Metro Inner Development Assessment Panel
Additional Documentation

Meeting Date and Time: Thursday, 28 March 2024; 9:30am
Meeting Number: MIDAP/4

PART B – CITY OF BELMONT

1. Declarations of Due Consideration

2. Disclosure of Interests

3. Form 1 DAP Applications

    3.1 Belmont Avenue, 454 (Lot 1), 464 (Lot 8873), Miles Road, 3 – 5 (Lots 2 and 803) and Kewdale Road, 148 (Lot 703) Kewdale - Proposed Logistics Centre (Ancillary Workshop, Washbay and Associated Signage) – DAP/23/02605

4. Form 2 DAP Applications

5. Section 31 SAT Reconsiderations

Attendance

Officers in attendance

Brandon Pang (City of Belmont) Nick Reddy (City of Belmont)

Applicants and Submitters

Nik Hidding (Hidding Urban Planning)

PART B – CITY OF BELMONT

1. Declarations of Due Consideration

2. Disclosure of Interests

Please note a standing declaration of interest, if the items on this agenda have been considered at the relevant local government council meeting, the local government DAP members acknowledge that in accordance with section 2.4.9 of the DAP Code of Conduct 2024 they have declared that they had participated in a prior Council meeting in relation an item being determined at this meeting. However, under section 2.1.2 of the DAP Code of Conduct 2024, they acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

Member	Item	Nature of Interest
Cr Christopher Kulczycki	3.1	Impartiality Interest – Cr Kulczycki supported the sale of Lot 8873 Noble Street, Kewdale, in his role as an elected member when it came before Council. The parcel of land forms part of this application.

3. Form 1 DAP Applications

3.1 Belmont Avenue, 454 (Lot 1), 464 (Lot 8873), Miles Road, 3 – 5 (Lots 2 and 803) and Kewdale Road, 148 (Lot 703) Kewdale - Proposed Logistics Centre (Ancillary Workshop, Washbay and Associated Signage) – DAP/23/02605

3.1.1 Deputations and Presentations

Nik Hidding (Hidding Urban Planning) presenting in support of the recommendation for the application at Item 3.1. The presentation will address the recommended conditions of approval.

The City of Belmont may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

3.1.2 Additional Information

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 3.1, received on 27 March 2024.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2024 cl. 3.6

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **3 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Nik Hidding
Company (if applicable)	Hidding Urban Planning
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Inner DAP
Meeting Date	28 March 2024
DAP Application Number	DAP/23/02605
Property Location	454 Belmont Avenue, Kewdale
Agenda Item Number	Part B, Item 3.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☒ **AGAINST** ☐
Is the presentation in support of or against the proposed development?	**SUPPORT** ☒ **AGAINST** ☐
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**
Will you be attending in person or via electronic means	**In person** ☒ **Electronic Means** ☐

Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	*The presentation will address:* The recommended conditions of approval.

In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Please refer to attached written submission.

Hidding.
URBAN PLANNING

25 March 2024 *Our Ref: 2458-05*

Ms Francesca Lefante
Presiding Member
Metro Inner Development Assessment Panel

Attention: Metro Inner Development Assessment Panel Members

DAP PRESENTATION & SUBMISSION: PART B, ITEM 3.1 DAP/23/02605
PROPOSED LOGISTICS CENTRE DEVELOPMENT, BELMONT AVENUE, KEWDALE

Hidding Urban Planning acts for R.C. Sadleir Pty Ltd in respect of the proposed Logistics Centre (Rail & Distribution) Development at Lot 1 (#454) Belmont Avenue, Lot 2 (#462) Belmont Avenue, Lot 803 (#3-5) Miles Road, Lot 8873 Noble Street and Lot 703 Crown Land Title, Kewdale.

Thank you for the opportunity to present to the Metro Inner DAP and for your consideration of this written submission.

We have reviewed the City of Belmont Responsible Authority Report (RAR) and note the recommendation for approval which we support. We thank the City for its recommendation and look forward to securing Development Approval from the Metro Inner DAP for the proposed development.

We take this opportunity to provide the Applicant's comments in respect of the recommended conditions of approval, for the DAP's consideration:

Condition 2(a)

In response to Condition 2(a), the requirement to provide an overflow parking area is not appropriately justified. Although the proposal involves a technical shortfall of parking under the scheme, the proposal in its nature does not require the standard application of 1 bay per 100m2 of Warehouse floorspace. This is because the proposed development involves a "Logistic Centre" land use for the purpose of a rail and distribution facility, which should be distinguished from a more general "Warehouse" land use.

Rail & Distribution warehouses are used primarily for storage and/ or consolidation of manufactured goods and raw materials before their distribution to retail locations or other warehouses. These types of warehouses have a high level of on-site logistics management which enables highly efficient processing of goods, and they generally require very little manual handling. Thus, the actual number of staff members expected to work at this facility is relatively low compared to more labour-intensive warehouse operations.

The number of parking bays provided for on site is more than adequate to meet the demand of the proposed development as well as the retention of existing offices, and it is our view that there is no justified need to provide a higher number as a future overflow car parking area.

We have consulted with the Applicant's traffic consultant, Transcore, and have investigated other ways to calculate a more appropriate parking demand. Transcore has advised that the parking requirements based on the *ITE Parking Generation Manual (3rd Edition)* states that the average peak period parking demand for the warehouse is 0.44 per 100m2 (0.41 per 1000 sq ft GFA). This average parking demand is based on the survey of 13 sites during the peak period.

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NL Hidding Pty Ltd. ACN 610 081 724

Based on the ITE Parking Generation Manual average peak parking period demand, the resultant parking demand for the proposed warehouse with a GFA of 26,790m² (including existing offices proposed to be retained and undercover canopy area) is 118 bays. Thus, the proposed 172 bays provide 54 surplus bays as per the ITE Parking Generation Manual which is based on actual surveys of similar sites.

Although there is a scheme provision at Clause 4.13.2 that sets out a requirement to provide a future overflow car parking area if there is a technical shortfall in parking, this clause is capable of approval through the power of Clause 4.5 of LPS15 which provides the decision-maker with the discretion to consider variations to site and development standards.

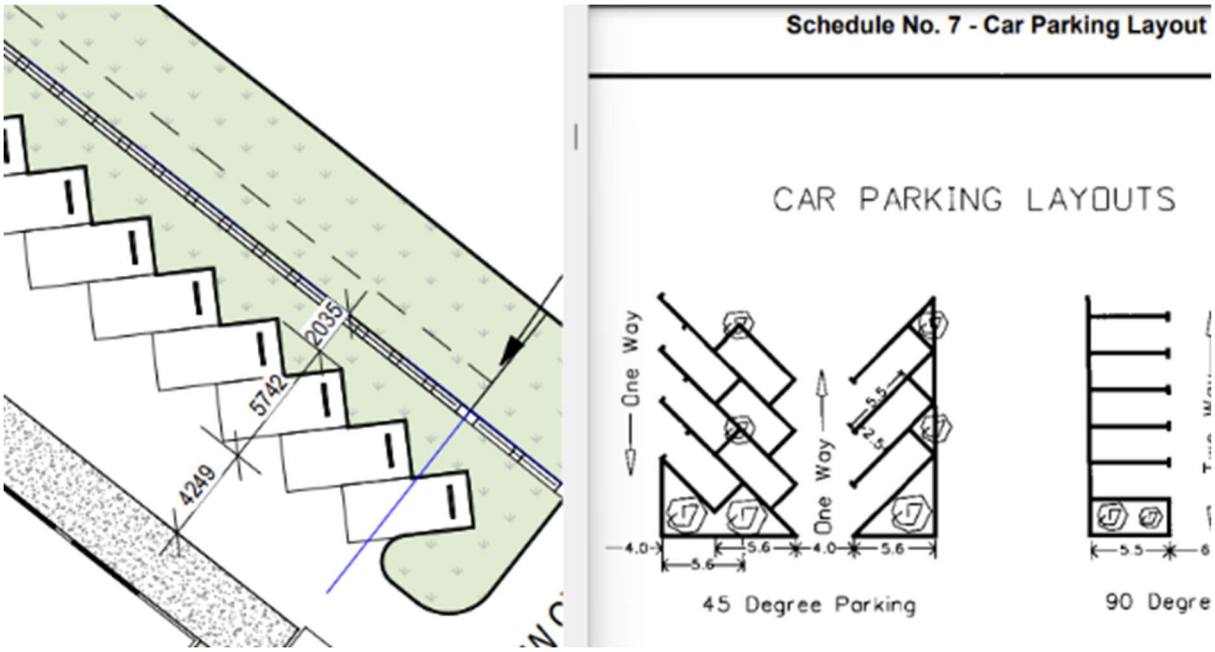
Given the proposal is not for a general warehouse use and given the parking demand is more than provided for on-site, it is considered in this circumstance to depart from the provision under Clause 4.13.2 and to delete Condition 2(a).

We also submit that the condition does not meet all of the tests of validity, particularly 'Test 2' as it is considered that Condition 2(a) does not fairly and reasonably relate to the proposed development.

Condition 2(b)

In response to Condition 2(b), the requested 3.00m wide landscaping area cannot be fully accommodated. We can maximise landscaping towards the fence and boundary, but if we comply with the Car Parking Layouts of Schedule 7 and provide the minimum 4.00m wide aisle and 5.60m depth car parking, this would only leave 2.4m width of landscaping. If we provided more landscaping, the car parking bays and aisle width would not comply.

Accordingly, this condition cannot be implemented.



The width of the landscaping in this area is driven by the location of the existing offices which are being retained.

It is preferred to have the aisle width as shown on the plans to provide safe vehicle reversing and ensure that vehicles do not reverse over the adjacent footpath. It is possible to adjust the parking and aisle width slightly to increase the landscaping area somewhat, but not to the full extent currently required by Condition 2(b).

It is requested that this Condition either be deleted (if the DAP considers the proposed landscaping to be appropriate), or otherwise (at the least) be amended to reflect what can physically be provided.

Condition 5

Following on from our response to Condition 2(a), the requirement to prepare a legal agreement and absolute caveat on the land for overflow parking is not necessary and should be deleted.

Condition 7

The applicant requests that Condition 7 relating to public art be required to be actioned "Prior to Occupation", rather than prior to application for building permit, so as not to hold up the proposed building program and to allow appropriate time for consultation and artist selection for what will be a significant investment in public art.

Further, as set out in the City's policy, the condition should read "…provide public art on the development site to a minimum of 1% of the construction cost", instead of referring to a specific dollar figure. This is because the construction cost of the project may be in fact different to what was originally nominated on the development application forms, which is approximate only.

DAP conditions relating to public art contribution normally reflect the 1% requirement, not a specific dollar figure. We request Condition 7 to be amended.

Condition 9

Condition 9 requires submission of a Sustainability Report to be reviewed by the DRP and approved by the City in relation to the Sustainability principle of the 10 Design Principles. This lacks finality as it involves a process that has the potential to require additional review. This does not meet the test for validity as set out in the DAP Making Good Planning Decisions Handbook which states, "*A condition is considered to lack finality when it leaves open a requirement to obtain a further approval, particularly in instances where the approval might change important aspects of the approval."*

The Condition currently requires very specific items like low carbon concrete or recycled asphalt for the car park and driveway area to be addressed in the Sustainability Report, and we submit that requiring very specific items like these to be addressed is not appropriate.

Further, the requirement to provide a Sustainability Report is not a requirement of the Planning Framework. It is normal practice to simply respond to DRP comments either through design or justification, which the Applicant believes it has done.

The applicant had earlier responded to the DRP's initial review of the proposal, and for the benefit of the DAP, we provide further responses to the DRP's comments on Sustainability:

> *5c. The Panel commented on the importance of sustainable material selections noting the opportunities for materials such as low-carbon concrete, recycled asphalt and mass timber to reduce the embodied energy of the building relative to materials such as aluminium.*

Response: The site currently contains a number of buildings which are to be demolished to make way for the new development. Sadleirs will be paying a premium to have all the concrete crushed and recycled on site to be used in the new development as subbase for the hardstand areas. The project will include a number of sustainable measures and is being designed and self-certified to a Green Star Rating of 4.

> *5d. The Panel discussed the impacts of dark and reflective materials, including, in particular, roofing and paving, on the urban heat island effect and encourages the Applicant to consider this in the selection of colours and materials.*

Response: The heat island effect is considered as part of the roofing material selection and will be finalised during the detailed design process.

> *5f. The Panel encourages the applicant to reuse as much hardstand and existing pavement materials as possible.*

Response: As noted above, all existing concrete and hardstand material will be recycled as part of the demolition process and reused in the new development.

5g. The Panel suggested further information be provided on the waste management strategy and to maximise the amount of reuse and recycling of waste coming from the site.

Response: All construction waste will be segregated and recycled where possible. A target of 90% will be set during construction. Operationally, Sadleirs will continue to implement current waste procedures which includes multiple wastes streams and recycling where possible.

5h. The Panel encouraged the design team to discuss further with the client considering ways electric vehicles can be integrated to address the impacts of energy use.

Response: This is an operational item and not a design outcome. We however, note that Sadleirs will be using electric manual handling equipment.

5i. The Panel commented on the north-facing screen that doubles as artwork on the northern elevation of the office. Exploration of the impacts of this on access to winter sun are requested with a view to achieving a better year-round passive solar design outcome.

Response: The office area has been totalled resigned, as submitted to the City.

5j. The Panel recommends the appointment of a sustainability consultant to assist in developing a sustainability approach and articulating the specific commitments that the design will deliver.

Response: This is part of the detailed design process, an ESD consultant will be engaged to ensure compliance.

5k. The Panel encourages the Applicant to incorporate provision for electric truck charging infrastructure in the design of the facility for trucks to recharge while they are dwelling to improve the energy efficiency and productivity of the operation and have a more future-proof design.

Response: This is an operational outcome however the design of the facility is considering a move to electrification in the future with allowance in distribution board sizes etc. to allow for easy installation for the infrastructure in the future.

Given that the Applicant has adequately responded to the DRP's comments, the requirement to provide a Sustainability Report (on review of the DRP) is not necessary and not appropriate in the circumstances. It also requires a separate process of DRP review which lacks finality.

It is the applicant's view that Condition 9 should be deleted.

Condition 11

The proposed development is not a public access facility with multiple public access locations or multi storey parking. Visitor and contractor access and parking will be clearly delineated from Belmont Avenue. As stated in our Planning Report: *Employee, visitor and customer parking will be provided for around the existing office areas and will be linked within internal footpaths. These parking areas are separated from heavy vehicle circulation areas.*

Accordingly, it is the applicant's view that submitting designs and specifications for wayfinding signage is not necessary. It is requested that Condition 11 be deleted.

Condition 14

The size of vehicles to be parked on site should not be limited by a condition. If the road network permits a certain size truck and is permitted to access the site by Main Roads WA, then the approval should not unnecessarily restrict this. It is requested that Condition 14 be deleted.

Condition 16

Condition 15 already speaks to parking bays being constructed and line-marked and is essentially a duplication. Request that Condition 16 be deleted.

Condition 19

This condition requires the maintenance of the privately owned assets within private property, and we believe this is too far-reaching. We would be happy for this condition to speak to maintenance of crossovers (i.e. outside of the property boundary), but requiring an owner/operator to maintain their assets to the City's engineering requirements is unnecessary. It is requested that this condition be amended to be relevant for crossovers only.

Condition 25

Condition 25 was recommended by Perth Airport and simply adopted by the City.

As the approved plans form part of the approval, it is not necessary to specify that the development should not exceed a maximum height of 35m AHD. This condition should be removed, as it is unnecessary to specify items that are already addressed in the design of the building as shown on the plans, as the plans form part of the approval.

Further, as set out in Schedule 8 of the City's LPS15, the Structures Height Control Contours Map specifies a maximum height of 40m from natural ground level. The proposed buildings are approximately 15-17m from natural ground level, so this is very much compliant with the height requirements under the Scheme. Accordingly, it is considered unnecessary to impose a condition in respect of height, when the plans clearly show the proposed height of the development, and the proposed height is compliant with the Scheme requirements.

It is requested that Condition 25 be deleted.

Condition 26:

Condition 26 was recommended by Perth Airport and simply adopted by the City. As the detail in Condition 26 is a requirement under separate legislation, this condition should be deleted and placed as an Advice Note.

We thank you for your consideration and look forward to receiving a favourable decision from the DAP.

If you have any queries, please do not hesitate to contact me on 0424 651 513.

Yours sincerely,



Nik Hidding
Director
HIDDING URBAN PLANNING

Direction for Further Services from the Responsible Authority

Regulation 13(1)

Guidelines

A DAP Member who wishes to request further services (e.g. technical advice and assistance or information in writing) from the Responsible Authority must complete this form and submit to daps@dplh.wa.gov.au.

The request will be considered by the DAP Executive Director and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query, response and any accompanying documentation will be published on the DAP website** as an addendum to the meeting agenda.

DAP Application Details

DAP Name	MIDAP/4
DAP Application Number	DAP/23/02605
Responsible Authority	City of Belmont
Property Location	Belmont Avenue, 454 (Lot 1), 464 (Lot 8873), Miles Road, 3 – 5 (Lots 2 and 803) and Kewdale Road, 148 (Lot 703) Kewdale

Nature of technical advice or information required*

1	**DAP query**	**Please provide a response in regard to the acceptability of amendments to conditions proposed by Mr Nik Hidding in their presentation, which is be included in the Additional Information associated with the Meeting Agenda.**
	Response	Refer to the City's response in Attachment 1

DAP Executive Director Authorisation

Signature	Ryan Keys
Date	26 March 2024
Response Due	**27 March 2024; 1pm**

* Any alternate recommendation sought does not infer a pre-determined position of the panel.

ATTACHMENT 1

Conditions 2(a) and 5 – Overflow Parking Area

- Clause 4.13.2 of LPS15 provides scope to grant a maximum 50% reduction to the required number of bays on a site. This discretion is however on the basis that space is set aside to cater for the full parking requirements on site if they are required in the future.

- As this is a Scheme requirement, there needs to be cogent reasons to depart from it.

- For background, it is noted that previous JDAP approval (DAP/22/02175) on the site in 2022 for Logistic Centre applied a condition that is reflective of Clause 4.13.2. It is noted that this went into a lot of detail regarding the operations and distributions of staff across the building as well as the shift sizes.

- Where the City and the JDAP have previously considered variation from Clause 4.13.2 of it was due to the proposals presenting detailed data that demonstrated a high level of certainty on the site-specific parking needs, and this providing a cogent reasons.

- Such variations have been supported by detailed, project-specific operational data. This includes information on detailed operational aspects, staff and visitor numbers, and importantly, operational details such as worker shifts, providing a high level of certainty on the realistic use of bays on-site.

- For example, this was evident in JDAP's approval for a Logistics Centre at 33 Miles Road, Kewdale – DAP/22/02327. This proposal provided detailed information regarding the number of office and warehouse staff, anticipated maximum number of visitors, shifts, operational aspects.

- The subject proposal has not provided a high level of specifics on staff numbers, operations, shifts, etc. Accordingly, it is not considered that sufficient detailed information has been provided to justify or provide enough certainty for departing from Clause 4.13.2 of LPS15.

- Given the above, the designated Overflow Parking area is considered to be appropriate for the following reasons:

    - It will cater for situations such as potential operational change that may require more staff parking spaces.

    - It is to be maintained as an open area for future car parking spaces, if required. As such it does not hinder the operation of the logistics centre as there is sufficient space for truck manoeuvring.

For the reasons set out above, the City considers that it is necessary to maintain the condition.

Condition 2(b) – Landscaping Strip

- The City can consider amendment to the condition to reflect the maximum landscaping width that can be provided in balance of meeting the minimum aisle width. Due to the varying aisle widths and dimensions associating with the marked up area, it is considered appropriate to amend the condition as follows:

  At least 2.4 metres of the building setback areas to the primary street boundary, marked in 'Red' on the approved plans, are set aside for landscaping.

  The amended condition enables the provision of reasonable landscaping strip where the minimum aisle widths can be provided.

Condition 7 – Public Art Contribution

- The value specified in the condition represents 1% of the estimated value of the proposed development, which is consistent with the basis for determining public art contribution as per the Local Planning Policy No. 11 – Public Art Contribution. The approach of stating the dollar amount in the condition ensures specificity and certainty within the planning condition.

- It is noted that this approach for public art conditions have been applied consistently by the Development Assessment Panel for the following proposals:

  - Data Centre at 37 Abernethy Road, Belmont – DAP/22/02272
  - Logistics Centre at 33 Miles Road, Kewdale – DAP/22/02327
  - Disability Support Services & Child Care Centre at 113 – 151 Abernethy Road, Belmont – DAP/23/02427
  - Warehouse (Self Storage Facility) at 197 – 201 Great Eastern Highway, Belmont – DAP/22/02301

Condition 9 – Sustainability Report

For clarification, the condition does not require a separate process and approval; rather, the City will determine if it is satisfied with what is provided by the applicant to fulfill the condition. In making this determination, the City will take advice from its Design Review Panel (DRP).

While the use of low-carbon/recycled materials can be noted on the building drawings to address Condition 3 (Detailed Material Schedule and Colours), the provision of a Sustainability Report ensures that the nominated materials are appropriate and are implemented via a condition. Without this, the City and the Development Assessment Panel are essentially relying on the applicant's word for implementation.

Condition 11 – Wayfinding Signage

This condition is included to address DRP's comments on the Legibility principle, which sought to improve the legibility of the car parking areas.

In response, the applicant stated the inclusion of a signage and wayfinding measures, which can be required as a condition of development. This is confirmed in the applicant's response in Attachment 8 to the RAR.

As this condition aligns with the applicants earlier response, it is considered appropriate to retain this condition.

Condition 14 – Vehicle Size Limitation

This condition corresponds swept path diagrams provided by the applicant, which demonstrates the ability for an A-Double truck to manoeuvre within the site and access the site while maintaining lane-correctness.

If the applicant considers that the operator requires a larger vehicle, then a swept path diagram should be provided to demonstrate the site and crossover configurations can accommodate the access and manoeuvres.

Delete Condition 16 – Parking Bays Constructed and Maintained as per the City's Engineering Requirements

The City has no objection for the deletion of Condition 16.

Condition 19 – Access Ways, Parking Areas and Hard Stand Areas Maintained as per the City's Engineering Requirements

The City has no objection for the deletion of Condition 19.

Condition 25 – Maximum Building Height

The proposed building height measures at a maximum of approximately 15m – 17m. While the 35m height limit condition is a result of Perth Airport referral, it is considered that as the limit far exceeds what is proposed, and what is proposed is required to be built in accordance with the plans, that it is not required. Accordingly, the City does not object to its removal.

Condition 26

The City has no objection for this condition to be placed as an advice note.