



## Metro Inner Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 3 December 2024; 9:30am  
**Meeting Number:** MIDAP/49  
**Meeting Venue:** 140 William Street, Perth

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

[MIDAP/49 - 3 December 2024 - City of Fremantle - Town of Bassendean](#)

### **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 FREMANTLE**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 8 (No.19) Essex Street, Fremantle - Four Storey Tourist Development – DAP/24/02724
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – TOWN OF BASSENDEAN**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 85 (No.94) West Road, Bassendean - Childcare Premises – DAP/24/02721
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART D – OTHER BUSINESS**

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

**Tony Arias**  
Presiding Member, Metro Inner DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Tony Arias (Presiding Member)	Laura Simmons
Lee O'Donohue (Deputy Presiding Member)	Zoe Hendry
Karen Hyde	
<i>Part B – City of Fremantle</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Ingrid Van Dorssen	Jonathon Dornan
Cr Andrew Sullivan	Justin Lawrence
<i>Part C – Town of Bassendean</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Jennifer Carter	Patricia Hirst
Cr Tallan Ames	Alex Snadden

**Tony Arias**  
Presiding Member, Metro Inner DAP



<b>Applicant and Submitters</b>
<i>Part B – City of Fremantle</i>
Catriona Gregg Frank Van De Ven Jacqueline Van De Ven Karen Tremaine Lawrie Tremaine Ken Perry Lynda Atherton Philipa Porteus Matt Rawlinson (Belingbak) Tim Alpe (Lylo) Kylie Schoonens (Rothelowman) Michael Clare (Developed) Daniel Paton (Developed)
<i>Part C – Town of Bassendean</i>
Anita Taseski Caroline Easton Dave Kelly (Member for Bassendean) Dominic Carlino Renae Humble Alan Stewart (Lateral Planning) Marina Kleyweg (Premise) Trish Bynre (RPoint Properties) Frank Macri (Macri Builders)

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

There were 8 members of the public in attendance.

### **Observers via livestream**

There were 74 persons observing the meeting via the livestream.

**Tony Arias**  
Presiding Member, Metro Inner DAP



## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9:32am on 3 December 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held 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

Nil.

### 3. Members on Leave of Absence

Nil.

### 4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

**Tony Arias**  
Presiding Member, Metro Inner DAP



## PART B – CITY OF FREMANTLE

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Ingrid Van Dorssen and Cr Andrew Sullivan, 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, Cr Van Dorssen and Cr Sullivan 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.

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

### 3. Form 1 DAP Applications

#### 3.1 Lot 8 (No.19) Essex Street, Fremantle - Four Storey Tourist Development – DAP/24/02724

##### Deputations and Presentations

Catriona Gregg addressed the DAP in support of the recommendation for the application at Item 3.1.

Frank Van De Ven addressed the DAP in support of the recommendation for the application at Item 3.1.

Jacqueline Van de Ven addressed the DAP in support of the recommendation for the application at Item 3.1.

Karen Tremaine addressed the DAP in support of the recommendation for the application at Item 3.1.

Lawrie Tremaine addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Ken Perry addressed the DAP in support of the recommendation for the application at Item 3.1.

Philipa Porteus addressed the DAP in support of the recommendation for the application at Item 3.1.

**Tony Arias**  
Presiding Member, Metro Inner DAP



Matt Rawlinson (Belingbak) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Tim Alpe (Lylo) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Kylee Schoonens (Rothelowman) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Michael Clare (Developed) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Daniel Paton (Developed) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

The Panel noted a written submission against the recommendation for the application at Item 3.1 was received from Lynda Atherton.

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

## REPORT RECOMMENDATION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Nil.

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02724 is appropriate for consideration as a Tourist Development land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4.
2. **Refuse** DAP Application reference DAP/24/02724 and accompanying plans (DA00.00, DA00.01, DA01.01, DA01.02, DA01.03, DA01.04, DA01.05, DA01.06, DA01.07, DA02.01, DA02.02, DA02.03, DA02.04, DA02.05, DA02.06, DA03.01, DA03.02, DA03.03, DA03.04, DA04.01) 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 Fremantle Local Planning Scheme No. 4, for the following reasons:

### Reasons

1. The proposal is inconsistent with clauses 67(a) of the Deemed Provisions as the building height does not meet the requirements of Schedule 7 clause 1.2b and c of Local Planning Scheme No. 4 due to the bulk and scale of the rear addition resulting in a detrimental impact to the amenity and heritage significance of neighbouring properties and the surrounding area.

**Tony Arias**  
Presiding Member, Metro Inner DAP



2. The proposal is inconsistent with clauses 67(m) and 67(n) of the Deemed Provisions as the proposal will result in a detrimental impact to the amenity of neighbouring properties by virtue of the height, scale and setbacks of the rear addition.

**The Report Recommendation LAPSED for want of a seconder.**

### ALTERNATE MOTION

**Moved by:** Karen Hyde

**Seconded by:** Cr Ingrid Van Dorssen

*The Alternate Motion was moved and seconded inclusive of amendments to Condition 8 to include telecommunications apparatus being integrated in the design of the building, Condition 3 to state "prior to lodgement of a building permit a storm water management plan is to be submitted to and approved by the City of Fremantle" and new condition added stating "Prior to lodgement of a building permit a landscape plan is to be prepared by the applicant and submitted to and approved by the City of Fremantle and thereafter to be implemented and maintained in accordance with the plan to the satisfaction of the City of Fremantle".*

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02724 is appropriate for consideration as a Tourist Development land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/24/02724 and accompanying plans (DA00.00, DA00.01, DA01.01, DA01.02, DA01.03, DA01.04, DA01.05, DA01.06, DA01.07, DA02.01, DA02.02, DA02.03, DA02.04, DA02.05, DA02.06, DA03.01, DA03.02, DA03.03, DA03.04, DA04.01 dated 22 October 2024) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, 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. Prior to lodgement of a building permit, a storm water management plan is to be prepared by the applicant and submitted to and approved by the City of Fremantle. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.

**Tony Arias**  
Presiding Member, Metro Inner DAP





4. Prior to commencement of works, a program of monitoring any structural movement and potential vibration impacts on the Port Flour Mill, 26-28 Norfolk Street the limestone boundary wall is to be implemented to the satisfaction of the City of Fremantle, on advice from the Heritage Council. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.
5. Prior to lodgement of a Building Permit application for the development hereby approved, a dilapidation survey of the Port Flour Mill, 26-28 Norfolk Street and the limestone boundary wall is to be prepared by a suitably qualified professional to the satisfaction of the City of Fremantle, on advice from the Heritage Council.
6. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed Mortar Mix Methodology shall be submitted and approved to the satisfaction of the City of Fremantle. Only lime mortars and no cement or impervious materials are to be used. The works shall be undertaken using the approved mortar mix.
7. Prior to lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
8. Prior to lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, telecommunication apparatus, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
9. Prior to lodgement of a Building Permit or Demolition Permit application for the development hereby approved, a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure and street trees within the road reserve;
  - c) Security fencing around construction sites;
  - d) Gentries;
  - e) Access to site by construction vehicles;
  - f) Contact details;
  - g) Site offices;
  - h) Noise - Construction work and deliveries;
  - i) Sand drift and dust management;
  - j) Waste management;
  - k) Dewatering management plan;
  - l) Traffic management; and

**Tony Arias**  
Presiding Member, Metro Inner DAP





- m) Works affecting pedestrian areas.
10. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.
11. Prior to lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
- a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
  - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
12. Prior to lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Acoustic Report (Ref: 33221-1-24296), prepared by Herring Storer Acoustics, dated 21 August 2024 are to be implemented are to be submitted to the satisfaction of the City of Fremantle.
13. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the windows located on the east, south and west elevation of the four storey addition, are to be screened to address overlooking to the adjoining residential properties. Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
14. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, an Operational Management Plan addressing the following:
- Emergency contact details
  - Management and reporting of antisocial behaviour
  - Complaints management procedure
  - Security and access to rooms
  - Guest arrival / check in/out
  - Maximum length of stay

**Tony Arias**  
Presiding Member, Metro Inner DAP



- Deliveries and servicing
- Maximum occupancy

The Operational Management Plan must be implemented at all times to the satisfaction of the City of Fremantle for the life of the development.

15. Prior to occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and circulation areas shall be installed, maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
16. Prior to occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: Contributions for Public Art and/or Heritage Works and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$8 million the contribution to be made is \$80,000.
17. The waste management plan, prepared by Talis Consultants, dated 23 October 2024 (WMP24011) must be implemented at all times to the satisfaction of the City of Fremantle.
18. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
19. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building which is not subject to the development hereby approved. Any damage shall be rectified to the satisfaction of City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.
21. Prior to lodgement of a building permit a landscape plan is to be prepared by the applicant and submitted to and approved by the City of Fremantle and thereafter to be implemented and maintained in accordance with the plan to the satisfaction of the City of Fremantle.

### Advice Notes

1. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.

**Tony Arias**  
Presiding Member, Metro Inner DAP



2. In relation to the Heritage conditions above, should there be any further clarification regarding the requirements of these conditions please contact the City's Heritage Department on 9432 9999 or alternatively [planning@fremantle.wa.gov.au](mailto:planning@fremantle.wa.gov.au), or where relevant the Heritage Council of Western Australia. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.

3. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

4. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

5. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

- a. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
- b. vehicles;
- c. amplified acoustic systems; and
- d. patron noise.

It is advised to seek the services of an acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

6. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

**Tony Arias**  
Presiding Member, Metro Inner DAP



7. The proponent must make application during the Building Permit application stage to Environmental Health Services via Schedule 3 – Application for registration of a lodging house as a requirement of the City of Fremantle's Health Local Laws 1997. For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
8. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an application to notify/register a food business. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
9. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

10. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in the relevant condition that is located in a position clearly visible to the general public on the site of the development. Should artwork be incorporated in the development a public art strategy for the site must be submitted to and approved prior to the issue of a Building Permit, to the satisfaction of the City of Fremantle. Please contact the City's Public Arts Coordinator on 9432 9999 for further information on this process. Prior to occupation of the development, the approved artwork must be installed and thereafter maintained to the satisfaction of the City of Fremantle. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.

**The Alternate Motion was put and CARRIED (4/1).**

For: Tony Arias  
Lee O'Donohue  
Karen Hyde  
Cr Ingrid Van Dorssen

Against: Cr Andrew Sullivan

**Tony Arias**  
Presiding Member, Metro Inner DAP



**REASON:** Having considered the Responsible Authority Report and all materials and information presented, the majority of the Panel was satisfied the proposal is suitable, subject to the various conditions set out (and as amended).

A Tourist Development is a discretionary land use in the City Centre zone under TPS 4 which means that the land use is capable of being approved. The proposed mixed use development incorporating small bar, public amusement land uses and short stay accommodation are appropriate uses within a City Centre context and are considered to be consistent with the City Centre zone objectives.

TPS 4 (Clause 4.7.3.1) provides discretion to reduce the standard parking requirement. The reduction is considered justified as the site is located within close proximity to a high frequency bus route and bus stops and is within an 800-metre of the Fremantle Train Station. There are also public car parking lots with unrestricted time limits located in proximity of the subject site. The RAR also stated the proposed reduction is consistent with the City's Integrated Transport Strategy identifies the future approach for parking within the City of Fremantle. The aim is to provide new parking facilities located on the periphery of the central city.

The majority of the Panel considered that the height and bulk/scale of the proposed building was acceptable and met the permitted additional height provisions under TPS 4 and consistent with what might be contemplated within City Centre zone. Noting that the building height has been reduced from 13.8m to 13.32m.

The heritage aspect of the proposal had been the subject of comprehensive assessment. The Heritage Council and Design Advisory Committee had not opposed the proposed development.

The Panel noted proposed conditions have been recommended to ensure that any potential impact to the adjoining listed sites are suitably addressed. An amended Waste Management Plan (WMP) has been prepared which provides for waste collection vehicle will reversing into the right of way, with bins being ferried directly to and from the vehicle at the time of collection. There will be no presentation of bins to Norfolk Lane.

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

Nil.

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

Nil.

*Cr Ingrid Van Dorssen and Cr Andrew Sullivan (Local Government DAP Member, City of Fremantle) left the panel at 11:06am.*

**Tony Arias**  
Presiding Member, Metro Inner DAP



## PROCEDURAL MOTION

**Moved by:** Karen Hyde

**Seconded by:** Lee O'Donohue

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

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

**REASON:** To allow for a comfort break.

*The meeting was adjourned at 11:06am.*

*The meeting was reconvened at 11:15am.*

## PART C – TOWN OF BASSENDEAN

*Cr Jennifer Carter and Cr Tallan Ames (Local Government DAP Member, Town of Bassendean) joined the panel at 11:15am.*

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Carter and Cr Ames, 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, Cr Carter and Cr Ames 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.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director 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 85 (No.94) West Road, Bassendean - Childcare Premises – DAP/24/02721

#### Deputations and Presentations

Anita Teseski addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

**Tony Arias**  
Presiding Member, Metro Inner DAP





Caroline Easton addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Dave Kelly (Member for Bassendean) addressed the DAP in support of the recommendation for the application at Item 3.1.

Dominic Carlino addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Renae Humble addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Alan Stewart (Lateral Planning) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Marina Kleyweg addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Trish Byrne (RPoint Properties) responded to questions from the panel.

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

### PROCEDURAL MOTION

**Moved by:** Cr Tallan Ames

**Seconded by:** Karen Hyde

That the meeting be adjourned for a period of 5 minutes.

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

**REASON:** To allow members a comfort break.

*The meeting was adjourned at 12:27pm.*

*The meeting was reconvened at 12:29pm.*

### REPORT RECOMMENDATION

**Moved by:** Cr Jennifer Carter

**Seconded by:** Karen Hyde

*The report recommendation was moved inclusive of a new preamble, rewording of reason 1, and a new reason for refusal added.*

That the Metro Inner DAP resolves to:

**Refuse** DAP Application reference DAP/24/02721 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 Clause 16 of the Local Planning Scheme No. 11, for the following reasons:

**Tony Arias**  
Presiding Member, Metro Inner DAP





### Reasons for Responsible Authority Recommendation

- 1) The proposed use is not compatible with or complementary to the surrounding residential zone under Local Planning Scheme No. 11, objectives for the residential zone.
- 2) The proposed development results in a shortfall of four vehicle parking bays, as assessed against Local Planning Policy No. 8 – Car Parking and End-of-Trip Facilities, which is likely to adversely impact the amenity of the surrounding locality.
- 3) The proposal is inconstant with clause 67 m) compatibility with its setting and relationship to adjoining land, s) proposed means of access and egress to the site, arrangements for loading, unloading, manoeuvring and parking vehicles.

### The Report Recommendation was put and LOST (2/3).

For: Karen Hyde  
Cr Jennifer Carter

Against: Tony Arias  
Lee O'Donohue  
Cr Tallan Ames

### ALTERNATE MOTION

**Moved by:** Lee O'Donohue

**Seconded by:** Cr Tallan Ames

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

**Approve** DAP Application reference DAP/24/027201 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 Bassendean Local Planning Scheme No. 11, subject to the following conditions:

#### Conditions:

##### General:

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. This approval is for a 'Child Care Premises' as defined by the Town of Bassendean Local Planning Scheme No. 11.

**Tony Arias**  
Presiding Member, Metro Inner DAP



Operational:

4. The Child Care Centre shall operate in accordance with the Operational Management Plan, prepared by Lateral Planning – Revision 1 (dated 4/11/2024), at all times.
5. The 'Child Care Premises' shall accommodate a maximum of 80 children at any one time.
6. No more than 14 staff are permitted to be present on site at any one time.
7. The Child Care Premises is permitted to operate between 7.15am and 6.30pm, Monday to Friday only. The Child Care Premises is not permitted to operate on Public Holidays.
8. Staff are not permitted to arrive onsite prior to 7.00am; and must vacate the site prior to 7.00pm.

Noise:

9. Prior to the initial occupation or use, noise barriers and acoustic treatments shall be installed in accordance with Figures 5.2a; 5.2b and 5.2c of the Acoustic Assessment prepared by ND Engineering – Revision 7 (dated 7/11/2024). Noise barriers and acoustic treatments must be maintained onsite for the life of the development and to the satisfaction of the Town of Bassendean. Details of noise barriers and acoustic treatments shall be depicted on plans submitted with an application for a building permit.
10. Air conditioning units shall be located in accordance with the recommendations of an acoustic assessment submitted to, and approved by, the Town of Bassendean prior to the submission of an application for a building permit application.

Built form:

11. The external finish of the boundary wall must match/ compliment the remainder of the external appearance of the development to the satisfaction of the Town of Bassendean.
12. All works, including earthworks and footings, are to be contained within the boundaries of the subject lot.

Engineering:

13. Stormwater must be contained and disposed of onsite. If ground conditions are deemed unsuitable for onsite disposal via infiltration (as verified by a geotechnical investigation), a combination of utilising the Town's stormwater drainage system and containment on site will be permitted at the landowners/ developers cost. Prior to the submission of an application for a building permit, a stormwater management plan providing details and calculations must be submitted for approval by the Town of Bassendean.

*Tony Arias*

**Tony Arias**  
Presiding Member, Metro Inner DAP



### Parking and access

14. Prior to the initial occupation or use, 18 car parking bays must be provided onsite in accordance with the approved plans. Car parking bays and manoeuvring spaces must comply with Australian Standard AS/NZ 2890.1: 2004 Parking facilities – Off-street car parking. Accessible parking bay/s must comply with AS/NZ 2890.6: 2009 Parking facilities – Off-street parking for people with disabilities and be maintained onsite for the life of the development.
15. Prior to the initial occupation or use, 4 bicycle parking bays must be provided onsite in accordance with the approved plans. Bicycle parking facilities shall comply with AS/NZ 2890.3:2015 – Parking Facilities Part 3: Bicycle Parking and be maintained onsite for the life of the development.
16. Prior to the initial occupation or use, vehicle parking, access and circulation areas must be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the Town of Bassendean.
17. Prior to the initial occupation or use, parking bays depicted as bay 2, 4, 6, 8 and 9 to 14 on approved plans shall be marked as 'staff-only' bays and remain that way for the life of the development.
18. Prior to the submission of an application for a building permit, engineering drawings must be submitted to, and approved by the Town of Bassendean, detailing the construction of "solid nibs" and line marking within the 'West Road' road reserve and in proximity to the subject site to ensure entering sight distances are compliant with Australian Standard AS2890.01 Parking facilities Part 1: Off-street car parking standards. Detailed engineering drawings are to be accompanied by an Arborist report detailing the impact the works are likely to have on trees within the 'West Road' verge and any measures recommended to ensure the trees are not damaged as the result of works.
19. Prior to the initial occupation or use of the development the applicant/landowner must construct solid nibs and complete line marking within the 'West Road' road reserve in accordance with the approved engineering drawings and recommendations of an Arborist Report. All works are to be completed at the applicant/ landowner's cost and to the satisfaction of the Town of Bassendean.
20. Prior to initial occupation or use, redundant crossovers shall be removed and kerbing, verge, and the footpath reinstated with grass or landscaping to the satisfaction of the Town of Bassendean.
21. The crossover shall be constructed in accordance with the approved plans and Town of Bassendean's Crossover Policy Specifications.

### Landscaping

22. No wall, fence or landscaping greater than 0.75m in height (measured from the natural ground level at the street boundary), shall be constructed or installed within 1.5m of a vehicular accessway (including vehicular accessways to adjoining sites).

**Tony Arias**  
Presiding Member, Metro Inner DAP



23. Prior to the commencement of use landscaping is to be installed in accordance with the approved landscaping plan and thereafter maintained for the life of the development to the satisfaction of the Town of Bassendean.
24. The Construction Impact Mitigation Methods (Section 5.1) and Tree Protection Plan (Section 6) detailed in the Preliminary Arboriculture Report prepared by ArborCulture Australia Pty Ltd (Revision 1 dated 24/6/2024) shall be implemented at all times, to the satisfaction of the Town of Bassendean.
25. In the event a street tree within the West Road verge abutting the site is damaged, removed or suffers irreversible effects to its health as a result of the development, and within the first three years after completion of the development, the applicant/owner will be liable to pay the Town of Bassendean for the value of the tree (based on the Burnley Method of Amenity Tree Evaluation - Moore, 2006), plus the cost of the removal of the tree.

Miscellaneous:

26. In accordance with the Environmentally Sustainable Design (ESD) Report (prepared by Thermarate; Version 4; dated 31/10/2024), onsite rainwater storage and a heat pump hot water systems are to be installed onsite prior to the commencement of use. Details of onsite rainwater storage and a heat pump hot water systems are to be depicted on plans submitted in association with an application for a building permit.
27. Prior to the initial occupation or use, all of the sustainability initiatives outlined on the approved development plans, Environmentally Sustainable Design (ESD) Report (prepared by Thermarate; Version 4; dated 31/10/2024) and as required in accordance with conditions of this approval, must be implemented onsite. Certification confirming that sustainability initiatives have been completed shall be submitted to the Town of Bassendean prior to the commencement of use.
28. Prior to the submission of an application for a building permit, the applicant/owner is to comply with the Town of Bassendean Local Planning Policy No. 15 – Public Art, through the contribution of a sum of 1% of the estimated cost of the development towards public art, being either:
  - a. Payment to the Town of Bassendean the value of 1% of the construction value; or
  - b. The provision of public art of site to the minimum value of 1% of the construction value to the satisfaction of the Town of Bassendean. The approved public art concept shall be implemented prior to the occupation of the development and maintained for the life of the development to the satisfaction of the Town of Bassendean.

**Tony Arias**  
Presiding Member, Metro Inner DAP



29. Prior to the submission of an application for a Building Permit, a lighting plan demonstrating compliance with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting shall be submitted to, and approved by the Town of Bassendean. The lighting plan must be prepared by a suitably qualified person, implemented prior to the commencement of use to the satisfaction of the Town of Bassendean.
30. A Construction Management Plan shall be submitted to, and approved by the Town of Bassendean prior to commencement of works. The Construction Management Plan shall address dust, noise, waste management, storage of materials, traffic management, site access, safety/security and protection of public assets. The Construction Management Plan is to be complied with for the duration of the construction of the development.

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

For: Tony Arias  
Lee O'Donohue  
Cr Tallan Ames

Against: Karen Hyde  
Cr Jennifer Carter

**REASON:** Having considered the Responsible Authority Report and all materials and information presented, the majority of the Panel was satisfied the proposal is suitable, subject to the various conditions set out (and as amended).

'Child Care Premises' is a Discretionary land use in the Residential Zone under LPS 7 and capable of being approved, where the decision maker has exercised discretion which recognises that the development is consistent with the expectations of the size, scale and siting of development in a residential area. The majority of the Panel considered that the proposed development was of a scale which is compatible with a single and two storey residential and meets the Residential Zone Objectives.

The Town's DRP reviewed the development on a number of occasions, noting the applicant made changes in response to the Panel's recommendations, the DRP supports the proposal against all 10 principles of good design as outlined in State Planning Policy No. 7 – Design of the Built Environment.

The TIA concluded that the development would result generate low traffic and is unlikely to impact traffic safety in the area. The RAR indicates that the adjoining roads, West Road and Bridson Street, are both designed to carry up to 6,000 vehicles per day, with the Child Care Premises expected to generate up to 348 vehicle movements per day. The Town's officers are satisfied the local road network has the capacity to accommodate the expected increase in local traffic.

The acoustic report for the development indicates that there will be no adverse amenity impact to adjoining properties and locality, which is supported by the RAR.

**Tony Arias**  
Presiding Member, Metro Inner DAP



**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

**Tony Arias**  
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/22/02372 DR44/2024	City of Perth	Lot 20 (No.141) Wellington Street, East Perth	Proposed Convenient Store	28/03/2024

### 2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 1:02pm.

**Tony Arias**  
Presiding Member, Metro Inner DAP