery of public art across the estate. The Town is agreeable to a public art contribution of not having to be made for the subject development prior to occupancy if an amendment to the masterplan is approved for the delivery of public art at key gateway points across the estate.***

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

**REASON:** To allow the applicant and the Town some flexibility in the timing to make arrangements for the provision of public art and having regard to a proposition to include the guiding principles for the provision of public art in the Bentley Park (Swan Care) Master Plan.

## AMENDING MOTION 2

**Moved by:** Ian Birch

**Seconded by:** Lindsay Baxter

That Condition No. 11 c) be deleted and the remaining conditions be renumbered accordingly.

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

For: Ian Birch  
Lindsay Baxter  
Cr Peter Melrosa

Against: Clayton Higham  
Cr Daniel Minson

**REASON:** The majority of panel members considered that the parking bay should remain and that any additional landscaping as a result of deleting it would not provide any significant additional amenity. The panel members noted that the landscape calculations were done over an indicative lot.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



### AMENDING MOTION 3

**Moved by:** Lindsay Baxter

**Seconded by:** Cr Daniel Minson

- (i) That Condition No. 5 be amended to read as follows:

*Prior to lodging an application for a building permit, plans and details demonstrating that all dwellings have been designed to achieve the gold standard accessibility requirements outlined within the Liveable Housing Design Guidelines are to be provided for approval by the Town. Prior to the issuing of an occupancy permit, the applicant/owner shall provide confirmation that the as-constructed development has achieved the approved gold standard accessibility requirements to the satisfaction of the Town.*

- (ii) That Condition No. 10 be amended to read as follows:

*Prior to lodging an application for a building permit, plans and details are to be submitted for approval by the Town demonstrating the following modifications:*

- a) *storage areas clearly labelled and doors to either open outwards or provide a sliding door.*
- b) *air-conditioning enclosures clearly labelled and details of the screening to air-conditioning enclosures.*
- c) *integration of down pipes and the rainwater drainage strategy within and external to the building fabric.*
- d) *the Bin storage area door to either open inwards or provide a sliding door.*

*The development is to be constructed in accordance with the approved amended plans and thereafter maintained to the satisfaction of the Town.*

- (iii) That Condition No. 11 be amended to read as follows:

*Prior to lodging an application for a building permit, detailed plans showing soft landscaping and reticulation, hard landscaping and lighting for the subject site, and the proposed extension of Grandis Boulevard and the adjacent Adie Court road verge must be submitted to and approved by the Town. The detailed landscaping plans are to demonstrate:*

- a) *provision of visual privacy screening in the form of soft landscaping or alternative screening device/s between the terraces of Apartments 1 to 4 and the communal open space.*
- b) *construction details and methodology or materials for the hardstand areas, including seating areas, demonstrating compliance with universal access design requirements.*
- c) *removal of car parking bay 18 and replacement with soft landscaping including planting of a small tree.*
- d) *modified soft landscaping to the Town's satisfaction. (Refer to related advice note).*

**Clayton Higham**  
Presiding Member, Metro Inner DAP



- (iv) That Condition No. 21 be amended to read as follows:

*Prior to lodging an application for a building permit, an amended Stormwater Drainage / Management Plan that has been designed and signed by a certified Hydraulic Engineer addressing stormwater runoff from roofs, driveways, communal streets and other impervious surfaces generated by a small rainfall event, is to be submitted for approval by the Town. All stormwater must be contained and disposed of on-site at all times, in accordance with the approved Stormwater Management, to the satisfaction of the Town. (Refer to related advice note)*

- (vi) That Condition No. 18 be amended to read as follows:

*Prior to the commencement of any ~~site works~~ **development**, a Construction Waste Management Plan prepared by a suitably qualified person is to be prepared in consultation with the Town, must be submitted to the ~~Local Government~~ **Town**. The plan must address, but not be limited to, the following matters:*

- a) *Recycling of demolition materials including concrete;*
- b) *Removal of hazardous materials and disposal at any approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;*

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

**REASON:** Most of the amending elements are either grammatical or to provide greater clarity to the conditions. In relation to condition 9 the intent is for the monetary contribution for public art to be used across the site in accordance with the Bentley Park Master Plan and not just as part of this development alone.

#### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner DAP resolves to:

**Approve** DAP Application reference DAP/24/02643 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 (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.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



3. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
4. Prior to lodging an application for a building permit, a covering letter and copy of the final working drawings (prepared for the submission for an application for a building permit) and all associated reports and information that address the conditions of approval are to be submitted to, and cleared by, the Town of Victoria Park.
5. Prior to lodging an application for a building permit, plans and details demonstrating that all dwellings have been designed to achieve the gold standard accessibility requirements outlined within the Liveable Housing Design Guidelines are to be provided for approval by the Town. Prior to the issuing of an occupancy permit, the applicant/owner shall provide confirmation that the as-constructed development has achieved the approved gold standard accessibility requirements to the satisfaction of the Town.
6. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town details of the proposed future provision of Electric Vehicle charging infrastructure including provision of switchboard capacity, metering and cable access to the proposed future location. (Refer to related advice note)
7. Prior to lodging an application for a building permit, the applicant is to submit details to the satisfaction of the Town confirming that the building (as-designed) incorporates the sustainability commitments of the Sustainability Design Report by EmergeN dated 17 April 2024 (Attachment 4).
8. Prior to the occupation or use of the development, the applicant is to submit details to the satisfaction of the Town confirming that the building (as-constructed) incorporates the sustainability commitments of the Sustainability Design Report by EmergeN dated 17 April 2024 (Attachment 4).
9. Prior to occupancy, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer to related Advice Note) unless otherwise agreed to by the Town.
10. Prior to lodging an application for a building permit, plans and details are to be submitted for approval by the Town demonstrating the following modifications:
  - a) storage areas clearly labelled and doors to either open outwards or provide a sliding door.
  - b) air-conditioning enclosures clearly labelled and details of the screening to air-conditioning enclosures.
  - c) integration of down pipes and the rainwater drainage strategy within and external to the building fabric.
  - d) the Bin storage area door to either open inwards or provide a sliding door.

The development is to be constructed in accordance with the approved amended plans and thereafter maintained to the satisfaction of the Town.

**Clayton Higham**  
Presiding Member, Metro Inner DAP





11. Prior to lodging an application for a building permit, detailed plans showing soft landscaping and reticulation, hard landscaping and lighting for the subject site, and the proposed extension of Grandis Boulevard and the adjacent Adie Court road verge must be submitted to and approved by the Town. The detailed landscaping plans are to demonstrate:
  - a) provision of visual privacy screening in the form of soft landscaping or alternative screening device/s between the terraces of Apartments 1 to 4 and the communal open space.
  - b) construction details and methodology or materials for the hardstand areas, including seating areas, demonstrating compliance with universal access design requirements.
  - c) modified soft landscaping to the Town's satisfaction. (Refer to related advice note).
12. Prior to the occupation or use of the development, landscaping works are to be undertaken in accordance with the approved landscaping plan/s to the satisfaction of the Town and thereafter maintained to the satisfaction of the Town.
13. Prior to commencement of works, engineering drawings and specifications are to be submitted to and approved by the Town, detailing the design of:
  - a) The extension of the communal street Grandis Boulevard to the public road Adie Court; and
  - b) Modifications to the Adie Court road carriageway and verge areas, as recommended in the Traffic Impact Assessment by Uloth dated 9 May 2024 (Attachment 5), and including a raised intersection plateau, pavement marking and signs plan with pedestrian crossing facilities, drainage plan, services plan, vehicle turning movements plan, and typical details.
14. Prior to the occupation or use of the development, the works referred to in Condition 13 are to be undertaken in accordance with the approved plans, engineering drawings and specifications to the satisfaction of the Town.
15. Prior to the occupation or use of the development, four (4) visitor car parking bays on the north-eastern side of the proposed Grandis Boulevard communal street extension, as shown on the approved plans, are to be constructed and line marked and/or sign posted for the purpose of 'Visitor Parking Only', to the satisfaction of the Town.
16. Prior to the occupation or use of the development, all car bays being provided in accordance with the Australian Standards for off street car parking (AS2890.1) and the Australian Standards for off-street parking for people with disabilities (AS2890.6), as applicable, and thereafter maintained to the satisfaction of the Town. (Refer to related advice note)

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Presiding Member, Metro Inner DAP



17. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy and location of waste disposal bins;
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - g) Construction traffic and pedestrian management; and
  - h) Other matters likely to impact on the surrounding properties.
18. Prior to the commencement of any development, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Town, must be submitted to the Town. The plan must address, but not be limited to, the following matters:
  - a) Recycling of demolition materials including concrete;
  - b) Removal of hazardous materials and disposal at any approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
19. External colours, finishes and materials of the building(s) are to be in accordance with the stamped approved colours and material schedule, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
20. The Waste Management Plan prepared by Talis Consultants dated 28 March 2024 (Attachment 6) is to be implemented at all times to the satisfaction of the Town.
21. Prior to lodging an application for a building permit, an amended Stormwater Drainage / Management Plan that has been designed and signed by a certified Hydraulic Engineer addressing stormwater runoff from roofs, driveways, communal streets and other impervious surfaces generated by a small rainfall event, is to be submitted for approval by the Town. All stormwater must be contained and disposed of on-site at all times, in accordance with the approved Stormwater Management, to the satisfaction of the Town. (Refer to related advice note)
22. 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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## Advice Notes

1. In regard to an amended landscaping, reticulation and lighting plan/s, please be advised that:
  - a) The Town expects the landscaping plan/s to be broadly consistent with the landscaping plans prepared by CAPA Landscape Architecture dated 19 March 2024 and 10 May 2024 (Attachments 3.a and 3.b).
  - b) Construction details, methodology or materials for the seating are to be provided.
  - c) Lighting details including lighting types, lux levels and applicable design standards are to be provided.
  - d) Soft landscaping is to be reviewed in relation to the following advice –
    - i. Plant and tree species along the south-western edge of the building are to be shade tolerant.
    - ii. Local Banksia species is recommended for the Banksia woodland, as Banksia integrifolia is an east coast species.
    - iii. Shade trees to be provided to the Adie Court footpaths.
    - iv. Eucalyptus caesia is not recommended near pedestrian/traffic areas due to weeping form being high maintenance.
    - v. Bauhinia species is not recommended near pedestrian/traffic areas.
    - vi. Gleditsia triacanthos and cultivars is not recommended as they are known for causing root damage.
    - vii. Agonis flexuosa variegata and Hymenosporum flavum are not recommended as they are not drought tolerant species.
    - viii. Trees in paving areas require at least 1200mm by 1200mm paving-free area. Where the dimension is less it is recommended that the design be modified to provide for permeable paving and extended/lengthened beds housing multiple trees.
2. In relation to the provision of Electric Vehicle charging infrastructure, the Town's expectation is that provision (electrical capacity, space, metering and management system) for Electric Vehicle charging will be in accordance with section J9D4 of NCC 2022 Volume One.
3. In regard 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.

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4. In relation to the required amended Stormwater Management Plan, please address the following matters:
  - a) The plan is to be signed by a qualified, practising Hydraulic Engineer.
  - b) The proposed pit lids are to be of a trafficable standard.
  - c) The location of soakwells in the Grandis Boulevard median are to be reviewed in relation to the proposed location of tree planting.
  - d) The plan is to depict how the stormwater downpipes and the system connect to the soakwell system.
  - e) Details are to be provided proposed drainage cell system, including in relation to the structural suitability for the expected vehicle load/s.
  - f) Details regarding how the system accessed for maintenance, replacement, and cleaning.
5. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
6. Your attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia - Access for People with Disabilities, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.
7. A demolition permit is required to be applied for and obtained from the Council prior to demolition of the existing building(s) and/or structure(s) on the site.
8. A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111.
9. Prior to the occupation of the development, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town of Victoria Park.
10. A separate application is to be submitted to the Town's Street Improvement business unit for approval prior to construction of a new crossover. To submit a crossover application please complete a 'Crossover Installation Application Form' and refer to the 'Crossover Installation Package'. Both documents are available from the Town's website.
11. In relation to the Town's street trees, the land owner / applicant is advised:
  - a) 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.
  - b) Unauthorised verge tree pruning or removal is subject to a penalty under the Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions.

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12. The Town notes the applicant's intent to separately review the masterplan in relation to the delivery of public art across the estate. The Town is agreeable to a public art contribution of not having to be made for the subject development prior to occupancy if an amendment to the masterplan is approved for the delivery of public art at key gateway points across the estate.

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

**REASON:** The panel noted the performance based assessment of the development and were satisfied that the proposal represented a quality development and would make a positive contribution to the overall Swan Care Bentley Park development.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

A handwritten signature in black ink, appearing to read 'Clayton Higham'.

**Clayton Higham**  
Presiding Member, Metro Inner DAP



## PART D – OTHER BUSINESS

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

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/23/02480 DR184/2023	City of Vincent	Lot 3 (37-43) Stuart Street, Perth	Proposed Unlisted Use (Community Purpose) & Alterations & Additions	
DAP/22/02259 DR166/2023	City of South Perth	Lots 253 & 50 (4-8) Charles Street, South Perth	Mixed use development	03/11/2023
DAP/23/02550 DR196/2023	City of Belmont	Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale	Warehouse (Self Storage Facility)	21/12/2023

### 2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2.42pm.

**Clayton Higham**  
Presiding Member, Metro Inner DAP