



## Metro Inner Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 24 July 2024; 9:30am  
**Meeting Number:** MIDAP/25  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

*A recording of the meeting is available via the following link:*

[MIDAP/25 - 24 July 2024 - City of South Perth - 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 SOUTH PERTH**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 No. 78 (Lot 1) Ryrie Avenue and No. 38 (Lot 2) Murray Street, Como - Proposed Childcare Premises – DAP/24/02654
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – TOWN OF VICTORIA PARK**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1a No. 3 (Lot 3001) and Lot 9101 Graham Farmer Freeway, Burswood - Apartment Tower Development Comprising 204 Multiple Dwellings and Private Recreation (Racing Steward's Box) – DAP/24/02674
  - 3.1b No. 3 (Lot 3001) and Lot 9101 Graham Farmer Freeway, Burswood - Apartment Tower Development Comprising 204 Multiple Dwellings and Private Recreation (Racing Steward's Box) – DAP/24/02674
  - 3.3 No. 2 Teddington Road (Lots 3 and 92) corner Shepperton Road, Victoria Park - Proposed Demolition of existing building and construction of proposed Motor Vehicle and Marine Sales Premises – DAP/23/02574

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP



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

**Ms Francesca Lefante**  
**Presiding Member, Metro Inner DAP**



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member) Tony Arias (Deputy Presiding Member) Brian Curtis	Tenielle Brownfield Ashlee Kelly
<i>Part B – City of South Perth</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Glenn Cridland Cr Bronwyn Waugh	Fiona Mullen Scott Van Ireland
<i>Part C – Town of Victoria Park</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Peter Melrosa Cr Lindsay Miles	Sturt McDonald Robert Cruickshank Jonathan Van Butzelaar Nina Lytton (WAPC) Darren Leicester (WAPC)

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP



<b>Applicant and Submitters</b>
<i>Part B – City of South Perth</i>
Ben Laycock (Altus Planning) Joe Algeri (Altus Planning) Rajai Wahhab (Panda Early Learning Centre) Firas Wahhab (Panda Early Learning Centre)
<i>Part C – Town of Victoria Park</i>
Renee Young (Element Advisory) David Read (Element Advisory) Nik Hidding (Hidding Urban Planning)

#### **Members of the Public / Media**

Nil.

#### **Observers via livestream**

There were 16 persons observing the meeting via the livestream.

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP



## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9:33am on 24 July 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 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

Cr Daniel Minson (Local Government Member, Town of Victoria Park)

### 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](#).

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP



## PART B – CITY OF SOUTH PERTH

### 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

Nil.

### 3. Form 1 DAP Applications

#### 3.1 No. 78 (Lot 1) Ryrie Avenue and No. 38 (Lot 2) Murray Street, Como - Proposed Childcare Premises – DAP/24/02654

##### Deputations and Presentations

Rajai Wahhab (Panda Early Learning Centre) addressed the DAP in support of the recommendation for the application at Item 3.1.

Ben Laycock (Altus Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Scott Van Ireland and Fiona Mullen (City of South Perth) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

### PROCEDURAL MOTION 1

**Moved by:** Francesca Lefante

**Seconded by:** Tony Arias

That the meeting be adjourned for a period of 10 minutes.

**The Procedural Motion was put and CARRIED UNANIMOUSLY**

**REASON:** To await further instructions during a fire alarm in the building at 140 William Street, Perth.

*The meeting was adjourned at 9:43am.*

*The meeting was reconvened at 9:50am.*

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Presiding Member, Metro Inner DAP



## REPORT RECOMMENDATION

*With the agreement of the mover and the seconder the following amendment was made:*

That a new Condition no. 18 be added, and the subsequent conditions be renumbered accordingly, to read as follows:

***Prior to, or in conjunction with, the submission of a building permit application a revised traffic impact statement prepared by a suitable qualified practitioner shall be submitted to and approved in writing by the City of South Perth. Recommendations as contained in the report are to be carried out and implemented for the lifetime of the development to the satisfaction of the city.***

**REASON:** To correct an omission, the condition was proposed in the RAR and accepted by the applicant.

**Moved by:** Tony Arias

**Seconded by:** Brian Curtis

**Approve** DAP Application reference DAP/24/02654 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of South Perth Local Planning Scheme No. 7, for the proposed Child Care Premises at Lots 1 and 2 (No. 78 Ryrie Avenue Como and No. 38 Murray Street Como), subject to the following 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 development 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 shall be in accordance with the approved plans save that, in the event of any inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
4. Prior to or in conjunction with the submission of a building permit application, the applicant/owner is to comply with the City of South Perth Local Planning Policy - Developer Contributions for Public Art and Public Art Spaces through the contribution of a sum of 1% of the estimated cost of the development towards public art, being either:
  - (i) Payment to the City of South Perth the value of 1.0% of the construction value (with the contribution capped at \$500,000); or

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- (ii) The provision of public art on site to the minimum value of 1.0% of the construction value to the satisfaction of the City of South Perth. The approved public art concept shall be implemented prior to occupation of the development and maintained for the lifetime of the development to the satisfaction of the City of South Perth.

#### Child Care Operation

5. A maximum of fourteen (14) employees are permitted to operate from the premises at any one time.
6. The opening hours of the Child Care Premises is limited to Monday to Friday – 6:30am to 7:00pm.
7. The number of children on-site at any one time shall not exceed seventy-six (76).
8. Outdoor play is not permitted before 7:30am and after 5:00pm.
9. With the exception of waste vehicles, service and/or delivery vehicles shall only service the premises between 7:00am to 6:00pm Monday to Saturday, and/or between 9:00am to 7:00pm Sundays and Public Holidays unless otherwise approved by the City of South Perth.
10. Prior to the submission of an occupancy permit application, a Management Plan detailing the times when staff, children, and other visitors will be present on site is to be submitted to and approved by the City of South Perth. The Management Plan shall be adhered to for the life of the development, to the satisfaction of the City of South Perth.

#### Construction Management

11. Prior to the submission of a building permit application or demolition permit, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
  - (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 plan;
  - (v) noise, vibration, air and dust management;
  - (vi) dilapidation reports of nearby properties;

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- (vii) traffic, access and parking management;
- (viii) waste management and materials re-use;
- (ix) earthworks, excavation, land retention/piling methods and associated matters;
- (x) stormwater and sediment control;
- (xi) street tree management and protection;
- (xii) removal of onsite effluent disposal system and stormwater management system; and
- (xiii) asbestos removal.

The approved Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.

#### Waste and Stormwater Management

12. Prior to or in conjunction with the submission of a building permit application, an updated Waste Management Plan must be submitted and approved in writing by the City of South Perth to address the following:
- (i) Measures to be implemented for the purpose of minimising the delivery of waste to landfill, including the onsite separation of materials for recycling;
  - (ii) the location of bin storage areas and bin collection areas;
  - (iii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iv) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
  - (v) frequency of waste collections;
  - (vi) details of intended method of collection (by private contractor) including times, vehicle movements and waste vehicle specifications; and
  - (vii) details of how the Waste Management Plan will continue to be applied in perpetuity across the life of the development.

The approved Waste Management Plan shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.

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13. Prior to or in conjunction with the submission of a building permit application, amended plans are to be submitted demonstrating a bin storage area designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of South Perth. The bin storage area must be:
- (i) constructed of masonry and rendered to match the remainder of the development;
  - (ii) surrounded by a 1.8-metre-high minimum wall with a self-closing gate;
  - (iii) provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both bins and bin storage area to be washed out;
  - (iv) provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning; and
  - (v) provided with a permanent roof covering connected to an adequate stormwater drainage system.

The bin storage area is to be constructed prior to the occupation of the development and remain in operation and in good condition for the lifetime of the development to the satisfaction of the City of South Perth.

14. Prior to the submission of a building permit application, the applicant must be in receipt of an approved Stormwater Drainage Application that confirms the design is to the satisfaction of the City of South Perth.

#### Landscaping

15. Prior to the submission of an occupancy permit application, a detailed landscape plan demonstrating long-term viability of planting is to be submitted and approved in writing by the City of South Perth to address the following:
- (i) Installation of landscaping between the waste store and the western lot boundary, which, once established will screen the waste store for its full width and height;
  - (ii) hard and soft landscaping areas;
  - (iii) the location and species of all trees and plants to be retained or removed;
  - (iv) the size (both height and pot size) and number of new trees and plants to be planted;
  - (v) the location of any lawn areas to be established;
  - (vi) reticulation details;

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- (vii) details of any proposed vertical landscaping;
  - (viii) details of tree well systems for trees located in car parking areas;
  - (ix) design of on structure planters; and
  - (x) details of any proposed verge landscaping and planting of street trees.
16. Prior to the occupation or use of the development, landscaping is to be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of South Perth.
17. Landscaping proposed within the verge is to be installed in accordance with the approved landscaping plan prior to occupation of the development. Verge landscaping is to be reticulated and maintained for the life of the development to the satisfaction of the City of South Perth.
18. Prior to, or in conduction with, the submission of a building permit application a revised traffic impact statement prepared by a suitable qualified practitioner shall be submitted to and approved in writing by the City of South Perth. Recommendations as contained in the report are to be carried out and implemented for the lifetime of the development to the satisfaction of the city.

#### Parking and Traffic

19. Prior to the occupation or use of the development, a Parking Management Plan shall be submitted to, and approved by the City of South Perth. The Parking Management Plan is to include detailed management measures for the operation of the following to ensure vehicle access is readily available and safe at all times:
- (i) The total number of car parking bays, time restrictions on parking bays, short-term and long-term bicycle parking spaces and the total number of other bays (for example, service and loading and unloading bays);
  - (ii) access and manoeuvring arrangements for car parking bays, including where applicable (but not limited to), swept paths, tandem parking, car stackers, pickup and drop-off bays, service and loading and waste vehicles;
  - (iii) parking allocation for users of the development (for example, staff and customer bays, accessible bays and bays allocated for shared use), and duration of use of the bays;
  - (iv) details of who will be responsible for the management, operation and maintenance of parking;

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- (v) management of allocation of parking bays as specified in the Parking Management Plan, including signage and enforcement; and way-finding measures to ensure efficient use of parking facilities. The approved Parking Management Plan shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.
- 20. Prior to the submission of an occupancy permit application, all car parking bays shall be marked on-site as staff bays, visitor bays, time limited bays (if proposed) and ACROD bays as indicated on the approved plans or any subsequently approved parking management plan and maintained thereafter to the satisfaction of the City of South Perth.
- 21. Hard standing areas approved for the purpose of car parking or vehicle access shall be accessible at all times, maintained in good condition, free of potholes and dust and shall be adequately paved and drained, to the satisfaction of the City of South Perth.

#### Crossover and Verge

- 22. Prior to the submission of a building permit application, the applicant must be in receipt of an approved 'Crossings Application' that confirms the design is to the satisfaction of the City of South Perth.
- 23. Prior to the submission of an occupancy permit application, all redundant crossovers shall be removed, and the verge and kerbing reinstated to the satisfaction of the City of South Perth.
- 24. The street trees in the verges adjacent to the development site are required to be retained and protected by a tree protection zone (TPZ) to Australian Standard AS4970-2009 for the duration of the works.

#### Sustainability

- 25. Prior to or in conjunction with the submission of a building permit application, a Sustainability Report prepared by a suitably qualified practitioner shall be submitted to and approved in writing by the City of South Perth. Recommendations and sustainability initiatives contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of South Perth.

#### External Fixtures

- 26. External fixtures shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.

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### Safety and Lighting

27. Prior to or in conjunction with the submission of a building permit application, a Lighting Plan detailing the proposed lighting to pathways, external play areas and car parking areas shall be submitted to and approved by, the City of South Perth. All illumination must be confined to within the boundaries of the subject site in accordance with the requirements of Australian Standard AS4282-1997 - Control of the obtrusive effects of outdoor lighting, at all times, for the lifetime of the development.
28. Prior to the submission of an occupancy permit application, the approved lighting shall be installed and maintained thereafter, to the satisfaction of the City of South Perth.

### Noise Management

29. Prior to or in conjunction with the submission of a building permit application, an amended acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to and approved in writing by the City of South Perth which addresses the following:
  - (i) noise impact prediction based on mechanical equipment selection/specification including but not limited to ventilation and exhaust systems, mechanical plant/equipment/motors, air-conditioning, mechanical gates/doors and intercoms alarms; compared with the Environmental Protection (Noise) Regulations 1997;
  - (ii) noise modelling for impact on a number of receivers, taking into account worst case meteorological and topographical effects;
  - (iii) operational noise management plan which addresses operational hours, noisy activity restrictions;
  - (iv) consultant's noise control and noise management recommendations; and
  - (v) operation of waste and service vehicles.

The approved acoustic report, including any specifications, requirements and recommendations cited in the report shall be implemented and maintained for the lifetime of the development to the satisfaction of the City of South Perth, including being incorporated into the building permit application documentation.

30. Prior to the submission of a building permit application, a Noise Management Plan shall be submitted to and approved by the City of South Perth, to the specifications and satisfaction of the City of South Perth. The Noise Management Plan is to be implemented for the life of the development, to the satisfaction of the City of South Perth.

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31. Prior to the submission of an occupancy permit application, written certification shall be submitted to and approved in writing by the City of South Perth, demonstrating that all noise attenuation measures, identified in the approved Acoustic Report and Noise Management Plan have been implemented or installed. Such noise attenuation measure shall remain in place in perpetuity.

#### Signage

32. The signage shall not be illuminated, contain any flashing or moving light, audio, animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure to the satisfaction of the City of South Perth.

#### **Advice Notes**

1. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administration Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
2. This is a notice of determination on application for development approval issued in accordance with the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of South Perth Local Planning Scheme No. 7, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. The applicant is advised to liaise with the adjoining landowner(s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the *Dividing Fences Act 1961* for the rights and responsibilities of landowners regarding dividing fences.
5. In respect to the Construction Management Plan, the Dilapidation Report shall be prepared in consultation with the landowner(s) of the following adjoining properties:
  - (i) Lot 20 (No. 80) Ryrie Avenue, South Perth
  - (ii) Lot 2 (No. 36) Murray Street, Como

The Dilapidation Report shall detail the current condition and status of all buildings (both internal and external together with surrounding paved areas and access ways), including ancillary structures.

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In the event that access to undertake the dilapidation report is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of South Perth that all reasonable steps have been taken to obtain access and that the affected property owner has been advised of the reason for the Dilapidation Report.

6. The Australian Standards specify the following measures are required to protect trees:
- (i) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
  - (ii) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
  - (iii) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought from the City of South Perth.
  - (iv) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.

**The Report Recommendation was put and CARRIED (4/1).**

For: Francesca Lefante  
Tony Arias  
Brian Curtis  
Cr Glenn Cridland

Against: Cr Bronwyn Waugh

**REASON:** The proposal is consistent with the planning framework and capable of being approved. The development two storey scale and form is appropriate in the location and is compatible with the area building forms. Due consideration was given to the submissions, and members were satisfied that the proposal is well-conceived and suitably located on the corner opposite Ryrie Park. The proposed design, layout, and acoustic treatments suitably address the interface and amenity issues raised. Members concurred with RAR comments on traffic movement, onsite parking configuration, and dedicated access and that the proposal would have minimum traffic impacts on the surrounding road network function. On balance the development scale, location and design were supported.

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**4. Form 2 DAP Applications**

**Nil.**

**5. Section 31 SAT Reconsiderations**

**Nil.**

*Cr Glenn Cridland and Cr Bronwyn Waugh (Local Government DAP Member, City of South Perth) left the panel at 10:33am.*

A handwritten signature in black ink, appearing to read 'Francesca Lefante'.

**Ms Francesca Lefante**  
**Presiding Member, Metro Inner DAP**





## PART C – TOWN OF VICTORIA PARK

*Cr Peter Melrosa and Cr Lindsay Miles (Local Government DAP Member, Town of Victoria Park) joined the panel at 10:37am.*

### 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

#### 3.1a No. 3 (Lot 3001) and Lot 9101 Graham Farmer Freeway, Burswood - Apartment Tower Development Comprising 204 Multiple Dwellings and Private Recreation (Racing Steward's Box) – DAP/24/02674

#### Deputations and Presentations

Chris Dwyer (MJA Architects) addressed the DAP in support of the recommendation for the application at Item 3.1a and responded to questions from the panel.

David Read (Element Advisory) addressed the DAP in support of the recommendation for the application at Item 3.1a and responded to questions from the panel.

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

Nina Lytton and Darren Leicester (Western Australian Planning Commission) addressed the DAP in support of the recommendation for the application at Item 3.1b and responded to questions from the panel.

### REPORT RECOMMENDATION

**Moved by:** Tony Arias

**Seconded by:** Brian Curtis

**Approve** DAP Application reference DAP/24/02674 and accompanying plans at Attachment 2 (dated received 10/06/2024) 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 Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

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1. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
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. 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.
4. Prior to lodging an application for a building permit, either (i) the relevant portions of Lots 9101 and 3001 the subject of this development approval are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of the relevant portions of Lots 9101 and 3001 the subject of this development approval into a single lot prior to occupancy or strata titling of the building (whichever occurs first).
5. Prior to the occupation or strata-titling of the building(s), whichever occurs first, the subject lots are to be created in accordance with the subdivision approval (WAPC Ref: 163991) for the site, to the satisfaction of the Town.
6. Prior to lodging an application for a building permit, a Sustainable Design Assessment Report (SDAR) being provided to demonstrate how the project will achieve a minimum of 35 points against the Green Star Benchmarks (self-assessed) to the satisfaction of the Town.
7. Prior to the occupation or strata-titling of the building(s), whichever occurs first, an updated Sustainable Design Assessment Report (SDAR) being provided to demonstrate how the project as-constructed achieves a minimum of 35 points against the Green Star Benchmarks (self-assessed), to the satisfaction of the Town.
8. Prior to the occupation or strata-titling of the building(s), whichever occurs first, individual water metering to each dwelling being implemented and demonstrated to the satisfaction of the Town.
9. Prior to lodging an application for a building permit, it shall be demonstrated to the Town's satisfaction that the energy rating for the apartments exceed the requirements of the NCC (BCA) current at the time of submission of the building permit application by at least 1 star and energy modelling shall demonstrate that the building's energy use is at least 20% less than a reference building, including renewable generation on site.

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10. No natural gas is to be used for dwelling heating.
11. Prior to lodging an application for a building permit, the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost which : (a) agrees to the provision of a minimum of ten (10) dwellings within the development designated as affordable or disability dwellings in perpetuity to the satisfaction of the Town. These designated dwellings are to consist of a minimum of eight (8) single bedroom dwellings and two (2) two-bedroom dwellings; (b) restricts the sale of the dwellings generally consistent with the provisions of the Local Development Plan; and (c) where necessary provides for a restrictive covenant registered against the title of the relevant dwellings.
12. Prior to occupation or strata titling of the dwellings referred to in condition 11, whichever occurs first, the owner shall provide the Town with a Housing Agreement made between the owner and a Community Housing Provider or Department of Communities or other State/Federally funded community organisation, for the occupation of the dwellings by householders with low to moderate incomes or have a disability, who are not eligible for social housing. The Agreement shall be to the satisfaction of the Town.
13. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town details of the proposed Electric Vehicle charging infrastructure (see related advice note).
14. Prior to the occupation or strata-titling of the building(s), whichever occurs first, Electric Vehicle charging infrastructure as per the approved details being implemented to the satisfaction of the Town.
15. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town details of tower plates being additionally split by a ventilated corridor with glazing linked to the Building Management systems to permit automated ventilation and night purge.
16. Prior to the occupation or strata-titling of the building(s), whichever occurs first, approved ventilation details referred to in condition 15 being implemented to the satisfaction of the Town.
17. Prior to lodging an application for a building permit, a detailed landscaping, reticulation and landscaping maintenance plan for the subject site must be submitted to and approved by the Town (see related advice note).
18. Development and works are to be undertaken in accordance with an approved Landscaping Management Plan to the satisfaction of the Town on the advice of the Department of Biodiversity, Conservation and Attractions.
19. Prior to the occupation or strata-titling of the building(s), whichever occurs first, landscaping, reticulation and landscaping maintenance infrastructure and systems as per the approved details being implemented to the satisfaction of the Town.

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20. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer related Advice Note)
21. Prior to the issuing of a building permit, the applicant/owner shall demonstrate that a minimum of 41 dwellings within the development have been designed to achieve the silver standard accessibility requirements outlined within the Liveable Housing Design Guidelines to the satisfaction of the Town. Prior to the issuing of an occupancy permit, the applicant/owner shall provide confirmation that a minimum of 41 dwellings as constructed have achieved the silver standard.
22. Prior to the occupation or use of the development, all on site car bays being provided in accordance with the approved plans.
23. A minimum of 27 car parking bays to be provided on site for use by residential visitors. These bays shall be marked accordingly prior to the first occupation or commencement of the development.
24. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
25. 102 bicycle storage spaces being provided within the bike store as per the details provided to the Town date received 8 December 2023. This bicycle storage system is to be installed prior to the occupation or strata-titling of the building(s), whichever occurs first, to the satisfaction of the Town.
26. Prior to the occupation or use of the development, 22 visitor bicycle spaces (bike rack spaces) being provided in accordance with the approved plans.
27. Prior to submission of an application for the relevant building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town. The development shall be constructed in accordance with the approved details, and maintained thereafter, to the satisfaction of the Town.
28. Prior to lodging an application for a building permit, a detailed Noise Management Plan/Acoustic Assessment is to be submitted and approved by the Town, which demonstrates that dwellings are sufficiently insulated from noise-sources from both external noise sources such as traffic and from internal noise sources within the development including communal-areas (such as the gym), air-conditioning units, waste-compaction units, and commercial areas. Any recommended mitigation or design measures are to be incorporated into the drawings and submitted for a building permit and the development shall be constructed in accordance with the approved details.

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29. Prior to lodging an application for a building permit, details demonstrating that services accessible from the street will be integrated with either landscape design or building design (to not be visually obtrusive) shall be submitted and approved by the Town. The development shall thereafter be constructed in accordance with the approved details.
30. The Waste Management Plan prepared by Talis consultants dated received 10 June 2024 must be implemented at all times to the satisfaction of the Town.
31. Prior to lodging an application for building permit, the applicant shall submit a Stormwater Management Plan to the Town's satisfaction that has been designed and signed by a certified Hydraulic Engineer addressing issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration. In the event that changes to the approved plans (i.e finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for amendment to the development approval will be required.
32. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
33. No dewatering effluent is to enter the River, either directly or indirectly (via the stormwater system), to the specification of the Department of Biodiversity, Conservation and Attractions and the satisfaction of the Town (see related advice Note).
34. Prior to the commencement of works, a Sediment and Erosion Control Plan shall be submitted, approved and thereafter implemented to the specification of the Department of Biodiversity, Conservation and Attractions, and the satisfaction of the Town. (Advice Note 2)
35. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated to the specification of the Department of Biodiversity, Conservation and Attractions to the satisfaction of the Town.
36.
  - a. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out at Lot 3001 to determine if remediation is required.
  - b. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works at Lot 3001 to the satisfaction of the planning authority on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

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37. The development, including any ancillary or roof-based structures such as plant or antennae, must not exceed 92m AHD in height.
38. Cranage and/or other equipment erected on the site during construction must not exceed 150m AHD in height.
39. Prior to commencement of construction, the applicant/proponent must receive confirmation from Perth Airport that the Airservices Australia assessment of the proposed development did not identify any impacts to Communication, Surveillance and Navigation (CNS) facilities.
40. The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT). The application must be approved prior to the erection of a crane on the subject site, for works during both construction and operation.

### Advice Notes

- AN1 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.
- AN2 The Town's expectation is that the Sustainable Design Assessment Report (SDAR) required prior to lodging the building permit will be based off the Full Circle Design Services report dated received 1 March 2024.
- AN3 With regards to provision of affordable dwellings in perpetuity, it is noted the applicant has stated *"we are accepting of a suitably worded condition and/or agreement to be in place to give confidence to the Town"*. The Town's expectations are that such affordable dwellings are to be consistent with provision 9.2 of the Local Development Plan:

#### 9.2 Diversity and Affordability of Housing

- a. *Diversity of housing is promoted through the adoption of a variety of townhouse and apartment products which allow for various levels of entry to the market for residents.*
- b. *Each Racecourse Lot (Apartments) development shall provide various apartment sizes, layouts and orientations.*
- c. *A minimum of 5% of total apartment houses in Precinct A shall be designated as affordable housing in perpetuity, being a mix of 4% of one-bedroom apartments and 1% of two-bedroom apartments (rounded to the nearest whole house).*
- d. *The allocation of affordable or disability houses shall be nominated by the Developer at lodgement of DA, which is to be accompanied by a Housing Agreement made between the DA developer and the proposed Community Housing Provider or Department of Communities or other State / Federally funded community organisation, for the occupation of the house by householders who are considered low to moderate incomes or have a disability, but are not eligible for social housing.*

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- e. *Should an affordable or disability house be sold to a 3rd party, the property will be sold at the cost of construction and retained in perpetuity through a restrictive covenant registered against the certificate of title of the houses restricting use for affordable or disability housing only.*

*Low income - means households earning 50-80% of the median household income based on 2021 Census for Perth Metropolitan Region and indexed yearly according to the Wage Price Index (ABS Cat. 6345.0).*

*Moderate income - means households earning 80-120% of the median household income based on 2021 Census for Perth Metropolitan Region and indexed yearly according to the Wage Price Index (ABS Cat. 6345.0).*

AN4 With regards to a public art contribution, the contribution being either:

- a. payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or
- b. the owner/applicant is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.

AN5 With regards to the condition pertaining to dewatering effluent, in the event it is proposed to dewater effluent either directly or indirectly (eg. via the stormwater system) to the river, a dewatering management plan, demonstrating that the dewatering effluent discharge standards contained within the Department of Biodiversity, Conservation and Attractions' Policy 50: Planning for dewatering affecting the Swan Canning Development Control Area will be met, is to be approved by the Department of Biodiversity, Conservation and Attractions.

AN6 With regards to the condition pertaining to a Sediment and Erosion Control Plan, the Sediment and Erosion Control Plan shall describe how the authorised works will be appropriately managed and implemented to minimise the risk of drainage, erosion and sedimentation on nearby water bodies and foreshore reserve during the work and may include control measures such as

- a. daily recovery of sediment (including imported building sand) from outside the works area (e.g. end-of-day sweeping)
- b. perimeter controls such as sediment control fences
- c. sediment traps at stormwater drain inlets
- d. vehicle washdown and vibration grids at entry/exits.

For further guidance on best management practices for sediment and erosion control, refer to the Erosion and Sediment Control Information sheets found at:

<https://www.perthnrm.com/resource/sediment-management>

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- AN7 The applicant should refer to the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au). If Acid Sulphate Soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
- AN8 In relation to site investigation and remediation and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a mandatory auditor's report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition pertaining to site investigation and remediation. A current list of accredited auditors is available from [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au).
- AN9 Any fill material brought on to the site should be confirmed as uncontaminated and suitable for future residential land use.
- AN10 Methane gas generation should be considered and appropriate mitigation measures implemented for any proposed below ground level structures prior to development.
- AN11 With respect to the separate conditions pertaining to landscaping, the Town envisions that landscaping at the ground level will primarily be subject to review and input from DBCA, while on-structure planting on levels one and above will primarily be subject to review and input from TOVP.
- AN12 DBCA advises that the Landscaping Management Plan should reflect (but not be limited to) the following points:
- a. Planting within the urban area should use locally native plants;
  - b. The following species have invasive properties and environmental weed or have the potential to become one:
    - i. *Rhaphiolepis indica* "Indian Hawthorne"
    - ii. *Trachelospermum jasminoides* "Star Jasmine"
- AN13 The applicant is advised that the development has been assessed and approved with the indicative street, footpath and verge trees as depicted in the approved plans. The Town's expectation is that footpath works and street trees will be designed and delivered as consistent with the boulevard layout as envisioned in Figure 2a of LDP.
- AN14 The aquatic facilities are to be constructed in compliance with the *Health (Aquatic Facilities) Regulations 2007* and the Aquatic Facilities Code of Practice.
- AN15 Plans are to be assessed by a practicing qualified disability Access Consultant who is an accredited member of the Association of Consultants in Access, Australia Inc (ACAA) to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A Copy of the certified plans is to be provided as part of the building permit application.

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## The Report Recommendation was put and CARRIED UNANIMOUSLY

**REASON:** The proposal is consistent with the planning framework and the design intent relating to height, form and scale and is capable of being approved. The proposed design maximises the site potential through orientation to the river and racecourse. Due regard was given to the Structure plan and Local Development Plan, members acknowledged the time since initiation of these documents and the unique locational context along the river, adjoining the racecourse and separated from other existing residential uses and opportunity to maximise the density. The building design including exterior treatments and tower separation along with the housing density and mix satisfies the R-Codes provisions and significant separation distance which includes the Swan River mitigates any amenity issues on existing residential sites. Traffic, parking, and vehicle access issues have been appropriately addressed. Members supported unanimously the proposal and exercise of discretion, inclusive of height and plot ratio elements.

### 3.1b No. 3 (Lot 3001) and Lot 9101 Graham Farmer Freeway, Burswood - Apartment Tower Development Comprising 204 Multiple Dwellings and Private Recreation (Racing Steward's Box) – DAP/24/02674

## REPORT RECOMMENDATION

**Moved by:** Tony Arias

**Seconded by:** Brian Curtis

That the Metro Inner Development Assessment Panel resolves to **approve** DAP Application reference DAP/24/02674 and accompanying plans date stamped **20 June 2024** in accordance with Clause 29, 30 and 30A of the *Metropolitan Region Scheme*, subject to the following conditions:

### Conditions

1. 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.
2. Prior to commencement of development works, detailed stormwater engineering plans shall be submitted and approved to the specification of the Town of Victoria Park and the satisfaction of the Western Australian Planning Commission.
3. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated to the specification of the Department of Biodiversity, Conservation and Attractions and the satisfaction of the Western Australian Planning Commission.

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4. No dewatering effluent is to enter the Swan River, either directly or indirectly (via the stormwater system) to the specification of the Department of Biodiversity, Conservation and Attractions to the satisfaction of the Western Australian Planning Commission
5. Prior to commencement of development works, a Sediment and Erosion Control Plan is to be prepared and approved to the specification of the Department of Biodiversity, Conservation and Attractions and the satisfaction of the Western Australian Planning Commission.
6. Prior to commencement of development works, a Landscaping Management Plan is to be prepared and approved to the specification of the Department of Biodiversity, Conservation and Attractions and the satisfaction of the Western Australian Planning Commission.
7. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out over the development site to determine if remediation is required to the specification of the Department of Water and Environmental Regulation and the satisfaction of the Western Australian Planning Commission.
8. Prior to occupancy, the subject lots are to be created in accordance with the subdivision approval (WAPC Ref: 163991) for the site, to the satisfaction of Western Australian Planning Commission.
9. Prior to occupancy, a 22.5m<sup>2</sup> portion of Lot 9101 that falls within the building envelope of the East Tower is to be transferred to Lot 306 of WAPC Ref: 163991, to the satisfaction of Western Australian Planning Commission.

### Advice Notes

1. In regard to Condition 4, the Department of Biodiversity, Conservation and Attractions advises that in the event it is proposed to dewater effluent either directly or indirectly (eg. via the stormwater system) into the river, a dewatering management plan, demonstrating that the dewatering effluent discharge standards contained within the Department of Biodiversity, Conservation and Attractions' *Policy 50: Planning for dewatering affecting the Swan Canning Development Control Area* will be met, is to be approved by the Department of Biodiversity, Conservation and Attractions.
2. In regard to Condition 5, the Department of Biodiversity, Conservation and Attractions advises that the Sediment and Erosion Control Plan shall describe how the authorised works will be appropriately managed and implemented to minimise the risk of drainage, erosion and sedimentation on nearby water bodies and foreshore reserve during the work and may include control measures such as:
  - a. daily recovery of sediment (including imported building sand) from outside the works area (e.g. end-of-day sweeping);
  - b. perimeter controls such as sediment control fences;

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- c. sediment traps at stormwater drain inlets; and
- d. vehicle washdown and vibration grids at entry/exits.

For further guidance on best management practices for sediment and erosion control, refer to the Erosion and Sediment Control Information sheets found at: <https://www.perthnrm.com/resource/sediment-management/>.

3. In regard to Condition 6, the Department of Biodiversity, Conservation and Attractions advises that the Landscaping Management Plan should reflect but not be limited to the following points:
  - a. planting within the urban area should use locally native plants;
  - b. The following species have invasive properties and are either already an environmental weed or have the potential to become one:
    - *Rhaphiolepis indica* "Indian Hawthorne"; and
    - *Trachelospermum jasminoides* "Star Jasmine".
4. In regard to Condition 7, a mandatory auditor's report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation. A current list of accredited auditors is available from [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au). Any fill material brought on to the site should be confirmed as uncontaminated and suitable for future residential land use. Methane gas generation should be considered and appropriate mitigation measures implemented for any proposed below ground level structures prior to development.
5. The landowner/applicant is reminded of its obligations to comply with required actions in accordance with the *Airports (Protection of Airspace) Regulations 1996 (C'th)*. These relate to:
  - a. receiving confirmation from Perth Airport that the Airservices Australia assessment of the proposed development does not identify any impacts to Communication, Navigation and Surveillance (CNS) facilities; and
  - b. the lodgement of an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT). The application must be approved prior to the erection of a crane on the subject site, for works during both construction and operation.
6. The applicant is advised the proposed works are located in a high to moderate risk Acid Sulphate Soils risk area and that the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au). If Acid Sulphate Soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
7. The applicant/landowner is reminded to contact 'Before You Dig Australia' ([www.byda.com.au](http://www.byda.com.au)) to determine the location of any water, gas or electricity infrastructure.

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8. The landowner/applicant is reminded of its obligations to obtain any necessary approvals under the *Aboriginal Heritage Act 1972* prior to the commencement of any excavation works.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The proposal is consistent and compliant with the regional planning framework. The Panel concurred with the RAR comments and approved the proposal.

**3.2 No. 2 Teddington Road (Lots 3 and 92) corner Shepperton Road, Victoria Park - Proposed Demolition of existing building and construction of proposed Motor Vehicle and Marine Sales Premises – DAP/23/02574**

**Deputations and Presentations**

Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

Sturt McDonald and Robert Cruickshank (Town of Victoria Park) addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

**REPORT RECOMMENDATION**

**Moved by:** Cr Peter Melrosa

**Seconded by:** Francesca Lefante

**Approve** DAP Application reference DAP/23/02574 and accompanying plans (refer to Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme, and the provisions of Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

**Conditions**

1. Prior to occupancy of the development, Lots 3 and 92 are to be amalgamated into a single lot on a Certificate of Title. Alternatively, the owner is to enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months from the issue of a building permit.
2. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer to related Advice Note)

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3. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
4. External colours, finishes and materials of the building(s) are to be in accordance with the 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.
5. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town, and must include the following:
  - a. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b. Any vegetative lawn to be established;
  - c. Any existing vegetation and/or landscaped areas to be retained;
  - d. Any verge treatments;
  - e. Additional landscaping to the Teddington Road frontage as marked in red on the approved plans.
6. Prior to the occupation or strata-titling of the building(s), whichever occurs first, the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.
7. Prior to the occupation of the development, all car parking spaces together with their access aisles, are to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Town.
8. Those bays identified on the approved plan as being for 'customer parking' are to be used and marked for such purposes, and are not to be used for the display, storage and/or sale of motor vehicles.
9. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
10. Prior to lodging an application for a building permit, a Stormwater and Drainage Management Plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted to and approved in writing by the Town. The development shall be constructed in accordance with the approved details and thereafter maintained.

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11. Prior to lodging an application for a building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter implemented to the satisfaction of the Town. (Refer to related advice note)
12. Prior to the occupation or use of the development, any alterations, relocation, or damage to existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town.
13. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot excluding that area reserved for future road widening.
14. Prior to lodging an application for a building permit, a Waste Management Plan must be submitted and implemented at all times to the satisfaction of the Town.
15. Prior to occupancy an easement in gross under Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the public and the Town is to be placed on the Certificate of Title of Lot 92 providing for a public access easement over the area of the lot identified on the stamped approved plans. The easement documentation is to be prepared by the Town's solicitors and easement registered at the cost of the owner(s) and to the satisfaction of the Town.
16. Prior to occupancy an easement in gross for the purposes of a right-of-carriageway easement under Part IVA of the *Transfer of Land Act 1893* shall be applied to Lots 8 and 67 for the benefit of Lot 3. The Local Government is to be a party to the easement and the easement documentation is to be prepared by the Town's solicitors and easement registered at the cost of the owner(s) and to the satisfaction of the Town.
17. The proposed Monolith sign shall not have a depth in excess of 0.5m unless otherwise authorised in writing by the Town.
18. Prior to the occupation of the development, the land required for the widening of Albany Highway (Shepperton Road), as shown on the enclosed Land Protection Plan 1.5085 (enclosed) is to be set aside as a separate lot for acquisition pending future road widening requirements.
19. Prior to a building permit, Lots 3 and 92 Teddington Road shall be amalgamated and a new Certificate of Title obtained for the amalgamated lot.
20. Vehicular access is not permitted on Albany Highway (Shepperton Road) road reserve including the existing crossover. All vehicle access shall be restricted to the existing crossover on Teddington Road.
21. Prior to the issue of a Building Permit, the redundant crossover to Albany Highway (Shepperton Road) is to be removed and kerbing, verge and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town of Victoria Park and to the specifications of the local government.

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22. No part of the new building/development (e.g. structures, car parking, services, utilities, significant landscaping etc) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.5085 (enclosed). The pylon sign and the display car bay located within Primary Regional Road Reservation as identified on the plan of development are permitted.
23. No part of the new building/development (e.g. structures, car parking, services, utilities, significant landscaping etc) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.5085 (enclosed). The pylon sign and the display car bay located within Primary Regional Road Reservation as identified on the plan of development are permitted.
24. No works are permitted within the Albany Highway (Shepperton Road) Road Reservation unless Main Roads has issued a Working on Roads Permit.
25. In the event the site where the pylon sign has been erected or the display car bay proposed within the road reserve (furthest to the northwest), is needed for future roadworks as shown on the enclosed Land Protection Plan 1.5085 (enclosed), the applicant shall upon receipt of a notice from Main Roads, relocate or remove the pylon sign/display car bay at their own expense.
26. All building wall signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
27. The signs shall not contain fluorescent, reflective or retro reflective colours or materials.
28. The signs must not flash, pulsate or chase.
29. Any proposed illumination of the signs must not exceed 300 cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise.
30. This approval does not permit any new bollards located within the land required for future road widening, or outside the boundary to Teddington Road.
31. To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town.
32. This decision constitutes planning approval only and is valid for a period of (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.
33. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.

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## Advice Notes

- AN1 This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
- AN2 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
- AN3 In relation to condition 31, a building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.
- AN4 Please note that streetscape improvement works proposed at the Albany Highway/Rushton Street/Mackie Street intersection propose to tighten the geometry of the intersection. The Town has concerns that in the first instance the intersection design intent may be compromised if it needs to be designed to allow for the turning of the existing car carrier trucks onto Albany Highway, and then secondly, potential ongoing damage to the infrastructure resulting from the turning of the car carrier trucks.

Accepting that further discussions are required between the Town and the landowner, the Town would be seeking cooperation from the landowner in redirecting car carriers to not use the Rushton Street/Albany Highway intersection, and for car carriers to instead drive through the subject lot from Rushton Street to Teddington Street when exiting the area.

- AN5 With respect to a Construction Management Plan, it is to address the following matters:
- a. How materials and equipment will be delivered and removed from the site;
  - b. How materials and equipment will be stored on the site;
  - c. Parking arrangements for contractors;
  - d. Construction waste disposal strategy and location of waste disposal bins;
  - e. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - g. Construction traffic and pedestrian management; and
  - h. Other matters likely to impact on the surrounding properties.

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- AN6 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
- AN7 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.
- AN8 All stormwater drainage shall be designed and signed by a certified Hydraulic Engineer. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
- AN9 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. It is noted that a Work Zone permit may not be permitted along some sections of Berwick Street.
- AN10 Where works and/or building permits are to be staged, only those conditions relevant to the proposed stage of works need to be satisfied prior to the issuing of a building permit.
- AN11 With regards to condition 2, payment being:
- i. 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
  - ii. 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.
- AN12 Lot 92 is affected by a future road widening requirement for Shepperton Road, as shown on the attached Main Roads Land Protection Plan No. 1.5085 and will be required for road purposes in the future.
- AN13 The upgrading/widening of Shepperton Road is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
- AN14 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.

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### AMENDING MOTION Number 1

**Moved by:** Cr Peter Melrosa

**Seconded by:** Francesca Lefante

That a new Condition No. 34 be added to read as follows:

***An additional 9 trees to be provided on-site or with agreement of the Town in the local area.***

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

For: Francesca Lefante  
Tony Arias  
Cr Peter Melrosa  
Cr Lindsay Miles

Against: Brian Curtis

**REASON:** To increase the tree canopy in the area and reduce the urban heat island effects.

### AMENDING MOTION Number 2

**Moved by:** Francesca Lefante

**Seconded by:** Tony Arias

That Condition No. 23 be deleted, and the remaining conditions be renumbered accordingly.

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

**REASON:** Administrative oversight to remove duplicate condition.

### AMENDING MOTION Number 3

**Moved by:** Francesca Lefante

**Seconded by:** Tony Arias

That Condition No. 21 be amended to read as follows:

***Prior to the issue of an ~~Building Permit~~ Occupancy Certificate, the redundant crossover to Albany Highway (Shepperton Road) is to be removed and kerbing, verge and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town of Victoria Park and to the specifications of the local government.***

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

**REASON:** To provide additional timeframe to fulfil the condition.

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP



## REPORT RECOMMENDATION (AS AMENDED)

**Approve** DAP Application reference DAP/23/02574 and accompanying plans (refer to Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme, and the provisions of Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

### Conditions

1. Prior to occupancy of the development, Lots 3 and 92 are to be amalgamated into a single lot on a Certificate of Title. Alternatively, the owner is to enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months from the issue of a building permit.
2. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer to related Advice Note)
3. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
4. External colours, finishes and materials of the building(s) are to be in accordance with the 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.
5. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town, and must include the following:
  - a. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b. Any vegetative lawn to be established;
  - c. Any existing vegetation and/or landscaped areas to be retained;
  - d. Any verge treatments;
  - e. Additional landscaping to the Teddington Road frontage as marked in red on the approved plans.
6. Prior to the occupation or strata-titling of the building(s), whichever occurs first, the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP



7. Prior to the occupation of the development, all car parking spaces together with their access aisles, are to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Town.
8. Those bays identified on the approved plan as being for 'customer parking' are to be used and marked for such purposes, and are not to be used for the display, storage and/or sale of motor vehicles.
9. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
10. Prior to lodging an application for a building permit, a Stormwater and Drainage Management Plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted to and approved in writing by the Town. The development shall be constructed in accordance with the approved details and thereafter maintained.
11. Prior to lodging an application for a building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter implemented to the satisfaction of the Town. (Refer to related advice note)
12. Prior to the occupation or use of the development, any alterations, relocation, or damage to existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town.
13. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot excluding that area reserved for future road widening.
14. Prior to lodging an application for a building permit, a Waste Management Plan must be submitted and implemented at all times to the satisfaction of the Town.
15. Prior to occupancy an easement in gross under Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the public and the Town is to be placed on the Certificate of Title of Lot 92 providing for a public access easement over the area of the lot identified on the stamped approved plans. The easement documentation is to be prepared by the Town's solicitors and easement registered at the cost of the owner(s) and to the satisfaction of the Town.
16. Prior to occupancy an easement in gross for the purposes of a right-of-carriageway easement under Part IVA of the *Transfer of Land Act 1893* shall be applied to Lots 8 and 67 for the benefit of Lot 3. The Local Government is to be a party to the easement and the easement documentation is to be prepared by the Town's solicitors and easement registered at the cost of the owner(s) and to the satisfaction of the Town.
17. The proposed Monolith sign shall not have a depth in excess of 0.5m unless otherwise authorised in writing by the Town.

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Presiding Member, Metro Inner DAP



18. Prior to the occupation of the development, the land required for the widening of Albany Highway (Shepperton Road), as shown on the enclosed Land Protection Plan 1.5085 (enclosed) is to be set aside as a separate lot for acquisition pending future road widening requirements.
19. Prior to a building permit, Lots 3 and 92 Teddington Road shall be amalgamated and a new Certificate of Title obtained for the amalgamated lot.
20. Vehicular access is not permitted on Albany Highway (Shepperton Road) road reserve including the existing crossover. All vehicle access shall be restricted to the existing crossover on Teddington Road.
21. Prior to the issue of an Occupancy Certificate, the redundant crossover to Albany Highway (Shepperton Road) is to be removed and kerbing, verge and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town of Victoria Park and to the specifications of the local government.
22. No part of the new building/development (e.g. structures, car parking, services, utilities, significant landscaping etc) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.5085 (enclosed). The pylon sign and the display car bay located within Primary Regional Road Reservation as identified on the plan of development are permitted.
23. No works are permitted within the Albany Highway (Shepperton Road) Road Reservation unless Main Roads has issued a Working on Roads Permit.
24. In the event the site where the pylon sign has been erected or the display car bay proposed within the road reserve (furthest to the northwest), is needed for future roadworks as shown on the enclosed Land Protection Plan 1.5085 (enclosed), the applicant shall upon receipt of a notice from Main Roads, relocate or remove the pylon sign/display car bay at their own expense.
25. All building wall signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
26. The signs shall not contain fluorescent, reflective or retro reflective colours or materials.
27. The signs must not flash, pulsate or chase.
28. Any proposed illumination of the signs must not exceed 300 cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise.
29. This approval does not permit any new bollards located within the land required for future road widening, or outside the boundary to Teddington Road.

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Presiding Member, Metro Inner DAP



30. To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town.
31. This decision constitutes planning approval only and is valid for a period of (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.
32. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
33. An additional 9 trees to be provided on-site or with agreement of the Town in the local area.

### **Advice Notes**

- AN1 This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
- AN2 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
- AN3 In relation to condition 31, a building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.
- AN4 Please note that streetscape improvement works proposed at the Albany Highway/Rushton Street/Mackie Street intersection propose to tighten the geometry of the intersection. The Town has concerns that in the first instance the intersection design intent may be compromised if it needs to be designed to allow for the turning of the existing car carrier trucks onto Albany Highway, and then secondly, potential ongoing damage to the infrastructure resulting from the turning of the car carrier trucks.

Accepting that further discussions are required between the Town and the landowner, the Town would be seeking cooperation from the landowner in redirecting car carriers to not use the Rushton Street/Albany Highway intersection, and for car carriers to instead drive through the subject lot from Rushton Street to Teddington Street when exiting the area.

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Presiding Member, Metro Inner DAP





AN5 With respect to a Construction Management Plan, it is to address the following matters:

- a. How materials and equipment will be delivered and removed from the site;
- b. How materials and equipment will be stored on the site;
- c. Parking arrangements for contractors;
- d. Construction waste disposal strategy and location of waste disposal bins;
- e. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
- f. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
- g. Construction traffic and pedestrian management; and
- h. Other matters likely to impact on the surrounding properties.

AN6 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

AN7 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.

AN8 All stormwater drainage shall be designed and signed by a certified Hydraulic Engineer. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.

AN9 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. It is noted that a Work Zone permit may not be permitted along some sections of Berwick Street.

AN10 Where works and/or building permits are to be staged, only those conditions relevant to the proposed stage of works need to be satisfied prior to the issuing of a building permit.

AN11 With regards to condition 2, payment being:

- i. 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
- ii. 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.

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP



AN12 Lot 92 is affected by a future road widening requirement for Shepperton Road, as shown on the attached Main Roads Land Protection Plan No. 1.5085 and will be required for road purposes in the future.

AN13 The upgrading/widening of Shepperton Road is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.

AN14 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 UNANIMOUSLY**

**REASON:** The proposal and use are consistent with the planning framework and capable of being approved. Members were satisfied that given the site size and conditions the proposed vehicle access legal agreements, addressed concerns relating to the site operation and reliance on public off-site loading arrangement. The RAR supported planting to contribute towards future streetscape enhancements in the local area. Members supported minor changes to Main Roads conditions and were of the opinion the proposal on balance was approved.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

**Ms Francesca Lefante**  
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/22/02317 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

### 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.

Cr Peter Melrosa – raised the agenda size and associated timeframes, and issues with downloading such large files.

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:41pm.

**Ms Francesca Lefante**  
Presiding Member, Metro Inner DAP