



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 17 September 2024; 9:30am
Meeting Number: MIDAP/33
Meeting Venue: 140 William Street, Perth

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

[MIDAP/33 - 17 September 2024 - City of Melville - Town of Cambridge](#)

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 MELVILLE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 20 (No.308) Preston Point Road, Attadale - Proposed Child Care Premise and Residential Dwelling – DAP/24/02723
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – TOWN OF CAMBRIDGE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 514 (No.165) Cambridge Street, West Leederville - Proposed change of use to Community Purpose and associated renovations – DAP/24/02726
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

Francesca Lefante
Presiding Member, Metro Inner DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Laura Simmons
Lee O'Donohue (Deputy Presiding Member)	Ashlee Kelly
Brian Curtis	
<i>Part B – City of Melville</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Matthew Woodall	Kate Bainbridge
Cr Daniel Lim	Liam Johnson
<i>Part C – Town of Cambridge</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Ben Mayes	Steve Lamming
Cr Georgie Randklev	

Francesca Lefante
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Melville</i>
Hendrik du Toit Renee Young (Element Advisory) Emily Greenwood (Element Advisory) Matthew Crawford (Matthew Crawford Architects) Coby Goodwin (Goodwin Property Investments) Paul Ghantous (Urbii)
<i>Part C – Town of Cambridge</i>
Daniel Lees (Element Advisory) Kaitlin Redmond-Ball (Element Advisory) David Almond (St John of God Outreach Services)

Members of the Public / Media

Nil

Observers via livestream

There were 2 persons observing the meeting via the livestream.

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 9:35am on 17 September 2024 and acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

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 Kate Barlow (Local Government DAP Member, Town of Cambridge)

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](#).

Francesca Lefante
Presiding Member, Metro Inner DAP



PART B – CITY OF MELVILLE

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 Lot 20 (No.308) Preston Point Road, Attadale - Proposed Child Care Premise and Residential Dwelling – DAP/24/02723

Deputations and Presentations

Hendrik du Toit addressed the DAP against the recommendation for the application at Item 3.1.

Matthew Crawford (Matthew Crawford Architects) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Renee Young (Element Advisory) addressed the DAP in support of the recommendation for the application at Item 3.1.

Coby Goodwin (Goodwin Property Investments) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Paul Ghantous (Urbii) addressed the DAP in support of the recommendation for the application at Item 3.1.

The City of Melville addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Daniel Lim

Seconded by: Lee O'Donohue

It is recommended that the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/24/02723 is appropriate for consideration as “Child Care Premises” and “Residential (Single Dwelling)” land uses and compatible with the objectives of the zoning table in accordance with Clause 17 of the City of Melville Local Planning Scheme No. 6;

Francesca Lefante
Presiding Member, Metro Inner DAP



2. **Approve** DAP Application reference DAP/24/02723 and accompanying plans (attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Melville Local Planning Scheme No. 6, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise agreed to in writing by the City of Melville or the Joint Development Assessment Panel.
3. Prior to the commencement of development, a detailed stormwater management plan is to be submitted, and approved by the City. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City.
4. Prior to the initial occupation of the development, all bicycle parking areas, car parking bays manoeuvring areas, driveway and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the City. The bay shall thereafter be retained for the life of the development.
5. Prior to the initial occupation of the development, all unused crossover(s) shall be removed, and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
6. Prior to the commencement of development, a crossover application accompanied with a detailed crossover design shall be submitted to and approved by the City. The approved crossovers are to be constructed prior to the initial occupation of the development to the satisfaction of the City.
7. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in *Residential Design Codes Volume 1*, to the satisfaction of the City.
8. Prior to the initial occupation of the development, the opening along the North West and South East elevation of the first-floor balcony shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of Residential Design Codes Volume 1. The screening measures must thereafter be maintained in perpetuity to the satisfaction of the City.
9. The primary street fence and existing fencing shall be truncated or reduced to 0.75m in height within 1.5m of vehicle access points and street corners. Any fencing proposed above 0.75m in height within 1.5m of vehicle access points and street corners is required to be 80% visually permeable in order to provide adequate sight lines as required under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, and thereafter maintained to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



10. Prior to the initial occupation of the development, the boundary wall/s shall be finished to either the same finish as the rest of the dwelling walls or at a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
11. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the street and adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
12. Reflective or heavily tinted glazing at ground floor level of the Child Care Premises is not permitted.
13. Prior to the initial occupation of the development, the on-site tree/s (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
14. The outdoor play areas are not to be used prior to 7am to ensure on-going compliance with the *Environmental Protection (Noise) Regulations 1997*.
15. The development shall operate in accordance with the recommendations set out in the Acoustic Report, dated 14th June 2024, to the satisfaction of the City.
16. Prior to the commencement of development, a signage strategy shall be submitted to and approved in writing by the City. The strategy shall demonstrate how the future signage requirements for all uses are to be accommodated. Once approved, the signage strategy will inform the future assessment of applications for signage on the development.
17. Prior to the occupation of the development, a plan for the outdoor play spaces shall be provided to and approved by the City to detail any proposed shade and play structures and any additional landscaping. These structures and additional landscaping are to be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.
18. The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.
19. Prior to the commencement of development, a revised Waste Management Plan shall be submitted to and approved by the City. The updated Waste Management Plan is to contain odour control measures given the nature of the land use. The development is to be constructed and operated in accordance with the approved Waste Management Plan thereafter and the City's Waste Management Guideline for New Developments, to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



20. Prior to the initial occupation of the development, the bin compound(s) as shown on the approved plans is to be constructed and maintained in perpetuity to the satisfaction of the City. The bin compound(s) are to be constructed to satisfy the following requirements:
- (a) Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.
 - (b) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness.
 - (c) Having walls not less than 1.8 metres in height and having an access point of not less than 1 metre in width for resident/tenants to access the area and fitted with a self-closing gate.
 - (d) Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.
 - (e) Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer. This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.
 - (f) Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).
 - (g) Conveniently located for disposal of waste and recyclables by residents/tenants.
 - (h) Not readily accessible by the public.
21. Prior to the initial occupation of the development, an Operational Management Plan is to be submitted to, and approved by the City. This plan is required to include details on how the development will manage:
- a. Peak time traffic flow to drop off and pickup zones;
 - b. On-site parking during peak periods;
 - c. Staff parking management;
 - d. On-site car parking prior to 7am being away from residential properties;
 - e. Pedestrian safety;
 - f. Preventing queueing of traffic and parking along Preston Point Road; and
 - g. Control and timing of deliveries and service vehicles.

The Operational Management Plan is required to include person managing the above during pick up and drop off periods. The development shall operate in accordance with the approved Operational Management Plan for the lifetime of the development, to the satisfaction of the City.

22. Prior to the commencement of development, a Road Safety Audit shall be submitted to and approved in writing by the City in accordance with the City's Road Safety Audit Policy. Recommendations of the Road Safety Audit are to be incorporated into the design to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



23. In accordance with Local Planning Policy *LPP1.4 Provision of Art in Development Proposals*, prior to the commencement of development, a public art proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the City. In lieu of provision of art on site, a cash in lieu contribution may be made as per LPP 1.4.
24. Prior to the lodgement of a Building application/commencement of demolition, the applicant shall submit a Demolition and Construction Management Plan (CMP) to the City of Melville for approval. The CMP shall be prepared having regard to the provisions of Local Planning Policy 1.22 Construction Management Plans. The CMP will require approval by the City prior to the issue of the associated Building Permit or Demolition Permit and therefore it is recommended that the CMP is lodged a minimum of 30 days prior to lodgement of the permits. Once approved in writing by the City, the demolition and construction is to be carried out in accordance with the CMP to the satisfaction of the City. Any modifications to the CMP are to be approved by the City in writing.
25. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.

Advice Notes

1. 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.
2. The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011 Geographic Information – Rural and Urban Addressing. The applicant/owner is encouraged to liaise with the City for the provision of appropriate street numbers prior to the completion of works.
3. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
4. Access of service vehicles to the property including deliveries and the operation of forklifts shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 1

Moved by: Cr Daniel Lim

Seconded by: Lee O'Donohue

That Condition No. 15 be amended to read as follows:

*The development shall operate in accordance with the recommendations set out in the Acoustic Report, dated 14th June 2024, **inclusive of acoustic wall and boundary fence to be height 2.3m along the southern boundary (full length), to the satisfaction of the City.***

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To mitigate noise impacts on the adjoining site.

AMENDING MOTION 2

Moved by: Cr Matthew Woodall

Seconded by: Cr Daniel Lim

That Condition No. 17 be amended to read as follows:

*Prior to the occupation of the development, a plan for the outdoor play spaces shall be provided to and approved by the City to detail any proposed shade and play structures and any additional landscaping. **The shade structure in the rear outdoor play area 2 to slope away from the building, to minimise overshadowing and impact on the rear site, and to be installed prior to occupation.** These structures and additional landscaping are to be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.*

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To minimise overshadowing impacts on the adjoining site overdoor area.

AMENDING MOTION 3

Moved by: Francesca Lefante

Seconded by: Lee O'Donohue

That Condition No. 22 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Francesca Lefante
Brian Curtis
Lee O'Donohue

Against: Cr Daniel Lim
Cr Matthew Woodall

Francesca Lefante
Presiding Member, Metro Inner DAP



REASON: The condition is unreasonable, as the Traffic Impact Statement (TIS) was traffic generated by the proposal is supported in its locality context.

REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/24/02723 is appropriate for consideration as “Child Care Premises” and “Residential (Single Dwelling)” land uses and compatible with the objectives of the zoning table in accordance with Clause 17 of the City of Melville Local Planning Scheme No. 6;
2. **Approve** DAP Application reference DAP/24/02723 and accompanying plans (attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Melville Local Planning Scheme No. 6, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise agreed to in writing by the City of Melville or the Joint Development Assessment Panel.
3. Prior to the commencement of development, a detailed stormwater management plan is to be submitted, and approved by the City. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City.
4. Prior to the initial occupation of the development, all bicycle parking areas, car parking bays manoeuvring areas, driveway and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the City. The bay shall thereafter be retained for the life of the development.
5. Prior to the initial occupation of the development, all unused crossover(s) shall be removed, and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
6. Prior to the commencement of development, a crossover application accompanied with a detailed crossover design shall be submitted to and approved by the City. The approved crossovers are to be constructed prior to the initial occupation of the development to the satisfaction of the City.
7. The street walls and fencing marked in red on the approved plans are required to comply with the definition of ‘Visually Permeable’ found in *Residential Design Codes Volume 1*, to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



8. Prior to the initial occupation of the development, the opening along the North West and South East elevation of the first-floor balcony shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of Residential Design Codes Volume 1. The screening measures must thereafter be maintained in perpetuity to the satisfaction of the City.
9. The primary street fence and existing fencing shall be truncated or reduced to 0.75m in height within 1.5m of vehicle access points and street corners. Any fencing proposed above 0.75m in height within 1.5m of vehicle access points and street corners is required to be 80% visually permeable in order to provide adequate sight lines as required under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, and thereafter maintained to the satisfaction of the City.
10. Prior to the initial occupation of the development, the boundary wall/s shall be finished to either the same finish as the rest of the dwelling walls or at a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
11. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the street and adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
12. Reflective or heavily tinted glazing at ground floor level of the Child Care Premises is not permitted.
13. Prior to the initial occupation of the development, the on-site tree/s (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
14. The outdoor play areas are not to be used prior to 7am to ensure on-going compliance with the *Environmental Protection (Noise) Regulations 1997*.
15. The development shall operate in accordance with the recommendations set out in the Acoustic Report, dated 14th June 2024, inclusive of acoustic wall and boundary fence to be height 2.3m along the southern boundary (full length), to the satisfaction of the City.
16. Prior to the commencement of development, a signage strategy shall be submitted to and approved in writing by the City. The strategy shall demonstrate how the future signage requirements for all uses are to be accommodated. Once approved, the signage strategy will inform the future assessment of applications for signage on the development.
17. Prior to the occupation of the development, a plan for the outdoor play spaces shall be provided to and approved by the City to detail any proposed shade and play structures and any additional landscaping. The shade structure in the rear outdoor play area 2 to slope away from the building, to minimise overshadowing and impact on the rear site, and to be installed prior to occupation. These structures and additional landscaping are to be installed prior to the occupation of the development and maintained thereafter to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



18. The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.
19. Prior to the commencement of development, a revised Waste Management Plan shall be submitted to and approved by the City. The updated Waste Management Plan is to contain odour control measures given the nature of the land use. The development is to be constructed and operated in accordance with the approved Waste Management Plan thereafter and the City's Waste Management Guideline for New Developments, to the satisfaction of the City.
20. Prior to the initial occupation of the development, the bin compound(s) as shown on the approved plans is to be constructed and maintained in perpetuity to the satisfaction of the City. The bin compound(s) are to be constructed to satisfy the following requirements:
 - (a) Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.
 - (b) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness.
 - (c) Having walls not less than 1.8 metres in height and having an access point of not less than 1 metre in width for resident/tenants to access the area and fitted with a self-closing gate.
 - (d) Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.
 - (e) Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer. This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.
 - (i) Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).
 - (j) Conveniently located for disposal of waste and recyclables by residents/tenants.
 - (k) Not readily accessible by the public.
21. Prior to the initial occupation of the development, an Operational Management Plan is to be submitted to, and approved by the City. This plan is required to include details on how the development will manage:
 - a. Peak time traffic flow to drop off and pickup zones;
 - b. On-site parking during peak periods;
 - c. Staff parking management;
 - d. On-site car parking prior to 7am being away from residential properties;
 - e. Pedestrian safety;
 - f. Preventing queueing of traffic and parking along Preston Point Road; and
 - g. Control and timing of deliveries and service vehicles.

Francesca Lefante
Presiding Member, Metro Inner DAP



The Operational Management Plan is required to include person managing the above during pick up and drop off periods. The development shall operate in accordance with the approved Operational Management Plan for the lifetime of the development, to the satisfaction of the City.

22. In accordance with Local Planning Policy *LPP1.4 Provision of Art in Development Proposals*, prior to the commencement of development, a public art proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the City. In lieu of provision of art on site, a cash in lieu contribution may be made as per LPP 1.4.
23. Prior to the lodgement of a Building application/commencement of demolition, the applicant shall submit a Demolition and Construction Management Plan (CMP) to the City of Melville for approval. The CMP shall be prepared having regard to the provisions of Local Planning Policy 1.22 Construction Management Plans. The CMP will require approval by the City prior to the issue of the associated Building Permit or Demolition Permit and therefore it is recommended that the CMP is lodged a minimum of 30 days prior to lodgement of the permits. Once approved in writing by the City, the demolition and construction is to be carried out in accordance with the CMP to the satisfaction of the City. Any modifications to the CMP are to be approved by the City in writing.
24. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.

Advice Notes

1. 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.
2. The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011 Geographic Information – Rural and Urban Addressing. The applicant/owner is encouraged to liaise with the City for the provision of appropriate street numbers prior to the completion of works.
3. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.

Francesca Lefante
Presiding Member, Metro Inner DAP



4. Access of service vehicles to the property including deliveries and the operation of forklifts shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.

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

REASON: The proposed development is consistent with the planning framework and location context. The building is well-designed and the inclusion of residential dwelling enhances the street interface. Minor modification to conditions were supported to minimise impacts on the adjoining site. The proposal has been assessed as satisfying development standards for the site. On balance, the proposal was supported for the above reasons and the comments as contained in the RAR

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Matthew Woodall and Cr Daniel Lim (Local Government DAP Members, City of Melville) left the panel at 10:49am.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART C – TOWN OF CAMBRIDGE

Mayor Ben Mayes and Cr Georgie Randklev (Local Government DAP Members, Town of Cambridge) joined the panel at 10:56am.

1. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in relation to Item 3.1, received on 13 September 2024.

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Members, Mayor Ben Mayes and Cr Georgie Randklev, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Mayor Ben Mayes and Cr Georgie Randklev 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.

DAP Members Francesca Lefante, Lee O'Donohue and Brian Curtis, declared an impartiality interest in item 3.1. The panel members have worked alongside the report writer for item 3.1 in their role as Development Assessment Panel members.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 514 (No.165) Cambridge Street, West Leederville - Proposed change of use to Community Purpose and associated renovations – DAP/24/02726

Deputations and Presentations

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

The Town of Cambridge addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Francesca Lefante
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION

Moved by: Mayor Ben Mayes

Seconded by: Lee O'Donohue

That the MIJDAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/0276 is appropriate for consideration for “Public Purposes” and compatible with the objectives of the zoning table in accordance with the Town of Cambridge Local Planning Scheme No 1.
2. **Approve** DAP Application reference DAP/24/0276 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 the Town of Cambridge Local Planning Scheme No 1 subject to the following conditions:

Conditions:

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 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 must strictly be in accordance with the approved plans and documents listed below:

Plan Number	Plan Title	Received date
A101	Existing Site and Demolition Plan and Proposed site plan	16 August 2024
A102	Existing Ground Floor Plan and Existing Ground Floor Demolition Plan	16 August 2024
A201	Proposed Ground Floor plan and Proposed Upper Floor Plan	16 August 2024
A202	Proposed Roof Plan and Proposed Upper Floor Plan	16 August 2024
A301	Elevations	16 August 2024
A401	Proposed Landscape Plan	16 August 2024
	Waste Management Plan	19 August 2024

Francesca Lefante
Presiding Member, Metro Inner DAP



4. All structures and associated footings shall be contained within the lot boundaries of the subject site.
5. All stormwater shall be contained, and disposed of, on-site for the life of the development to the Town's satisfaction.
6. No verge trees shall be removed, pruned, or disturbed in any way without further approval of the Town.
7. Prior to lodgement of the Building Permit application, a Construction Management Plan (CMP) shall be submitted to and be to the satisfaction of the Town.

The CMP shall address the following, where applicable (as determined by the Town):

- a. Staging plan for the entire works, including timeframes, and assigned responsibilities for tasks;
- b. Contact details of essential site personnel, construction period and operating hours;
- c. The on-site storage of materials and equipment;
- d. Site security and public safety and amenity measures;
- e. Community information, consultation, and complaints and incident procedures;
- f. Traffic, access, and parking management;
- g. Vibration, air, dust, and noise management;
- h. Construction waste and materials re-use;
- i. Protection of existing roads, kerbs, footpaths, street trees and miscellaneous services;
- j. Asbestos removal;
- k. Any other matter deemed relevant by the Town.

The CMP shall be implemented upon commencement of any site works/development and shall remain in effect for their entire duration to the Town's satisfaction.

8. Prior to any works the subject of this approval commencing, a 'tree protection zone' in accordance with *Australian Standard 4970 - Protection of trees on development sites* shall be established for each existing on-site tree (as notated for retention on the approved plans) and shall remain for the duration of works to the Town's satisfaction.
9. Prior to the Town issuing a Building Permit application, the building permit plans must show:
 - a) one of the car bays, as shown on the development approval plans, is designated as a visitor parking bay; and
 - b) the location of two short-stay bicycle parking spaces on the site.

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10. Prior to occupation of the development, the landowner must contribute toward public art, pursuant to the Town of Cambridge *Local Planning Policy 3.19 - Percent for Public Art*.
11. Prior to occupation of the development, all car parking bays and manoeuvring areas (as shown on the approved plans) shall be sealed/paved, surface marked and sign posted in accordance with *Australian Standard 2890.1 - Off-street car parking* and *Australian Standard 2890.6 - Off-street parking for people with disabilities* (where relevant), kerbed, drained and thereafter maintained by the landowner for the life of the development to the Town's satisfaction.
12. Prior to occupation of the development:
 - a) one car bay shall be designated as a visitor parking bay and shall be surface marked and sign posted accordingly; and
 - b) two short-stay bicycle parking spaces shall be provided on site to the satisfaction of the Town.

Both parking facilities shall be installed and thereafter maintained by the landowner for the life of the development to the Town's satisfaction.
13. Prior to occupation of the development, all landscaping as shown on the approved landscaping plan shall be implemented and shall be maintained to the satisfaction of the Town for the life of the development.
14. Within six months of occupation of the building, the solar panels as shown on the approved plans shall be installed (and thereafter maintained for the life of the development) to the satisfaction of the Town.
15. Any signage not exempt from development approval in accordance with *Local Planning Policy 3.15 - Advertising Signs* shall not be erected on the subject premises, unless otherwise approved by the Town.
16. The approved Waste Management Plan shall be implemented for the duration of the development by the landowner to the satisfaction of the Town.

Advice Notes

1. The landowner is advised that prior to any construction works commencing on the subject site a Building Permit application shall be submitted to, and be to the satisfaction of the Town, in accordance with the *Building Act 2011* and *Building Regulations 2012*.
2. If structural modifications are required, a Building Permit shall be obtained from the Town prior to commencement of such works.
3. Any external air conditioners or swimming pool/spa equipment (where relevant) shall be located in a manner that ensures noise emissions do not exceed the assigned levels of Table 1 of the *Environmental Protection (Noise) Regulations 1997*.

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4. The landowner is advised of the following in relation to the adjoining road reserve:
 - i) The use of verge areas for temporary storage during building/demolition works requires a permit in accordance with the *Town of Cambridge Local Government and Public Property Local Law 2017*.
5. With reference to Condition 3 above, the Town is only able to contemplate departures from the approved plans by way of an application to amend the existing approval pursuant to Clause 77 of Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The exemptions under Clause 61 of the deemed provisions would not apply to any departures from the approved plans, including amendments minor in nature.

This position is a result of the Western Australian Supreme Court (WASC) decision on *Baker Investments Pty Ltd vs City of Vincent [2017] WASC 263*. Please note that there is no guarantee that any departures from the approved plans will be approved through an application to amend the existing approval. In addition, any departures from the approved plans may be subject to compliance action by the Town under Part 13 of the *Planning and Development Act 2005*. The applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

AMENDING MOTION 1

Moved by: Lee O'Donohue

Seconded by: Francesca Lefante

That Condition No. 10 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: The primary purpose is for residential accommodation, with minor building refurbishments. The nature of the proposed use is discrete and blends with other residential type uses.

AMENDING MOTION 2

Moved by: Brian Curtis

Seconded by: Lee O'Donohue

That the preamble to the RAR be amended to read as follows:

That the MIDAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02726 is appropriate for consideration for "**Public Community Purposes**" and compatible with the objectives of the zoning table in accordance with the Town of Cambridge Local Planning Scheme No 1.

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2. **Approve** DAP Application reference DAP/24/0276 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 the *Town of Cambridge Local Planning Scheme No 1* subject to the following conditions:

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To correct the minor typo changes in the RAR

REPORT RECOMMENDATION (AS AMENDED)

That the MIDAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02726 is appropriate for consideration for “Community Purposes” and compatible with the objectives of the zoning table in accordance with the *Town of Cambridge Local Planning Scheme No 1*.
2. **Approve** DAP Application reference DAP/24/0276 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 the *Town of Cambridge Local Planning Scheme No 1* subject to the following conditions:

Conditions:

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 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 must strictly be in accordance with the approved plans and documents listed below:

Plan Number	Plan Title	Received date
A101	Existing Site and Demolition Plan and Proposed site plan	16 August 2024
A102	Existing Ground Floor Plan and Existing Ground Floor Demolition Plan	16 August 2024
A201	Proposed Ground Floor plan and Proposed Upper Floor Plan	16 August 2024

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A202	Proposed Roof Plan and Proposed Upper Floor Plan	16 August 2024
A301	Elevations	16 August 2024
A401	Proposed Landscape Plan	16 August 2024
	Waste Management Plan	20 August 2024

4. All structures and associated footings shall be contained within the lot boundaries of the subject site.
5. All stormwater shall be contained, and disposed of, on-site for the life of the development to the Town’s satisfaction.
6. No verge trees shall be removed, pruned, or disturbed in any way without further approval of the Town.
7. Prior to lodgement of the Building Permit application, a Construction Management Plan (CMP) shall be submitted to and be to the satisfaction of the Town.

The CMP shall address the following, where applicable (as determined by the Town):

- a. Staging plan for the entire works, including timeframes, and assigned responsibilities for tasks;
- b. Contact details of essential site personnel, construction period and operating hours;
- c. The on-site storage of materials and equipment;
- d. Site security and public safety and amenity measures;
- e. Community information, consultation, and complaints and incident procedures;
- f. Traffic, access, and parking management;
- g. Vibration, air, dust, and noise management;
- h. Construction waste and materials re-use;
- i. Protection of existing roads, kerbs, footpaths, street trees and miscellaneous services;
- j. Asbestos removal;
- k. Any other matter deemed relevant by the Town.

The CMP shall be implemented upon commencement of any site works/development and shall remain in effect for their entire duration to the Town’s satisfaction.

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8. Prior to any works the subject of this approval commencing, a 'tree protection zone' in accordance with *Australian Standard 4970 - Protection of trees on development sites* shall be established for each existing on-site tree (as notated for retention on the approved plans) and shall remain for the duration of works to the Town's satisfaction.
9. Prior to the Town issuing a Building Permit application, the building permit plans must show:
 - a) one of the car bays, as shown on the development approval plans, is designated as a visitor parking bay; and
 - b) the location of two short-stay bicycle parking spaces on the site.
10. Prior to occupation of the development, all car parking bays and manoeuvring areas (as shown on the approved plans) shall be sealed/paved, surface marked and sign posted in accordance with *Australian Standard 2890.1 - Off-street car parking* and *Australian Standard 2890.6 - Off-street parking for people with disabilities* (where relevant), kerbed, drained and thereafter maintained by the landowner for the life of the development to the Town's satisfaction.
11. Prior to occupation of the development:
 - a) one car bay shall be designated as a visitor parking bay and shall be surface marked and sign posted accordingly; and
 - b) two short-stay bicycle parking spaces shall be provided on site to the satisfaction of the Town.

Both parking facilities shall be installed and thereafter maintained by the landowner for the life of the development to the Town's satisfaction.
12. Prior to occupation of the development, all landscaping as shown on the approved landscaping plan shall be implemented and shall be maintained to the satisfaction of the Town for the life of the development.
13. Within six months of occupation of the building, the solar panels as shown on the approved plans shall be installed (and thereafter maintained for the life of the development) to the satisfaction of the Town.
14. Any signage not exempt from development approval in accordance with *Local Planning Policy 3.15 - Advertising Signs* shall not be erected on the subject premises, unless otherwise approved by the Town.
15. The approved Waste Management Plan shall be implemented for the duration of the development by the landowner to the satisfaction of the Town.

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Advice Notes

1. The landowner is advised that prior to any construction works commencing on the subject site a Building Permit application shall be submitted to, and be to the satisfaction of the Town, in accordance with the *Building Act 2011* and *Building Regulations 2012*.
2. If structural modifications are required, a Building Permit shall be obtained from the Town prior to commencement of such works.
3. Any external air conditioners or swimming pool/spa equipment (where relevant) shall be located in a manner that ensures noise emissions do not exceed the assigned levels of Table 1 of the *Environmental Protection (Noise) Regulations 1997*.
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5. With reference to Condition 3 above, the Town is only able to contemplate departures from the approved plans by way of an application to amend the existing approval pursuant to Clause 77 of Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The exemptions under Clause 61 of the deemed provisions would not apply to any departures from the approved plans, including amendments minor in nature.

This position is a result of the Western Australian Supreme Court (WASC) decision on *Baker Investments Pty Ltd vs City of Vincent [2017] WASC 263*. Please note that there is no guarantee that any departures from the approved plans will be approved through an application to amend the existing approval. In addition, any departures from the approved plans may be subject to compliance action by the Town under Part 13 of the *Planning and Development Act 2005*. The applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

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

REASON: The proposal and associated building modification are consistent with the planning framework, and capable of approval. The panel supported the deletion of public art condition given the limited extent of building modifications, the predominant residential use and retention of streetscape appearance and interface. The use is appropriate within its locational context and aligned with other medical and health care facilities. The Panel supported the proposal consistent with the assessment and reasons contained in the RAR

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4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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

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/22/02259 DR166/2023	City of Subiaco	No. 424-428 (Lot 2) & No. 440 (Lots 4, 5 & 6) Hay Street, Subiaco	Demolition Of Existing Commercial Buildings and Construction Of Single And Two Storey Commercial Building	11/01/2024
DAP/22/02372 DR44/2024	City of Perth	Lot 20 (No.141) Wellington Street, East Perth	Proposed Convenient Store	28/03/2024

2. General Business

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

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:17am.

Francesca Lefante
Presiding Member, Metro Inner DAP