



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 10 October 2024; 9:30am
Meeting Number: MIDAP/39
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/39 - 10 October 2024 - City of South Perth](#)

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 44 (Lot 15) Park Street, Como - Proposed Childcare Premises – DAP/24/02688
 - 3.2a. No 58 (lot 503) Mount Henry Road, Salter Point – Proposed alterations and additions to educational establishment
 - 3.2b. No 58 (lot 503) Mount Henry Road, Salter Point – Proposed alterations and additions to educational establishment
4. Form 2 DAP Applications
 - 4.1 No. 72 and No. 74 (Lots 2-12) Mill Point Road, South Perth - Amendment to 32 Storey Mixed Use Development – DAP/17/01331
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

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

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Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member) Karen Hyde (Deputy Presiding Member) Eugene Koltasz	Laura Simmons Ashlee Kelly
<i>Part B – City of South Perth</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Bronwyn Waugh	Steven De Piazzì Adam Dyson Scott Van Ireland Fiona McMullen Kelsey Whitwell Delia Neglie

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Applicant and Submitters
<i>Part B – City of South Perth</i>
Item 3.1 Anna Kirk Casey Napier Grant Pusey Parry Filippidis Phil Knight Richard Lugg Alessandro Stagno (Apex Planning) Rory Hindle (Tall Tree Early Learning) Gianni Da Rui (Meyer Shircore Architects) Tim Reynolds (Herring Storer Acoustics) Darren Levey (Uloth & Associates traffic engineers) Item 3.2 Jonathon Jones (Encon) Item 4.1 Daniel Lees (element Advisory) Dean Robinson (Hillam Architects) Jonathon Borrello (Edge Visionary Living)

Members of the Public / Media

There were 3 members of the public in attendance.

Observers via livestream

There were 17 persons observing the meeting via the livestream.

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PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 10 October 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 Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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

2. Apologies

Cr Glenn Cridland (Local Government DAP Member, City of South Perth)

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](#).

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PART B – CITY OF SOUTH PERTH

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 4.1, received on 8 October 2024 was published in Part B of the Related Information.

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

DAP Member, Karen Hyde, declared an impartiality interest in item 4.1. Ms Hyde was the chair of the City of South Perth Design Review Panel which considered this development in the early stages prior to the original development application and approval, approximately 5 years or more ago.

DAP Member, Cr Bronwyn Waugh, declared an impartiality interest in item 3.1 and 4.1. Cr Waugh was contacted by residents and attended a site visit for both items.

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, were permitted to participate in the discussion and voting on the items.

3. Form 1 DAP Applications

3.1 No 44 (Lot 15) Park Street, Como - Proposed Childcare Premises – DAP/24/02688

Deputations and Presentations

Anna Kirk addressed the DAP against the recommendation for the application at Item 3.1.

Grant Pusey addressed the DAP against the recommendation for the application at Item 3.1.

Phil Knight addressed the DAP against the recommendation for the application at Item 3.1.

Richard Lugg addressed the DAP against the recommendation for the application at Item 3.1.

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Rory Hindle (tall Tree Early Learning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of South Perth addressed the DAP in relation to the application at Item 3,1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Eugene Koltasz

Seconded by: Nil

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02688 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 City of South Perth Local Planning Scheme No. 7, for the proposed Child Care Premises at Lot 15 (No.44) Park Street, Como subject to the following conditions:

General 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.

Public Art

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.

If public art is being provided on site, the applicant must seek approval in writing from the City of South Perth for the public art concept, including the artist proposed to undertake the works 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 in compliance with the conditions of approval for the public art proposal to the satisfaction of the City of South Perth.

Child Care Operational Conditions

- 5. A maximum of fifteen (15) employees are permitted to operate from the premises at any one time.
- 6. The number of children on-site at any one time shall not exceed eighty-six (86).
- 7. The opening hours of the Child Care Premises is limited to Monday to Friday - 7:00am to 6:30pm.
- 8. Outdoor play shall:
 - (i) not be permitted before 7:00am and after 6:30pm;
 - (ii) not accommodate more than 30 children over the age of two on the ground floor; and
 - (iii) not accommodate more than 40 children over the age of two on the upper floor.
- 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.

Construction Management

- 10. Prior to or in conjunction with the submission of a building permit application, or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved in writing 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;
 - (vii) traffic, access and parking management;

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- (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 Construction Management Plan must be implemented and adhered to all times, to the satisfaction of the City of South Perth.

11. The seven trees indicated as suitable for retention in the Arborist Assessment and Tree Survey Report prepared by Arbor Consulting dated 1 August 2024 shall be retained and protected, and all recommendations implemented to ensure protection of these trees during the demolition and construction processes, to the satisfaction of the City of South Perth.

Waste and Stormwater Management

12. Waste Management shall occur in accordance with the Waste Management Plan dated 25 August 2024 (as amended, subject to approval by the City of South Perth) and shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
13. 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

14. Prior to or in conjunction with the submission of a building 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. The plan shall generally reflect the landscape concept plan submitted with this application and address the following:
- (i) Modification to existing ground levels and any associated retaining walls;
 - (ii) Hard and soft landscaping areas;
 - (iii) Location of play and shade structures. Play structures with a raised floor level being appropriately setback from lot boundaries to minimise risk of noise or privacy impacts to adjacent residential properties;
 - (iv) The location and species of all trees to be retained or removed;
 - (v) The size (both height and pot size) and number of new trees and plants to be planted;
 - (vi) A minimum of three shade trees within the unroofed car parking area;
 - (vii) Appropriate species (max 0.75m high) within vehicle sightline areas;
 - (viii) The location of any lawn areas to be established;
 - (ix) Reticulation details;

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- (x) Details of any proposed vertical landscaping;
- (xi) Details of tree well systems for trees located in car parking areas;
- (xii) Design of on structure planters including planter areas and depths; and
- (xiii) Details of any proposed verge landscaping and planting of street trees.

Prior to occupation or use of the development, landscaping is to be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of South Perth.

15. Where existing ground levels are proposed to be modified within 3.0m from the base of a tree to be retained, advice shall be obtained from a qualified arborist in respect of any measures necessary to ensure the ongoing health and survival of the associated tree. This advice shall be provided to the City of South Perth and all recommended measures shall be implemented to the satisfaction of the City of South Perth.

Parking and Traffic

16. 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), vehicle manoeuvring bays and ACROD bays as indicated on the approved plans and maintained thereafter to the satisfaction of the City of South Perth.
17. 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.
18. Prior to the submission of an occupancy permit application, the applicant shall supply certification confirming the constructed design of all car parks, vehicle access-ways and bicycle bays are compliant with Australian Standards AS2890.1:2004 – Parking facilities: Off street car parking and AS2890.3:2015 – Bicycle Parking Facilities Requirements and the approved plans, to the satisfaction of the City of South Perth.
19. Parking Management shall occur in accordance with the Parking Management Plan dated 22 August 2024 (as amended, subject to approval by the City of South Perth) and shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
20. Prior to the commencement of development, payment of \$11,400 shall be made to the City of South Perth for Payment in Lieu of two car parking bays which have not been provided on site or in a shared parking arrangement. This condition has been imposed under the requirements of City of South Perth Payment in Lieu of Parking Plan and Schedule 2, clause 77H of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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Crossovers and Verge

21. Prior to or in conjunction with 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.
22. 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.
23. The street tree 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 – Protection of trees on development sites for the duration of the demolition and construction works.

Building Design

24. Amended plan(s) addressing the following matters shall be submitted to, and approved to the satisfaction of the City of South Perth prior to or concurrently with the lodgement of a building permit:
 - (i) Fencing within the street setback area (within 4.0m of Park Street) shall be visually permeable above 1.2m and to a maximum height of 1.8m.
 - (ii) Structures within 1.5m of where the proposed driveway intersects with Park Street shall be designed to comply with Sightline requirements of the Residential Design Codes (clause 5.2.5) and the City of South Perth Local Planning Policy - Residential Development (clause 5.5), to the satisfaction of the City of South Perth.
 - (iii) The final design for the vehicle access sliding gate shall reflect the design shown on the approved plans, or an equivalent high quality design to the satisfaction of the City of South Perth.
 - (iv) Boundary fencing behind the street setback area shall be constructed from masonry or an equivalent high quality material to the satisfaction of the City of South Perth, noting the use of metal fencing is not supported.
 - (v) Details of the car park occupancy signage including location, size, and illumination. The sign design shall be of a complementary aesthetic to the residential streetscape, whilst being able to clearly indicate to vehicles on the street when the car park is full.
 - (vi) A continuous soffit shall be provided to the car park under-croft area to conceal all soffit services, including those descending from wet areas, and to demonstrate adequate vertical clearance is maintained for vehicles (including service vehicles) below.

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Sustainability

25. Prior to occupancy of the development, certification that the sustainability initiatives outlined on the development plans and within the Environmentally Sustainable Design (ESD) Report have been incorporated in the development shall be provided to and approved in writing by 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.

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 the submission of an occupancy permit application, the recommendations of the Environmental Acoustic Assessment (unless otherwise modified through conditions of this approval) prepared by Herring Storer Acoustics, dated 18 September 2024 shall be implemented to the satisfaction of the City of South Perth.
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.
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 Environmental Acoustic Assessment and Noise Management Plan have been implemented or installed. Such noise attenuation measure shall remain in place in perpetuity.

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Signage

32. Unless otherwise approved by the City of South Perth, 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 Administrative 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 property owner(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. The applicant is advised separate approval is required to be obtained from the local government prior to the commencement of any works within the verge. 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 appropriately reticulated and managed for the life of the development to the satisfaction of the City of South Perth.
6. 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) Strata lots 1 & 3 (No. 1/42 & 2/42) Park Street, Como
 - (ii) Strata lots 2 & 3 (No. 2/46 & 3/46) Park 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.

7. For the purposes of complying with sightline requirements, the proposed sliding gate is not required to meet visual permeability requirements provided that it is outside of the sightline area when fully open.
8. Australian Standard 4970-2009 – Protection of trees on development sites, specify the following measures are required to protect trees:
 - (i) A minimum 2.0m radius 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 LAPSED for want of a seconder.

PROCEDURAL MOTION

Moved by: Karen Hyde

Seconded by: Clayton Higham

That the consideration of DAP Application DAP/24/02688 be deferred for 60 days until 9 December 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2024, for the following reasons:

- Review of overshadowing impact
- Confirm appropriate fencing materials to alleviate noise impacts
- Review ground level play area configuration and set back to reduce the impact of noise on adjoining neighbours

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The Procedural Motion was put and CARRIED (2/2).

For: Clayton Higham
Karen Hyde

Against: Eugene Koltasz
Cr Bronwyn Waugh

Due to the equality of votes, the Presiding Member exercised a casting vote in accordance with Section 5.11.1 of the Standing Orders 2024.

REASON: To enable the panel members to obtain a greater understanding of the amenity impacts of the development in relation to overshadowing and noise before determining the matter.

3.2a. No 58 (lot 503) Mount Henry Road, Salter Point – Proposed alterations and additions to educational establishment

Deputations and Presentations

The City of South Perth addressed the DAP in relation to the application at Item 3.2a.

REPORT RECOMMENDATION

Moved by: Karen Hyde

Seconded by: Eugene Koltasz

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02733 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 City of South Perth Local Planning Scheme No. 7, for the proposed alterations and additions to Educational Establishment at Lot 503, (No. 58) Mt Henry Road, Salter Point subject to the following conditions subject to the following conditions:

General 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.

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.

2. This approval does not authorise any increase to the number of students and staff at the Educational Establishment.

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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.

Public Art

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 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
 - (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 the occupation of the development and maintained for the lifetime of the development to the satisfaction of the City of South Perth.

Construction Management

5. 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) traffic, access and parking management;
 - (vii) waste management and materials re-use;
 - (viii) earthworks, excavation, land retention/piling methods and associated matters;
 - (ix) stormwater and sediment control;

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- (x) removal of onsite effluent disposal system and stormwater management system; and
- (xi) 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

- 6. 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.
- 7. The approved Waste Management Plan prepared by Talis Consultants dated 8 July 2024 shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.

Bushfire Management

- 8. Prior to or in conjunction with the submission of a building permit application, a Bushfire Emergency Evacuation Plan prepared by a suitably qualified bushfire consultant shall be submitted to and approved in writing by the City of South Perth on the advice of the Department of Fire and Emergency Services. The approved Bushfire Emergency Evacuation Plan shall be implemented and maintained for the lifetime of the development to the satisfaction of the City of South Perth.
- 9. Prior to or in conjunction with the submission of a building permit application, a Bushfire Management Plan prepared by a suitably qualified bushfire consultant shall be submitted to and approved in writing by the City of South Perth on the advice of the Department of Fire and Emergency Services. The approved Bushfire Management Plan, 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.

Landscaping

- 10. Prior to or in conjunction with the submission of a building 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) Hard and soft landscaping areas;
 - (ii) The location and species of all trees and plants to be retained or removed;
 - (iii) The size (both height and pot size) and number of new trees and plants to be planted;

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- (iv) Reticulation details;
- (v) Details of tree well systems for trees located in car parking areas.

Prior to the occupation or use of the development, landscaping is to be installed and maintained in accordance with the approved landscaping plan prepared by Aspect Studios, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of South Perth.

- 11. 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 demolition and construction works.
- 12. All trees located within the car parking area(s) as denoted on the approved plans shall be provided with tree well systems to the satisfaction of the City of South Perth.

Vehicle Access and Parking

- 13. Prior to occupation or use of the development, the existing and/or proposed accessway shall be constructed with brick paving or concrete and suitably drained to the satisfaction of the City of South Perth.
- 14. 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.

Sustainability

- 15. The recommendations provided in the Environmentally Sustainable Design Report (ESD Report prepared by Full Circle Design Services), are to be installed and implemented prior to occupation or use of the development and remain in operation for the lifetime of the development to the satisfaction of the City of South Perth.

External Fixtures

- 16. External fixtures, such as air-conditioning infrastructure, 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

17. Prior to or in conjunction with the submission of a building permit application, a Lighting plan detailing the proposed lighting to pathways, external 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.
18. 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

19. 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:
 - (a) equipment specification, building design and noise breakout.
 - (b) noise from any sirens, speakers, PA systems associated with the proposed hockey clubroom.
 - (c) use of buildings, time and user groups for the management of noise;

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.

20. 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 have been implemented or installed. Such noise attenuation measures shall remain in place for perpetuity.

Building Design/Heritage

21. Prior to or in conjunction with the submission of a building permit application, the applicant is to submit to a final schedule of colours, materials and finishes to the City of South Perth. This schedule is to be approved in writing to the satisfaction of the City of South Perth.

Prior to occupation or use of the development, the endorsed material and finishes schedule shall be implemented and thereafter maintained to the satisfaction of the City of South Perth.

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22. A program of monitoring any structural movement and potential vibration impact on *Administration Building and Chapel, Aquinas College* are to be implemented at the commencement of works. The Heritage Council of Western Australia is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.

Advice Notes

- a) 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.
- b) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
- c) 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.
- d) In relation to condition 10, the Department of Biodiversity, Conservation and Attractions (DBCA) recommend that all trees to be planted are local, native and suited to the soil type of the area to sustain local biodiversity and reduce fertilizer and water requirements. Deciduous species are not recommended due to their lack of canopy cover during winter resulting in larger stormwater volumes and flow rates, and high leaf litter load over a short period which blocks stormwater systems (including raingardens). DBCA recommends that the applicant considers planting of vegetation consistent with the Bassendean Complex Central and South.
- e) 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.

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- (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 UNANIMOUSLY.

REASON: The proposal is considered to be a quality addition to the college which, with the conditions as adopted, will not present any amenity concerns to the neighbours or the broader locality. The panel had due regard to the planning framework in arriving at its decision.

3.2b. No 58 (lot 503) Mount Henry Road, Salter Point – Proposed alterations and additions to educational establishment

Deputations and Presentations

The Western Australia Planning Commission addressed the DAP in relation to the application at Item 3.2b.

REPORT RECOMMENDATION

Moved by: Eugene Koltasz

Seconded by: Karen Hyde

That the Metro Inner Development Assessment Plan resolves to:

1. **Approve** DAP Application reference DAP/24/02733 and accompanying plans date stamped **4 September 2024** by the Department of Planning, Lands and Heritage in accordance with the provisions 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 the commencement of development, a Construction Management Plan is to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of South Perth and the Department of Planning, Lands and Heritage. Once approved, the plan is to be implemented in its entirety.

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3. Prior to occupation, a Landscape Management Plan is to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of South Perth and Department of Biodiversity, Conservation and Attractions. Once approved, the landscape management plan is to be implemented in its entirety.

Advice Notes

1. In regard to Condition 2, the Construction Management Plan is to include:
 - a) a strategy for the protection of the heritage buildings (Administration Building and Chapel) which includes a requirement for alarmed monitoring of deformation, tilt, vibrations, and existing cracks with a trigger level set at 2mm/s for the unit.

The applicant is advised to liaise with the City of South Perth and Department of Planning, Lands and Heritage for further information required to implement this condition. If any impacts occur the applicant is advised to immediately seek advice from the Heritage Council of Western Australia on a recommended course of action by a suitable qualified structural engineer.

2. In regard to Condition 3, the Department of Biodiversity, Conservation and Attractions on behalf of the Swan River Trust recommend that all trees to be planted are local, native and suited to the Bassendean Complex-Central and South soil type of the area to sustain local biodiversity and reduce fertilizer and water requirements.

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

REASON: The proposal is considered to be a quality addition to the college which, with the conditions as adopted, will not present any amenity concerns to the neighbours or the broader locality. The panel had due regard to the planning framework in arriving at its decision.

4. Form 2 DAP Applications

4.1 No. 72 and No. 74 (Lots 2-12) Mill Point Road, South Perth - Amendment to 32 Storey Mixed Use Development – DAP/17/01331

PROCEDURAL MOTION 1

Moved by: Karen Hyde

Seconded by: Eugene Koltasz

That the Metro Inner DAP receive legal advice from representatives of the Department of Planning, Lands and Heritage and that such advice is received behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2024.

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The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To receive legal advice behind closed doors.

The meeting was closed to the public at 10:40am.

The meeting was reopened to the public at 11:09am.

PROCEDURAL MOTION 2

Moved by: Clayton Higham

Seconded by: Karen Hyde

That the consideration of DAP Application DAP/17/0331 be deferred for up to 60 days, being 9 December 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2024, for the following reasons:

1. Enable the City of South Perth to provide a more comprehensive analysis of the form 2 amendments in the context of Judge Parry's decision in SAT Edge Holdings and the Metro Central JDAP [2020] WASAT 35, and in view of the changes to the planning framework.
2. Seek further legal advice from the department on the jurisdiction of the DAP to consider the form 2 application before it.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The RAR failed to provide a comparative analysis of the amendments against the development as approved through the State Administrative Tribunal (SAT) to enable the panel members to conclude whether or not the proposed changes are minor, and in the context of the changed planning framework. The panel also seeks further clarity around the jurisdiction of the DAP to determine a Form 2 application of a development approved by the SAT.

Deputations and Presentations

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Clayton Higham
Presiding Member, Metro Inner DAP



PART C – 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 11:11am.

Clayton Higham
Presiding Member, Metro Inner DAP