



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 14 August 2025; 9:30am
Meeting Number: MIDAP/92
Meeting Venue: 140 William Street, Perth

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

[MIDAP/92 - 14 August 2025 - Town of Claremont - Town of Victoria Park](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – TOWN OF CLAREMONT

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 5, 6, 7, 616, and 718 (No. 21-23) Queenslea Drive and Lot Nos 805 and 806 (No. 352) Stirling Highway, Claremont - Proposed Performing Arts Centre – DAP/25/02907
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – TOWN OF VICTORIA PARK

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 2 (No.22) Brodie-Hall Drive, Bentley - Proposed Research and Development Building – DAP/25/02860
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

Dale Page
Presiding Member, Metro Inner DAP

Page 1



ATTENDANCE	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Claire Ortlepp
Neema Premji (Deputy Presiding Member)	Ashlee Kelly
Peter Lee	
<i>Part B – Town of Claremont</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Ryan Brown	Tianqi Xiao
Cr Kate Main	Michael Hancock
<i>Part C – Town of Victoria Park</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Peter Melrosa	Joshua Loveridge
Cr Sky Croeser	Robert Cruikshank

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Applicant and Submitters
<i>Part B – Town of Claremont</i>
Melanie Cox (TBB) Edward Neville (Total Project Management)
<i>Part C – Town of Victoria Park</i>
Peeyush Mathur (Austvolt) Christie Dowie (GHD) Birgit Butler John Miller (Busy Brains) Andrea Scavalli (Matthews & Scavalli) Nik Hidding (Hidding Urban Planning)

Members of the Public / Media

Nil

Observers via livestream

There was 19 persons observing the meeting via the livestream.

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Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 14 August 2025 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

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

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](#).



PART B – TOWN OF CLAREMONT

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 Ryan Brown and Cr Kate Main, declared that they had participated in a prior Council briefing in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Brown and Cr Main 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 had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 5, 6, 7, 616, and 718 (No. 21-23) Queenslea Drive and Lot Nos 805 and 806 (No. 352) Stirling Highway, Claremont - Proposed Performing Arts Centre – DAP/25/02907

Deputations

Melanie Cox (TBB) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Edward Neville (Total Project Management) responded to questions in relation to the application at Item 3.1.

The Town of Claremont responded to questions in relation to the application at Item 3.1.



PRIMARY MOTION

Moved by: Neema Premji

Seconded by: Cr Ryan Brown

That the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02907 is appropriate for consideration as an “Educational Establishment” land use and compatible with the objectives of the zoning table in accordance with Clause 74 of the Town of Claremont *Local Planning Scheme No. 3*.
2. **Approve** DAP Application reference DAP/25/02907 and accompanying plans (Attachment 2) 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 Claremont Local Planning Scheme No. 3, subject to the following conditions:

Conditions

1. 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.
2. All development shall occur in accordance with the approved drawings dated received 11 June 2025, as amended by these conditions.
3. The development must be designed, constructed and maintained to a BAL-12.5 in accordance with the Bushfire Management Plan prepared by Emerge and Associates (dated April 2025) and as specified in Australian Standard AS3959:2018: Construction of Buildings in Bushfire Prone Areas (AS3959).

As part of the Building Permit application, certification that the buildings have been designed to a BAL-12.5 as specified in AS3959 is to be submitted to the satisfaction of the Town of Claremont. The buildings must be maintained in accordance with the specified requirements for BAL-12.5 for the duration of the development.

4. The development is to be implemented and thereafter maintained in accordance with the Bushfire Management Plan prepared by Emerge and Associates dated April 2025, to the satisfaction of the Town of Claremont.

Dale Page
Presiding Member, Metro Inner DAP



5. Prior to completion of works, a notification under section 70A of the *Transfer of Land Act 1893* must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land of the factor affecting the use of the land. The notification is to be prepared at the applicant's cost to the satisfaction of the Town of Claremont and is to state as follows:

"This land is within a Bushfire Prone Area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on the land."

6. Prior to the issue of a Building Permit, a Construction Management Plan is to be prepared and submitted to the specification and satisfaction of the Town of Claremont addressing:
- a) access to the site;
 - b) protection of street trees;
 - c) delivery and storage of materials; and
 - d) the parking of tradespersons.

The approved Construction Management Plan is to be thereafter implemented for the duration of construction to the satisfaction of the Town of Claremont.

7. Prior to the lodgement of a Building Permit application, a detailed Lighting Plan is to be provided to the specification and satisfaction of the Town of Claremont. The Lighting Plan is to be thereafter implemented, to the satisfaction of the Town of Claremont.
8. Prior to the lodgement of a Building Permit application, a Landscape Plan for the proposed development is to be submitted and thereafter implemented to the satisfaction of the Town of Claremont. All plant species used shall be locally native and suited to the soil type of the area to sustain local biodiversity and reduce fertiliser and water requirements.
9. The development and subsequent activities are to be implemented and thereafter maintained in accordance with the Acoustic Report prepared by Gabriels Hearne Farrell dated 18 March 2025, to the satisfaction of the Town of Claremont.
10. The development and subsequent activities are to be implemented and thereafter maintained in accordance with the Waste Management Plan prepared by Tails Consultants dated 8 April 2025, to the satisfaction of the Town of Claremont.
11. Appropriate measures are to be taken to ensure no permanent damage to the foreshore, riverbank or waterway (including vegetation and infrastructure) occurs beyond the scope of the authorised works. Should any inadvertent damage occur, the Department of Biodiversity, Conservation and Attractions is to be notified immediately, and the area remediated at the proponent's expense.



12. All works are to be undertaken in accordance with a Sediment and Erosion Control Plan prepared to the specification of the Town of Claremont.
13. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) shall be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated.
14. The development shall be connected to the reticulated sewerage system.

Advice Notes

1. If an applicant or owner is aggrieved by this determination there is right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.
2. This is a Development Approval only and a Building Permit must be obtained from the Town of Claremont's Building Services unit prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission.
3. As part of the application for a Building Permit the plans shall be required to comply with the Australian Standards for Disabled Access (AS1428).
4. A Demolition Permit is required from the Town of Claremont's Building Services prior to commencement of any demolition works.
5. All plant and machinery (such as air conditioners and pool pumps) must be suitably located and/or sound proofed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.
6. Under the Environmental Protection (Noise) Regulations 1997, no construction work is to be permitted or suffered to be carried out:
 - a) Before 7.00am or after 7.00pm, Monday to Saturday (inclusive); or
 - b) On a Sunday or on a public holiday.

Works required to be undertaken outside of approved hours require approval of the Chief Executive Officer of the Town of Claremont (fees apply).

7. The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the Code of Practice on Safe Removal of Asbestos [NOHSC: 2002(2005)] as stipulated by the Occupational Health and Safety Regulations 1996 and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2004.



8. The Swan River Trust has provided the following advice:
- 1) Regarding Condition 12, in case of damage or pollution events, contact the Department of Biodiversity, Conservation and Attractions on 9278 0981 (Riverpark Duty Officer) or the Department of Transport on 9480 9924 (Marine Pollution Response).
 - 2) Regarding Condition 13, the Sediment and Erosion Control Plan is to describe how the authorised works will be managed and implemented to minimise the risk of drainage, erosion and sedimentation on nearby water bodies and/or reserves during the work and should include control measures such as:
 - a. daily recovery of sediment (including imported building sand) from outside the works area (e.g. end-of-day sweeping)
 - b. perimeter controls such as sediment control fences
 - c. sediment traps at stormwater drain inlets
 - d. vehicle washdown and vibration grids at entry/exits.

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

- 3) Note that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.

The Primary Motion was put and CARRIED UNANIMOUSLY.

REASON: This is a substantial and complex development, and the panel was of the view that the relatively short list of conditions reflects a high level of refinement and resolution of the design and all its moving parts, and the Town of Claremont's level of support for the proposal being considered. The proposal meets the objectives of the Educational Zone and most of the requirements of the underlying planning framework. Although the height of the building technically exceeds the requirements of LPS3, when considering the renders provided as part of the application documentation, the panel agreed the facility sits respectfully within the existing built form and landscape context, irrespective of the height proposed. The panel also noted that the proposed height is the same as the facility previously approved by the DAP, though this proposal is otherwise smaller with an increased setback to the river foreshore, and retention of all existing car bays on site. The panel commended the applicant team and the Town of Claremont for working together to bring forward a proposal of such high quality and design resolution.

Dale Page
Presiding Member, Metro Inner DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Ryan Brown and Cr Kate Main (Local Government DAP Members, Town of Claremont) left the panel at 9.49am.

Dale Page
Presiding Member, Metro Inner DAP



PART C – TOWN OF VICTORIA PARK

Cr Peter Melrosa and Cr Sky Croeser (Local Government DAP Members, Town of Victoria Park) joined the panel at 9.52am.

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

DAP Member, Cr Sky Croeser, declared an impartiality interest in item 3.1. Cr Croeser met with the owner of Busy Brains in their capacity as councillor.

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

3. Form 1 DAP Applications

3.1 Lot 2 (No.22) Brodie-Hall Drive, Bentley - Proposed Research and Development Building – DAP/25/02860

Deputations

Peeyush Mathur (Austvolt) and Christie Downie (GHD) addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Birgit Butler addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

John Miller (Busy Brains) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The Town of Victoria Park responded to questions in relation to the application at Item 3.1.



PRIMARY MOTION

Moved by: Neema Premji

Seconded by: Dale Page

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/25/02860 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 Victoria Park Local Planning Scheme No. 2, subject to the following conditions:

Conditions

Operational conditions

1. This approval is for the predominant use of the building to be 'research and development' as defined under the Town of Victoria Park Local Planning Scheme No 2, being:

"premises used for research and development activities for science, technology, education and research purposes inclusive of the development, assembly and production of products."

This approval does not authorise the operation of a child care premises that is not primarily operated for research and development purposes.

Should the building no longer be predominantly used for the purpose of research and development, any child care use shall cease to the satisfaction of the Town, unless otherwise approved.

2. This approval for research and development permits the development to include an operational child care centre operated by Busy Brains and Guardius ('the operator') only. Operation of the child care component by any other operator is not permitted unless approved by the Town.
3. Prior to occupation and commencement of the use hereby approved, the proponent shall enter into a non-registrable agreement with the Town, which confirms that:
 - a) The primary ongoing use is for research and development in early education, and that the use will maintain a clear innovation mandate;
 - b) Development approval for any substantial operational change will be sought from the Town;
 - c) An annual report will be prepared by the proponent, reporting on the preceding calendar year, for the following items:
 - i. Executive summary of the research and development activities at the Busy Brains and Guardius research and development centre, primarily focusing on early childhood development and safety;

Dale Page
Presiding Member, Metro Inner DAP

Page 12



- ii. Research themes and focus areas, relating to early brain development (Busy Brains) and child safety and RTLS innovation (Guardius);
 - iii. Key outputs, including (though not limited to):
 - Peer-reviewed and/or internal reports on key findings;
 - Case studies pilot outcomes in childcare settings;
 - Data dashboards (aggregated anonymised data);
 - Innovation pilots (technology and system trials);
 - Parent/Centre feedback (interviews, surveys, co-design sessions);
 - Community briefings (summaries for stakeholders and the Town);
 - Conference presentations (papers and submissions);
 - iv. Regulatory recommendations (safety or question and answer session contributions).
 - v. Partnerships and collaborations;
 - vi. Commercialisation and sector impact;
 - vii. Ethics and data governance;
 - viii. Forward research plan; and,
 - ix. Appendices.
4. A maximum of nine (9) employees are permitted to operate from the premises at any one time.
 5. The number of children on-site at any one time shall not exceed 51.
 6. Attendance at the site by children and their parents/guardians is limited to Monday to Friday, 6:30am to 6:30pm (excluding public holidays and weekends).

Construction management

7. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
 - a) How materials and equipment will be delivered and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Parking arrangements for contractors;
 - d) Construction waste disposal strategy and location of waste disposal bins;
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
 - g) Construction traffic and pedestrian management; and
 - h) Other matters likely to impact on the surrounding properties.



Colours and materials

8. Proposed external colours, finishes and materials to be used in the construction of the building are to be in accordance with the approved plans to the satisfaction of the Town, unless otherwise approved.

Boundary wall

9. A zero lot gutter to be provided for the boundary wall, unless otherwise approved in writing by the Town.
10. Prior to the occupation of the building, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall must be finished to the same standard as the rest of the development to the satisfaction of the Town.

Waste and stormwater

11. Development being in accordance with the approved Waste Management Plan at all times to the satisfaction of the Town.
12. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.

Car and bicycle parking

13. Prior to the occupation or use of the development, all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with AS2890.1 and AS2890.6, and thereafter maintained to the satisfaction of the Town.
14. Prior to occupation of the development, a minimum of six (6) bicycle parking spaces must be provided in accordance with Australian Standard AS 2890.3 and to the satisfaction of the Town. The bicycle parking facilities shall be installed and remain in place permanently, unless otherwise approved by the Town.

Vehicle access, crossovers and verge treatments

15. All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Town.
16. The existing '*Liquidambar Formosana*' verge tree, as marked in red on the approved plans, has been approved for removal. Prior to the removal of the verge tree, the owner/applicant is to pay the Town of Victoria Park the costs associated with the removal of the tree, including the Helliwell valuation (refer to related Advice Note).



17. Prior to the occupation of the development, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town of Victoria Park.

Trees and Landscaping

18. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge must be submitted to and approved by the Town, and must include the following:
- a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - b) The proposed reticulation methodology, with all planting to be appropriately reticulated for the first five (5) summers by the landowner/proponent;
 - c) Any lawn to be established;
 - d) Any existing vegetation and/or landscaped areas to be retained; and,
 - e) Any verge treatments.

The landscaping plan shall include at least 15 new trees, the species and height of which are to be provided to the satisfaction of the Town. These trees are to be maintained and kept in good health in perpetuity, with trees being replaced if they perish. Any replacement trees are to be provided and maintained to the satisfaction of the Town.

19. Prior to the occupation or strata-titling of the building(s), whichever occurs first, the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.
20. The Tree Growth Zones, as shown on the approved plans, shall be maintained to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zones.
21. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.

Signage

22. This approval does not include signage. Separate approval may be required.

Fencing

23. The pickets of the approved picket fencing to be spaced a gap equal to at least half the width of the picket.



External fixtures

24. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
25. External clothes drying facilities shall be provided for each dwelling and shall be screened from view from the street or any other public place.

Surveillance and lighting

26. All windows and doors to street frontages are to be provided with clear glazing, and are not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.
27. Prior to lodging an application for a building permit, the location of security cameras are to be provided to provide surveillance over the bicycle racks, and be installed prior to occupation of the development hereby approved, to the satisfaction of the Town.
28. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.

Public art

29. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer related Advice Note)

General

30. 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.
31. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.



Advice Notes

Department of Water and Environmental Regulation (DWER)

AN1 Acid sulfate soils (ASS) risk mapping indicates that Lot 2 is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

Water Corporation

AN2 Reticulated water is available to the subject lot. There are currently no water meters onsite.

AN3 Reticulated sewerage is available to the subject lot. Any portion of the proposed building which is within the zone of influence to sewer main may require suitable footings in accordance with our technical guidelines. Please refer to our website: www.watercorporation.com.au/Developing-and-building/Working-near-assets.

AN4 Any works carried out in proximity to our Assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA). To assess whether the proposed development will require an APRA, details of the Prescribed Proximities are available on our website: www.watercorporation.com.au/Developing-and-building/Working-near-assets/Approval-for-works.

AN5 The applicant is required to submit a Commercial/Multi Residential Application by using our online portal BuilderNet: login-buildernet.watercorporation.com.au.

Attachments required for approval will include:

- Final construction site & architectural floor plans
- Engineer certified piling detail plans (if required)
- Hydraulic Plans – Water & Wastewater
- Trade Waste Application Form - Application forms (watercorporation.com.au)
- Trade Waste Supplement Form

Building

AN6 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.

AN7 Plans are to be assessed by a suitably qualified person to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A copy of the certified plans is to be provided as part of the building permit application.



AN8 Please note it is the responsibility of the building owner/developer to ensure the development complies with the *Disability Discrimination Act 1992*. Further information may be obtained from Disability Services (WA).

AN9 Any required excavation or filling greater than 150mm below or above existing ground levels is to be retained along any boundary by a retaining wall system designed by a practising Structural Engineer. Council approval is required for all proposed retaining wall systems greater than 150mm in height or depth.

Environmental Health

AN10 Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.

AN11 The applicant is required to submit a *Food Business Registration/Notification* form to Council's Environmental Health and Regulatory Services in order to register the food business under the Food Act 2008. Annual food risk assessment fees may apply. The form can be downloaded from the Council's website.

Engineering

AN12 A separate application is to be submitted to the Town's Street Improvement business unit for approval prior to construction of a new crossover. To submit a crossover application please complete a 'Crossover Installation Application Form' and refer to the 'Crossover Installation Package'. Both documents are available from the Town's website.

AN13 A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111. It is noted that a Work Zone permit may not be permitted along some sections of Brodie-Hall Drive.

AN14 All services (including power domes, water metres, telecom pits) are to be relocated outside driveway, crossover and vehicle manoeuvring areas.

AN15 All stormwater soakwells located under paving are to have grated lids and all soakwells in driveway areas are to have a grated, trafficable lid.

Parks

AN16 The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.



AN17 The removal of any verge tree remains the responsibility of the Town. An interim quotation (valid this current financial year) for the cost of the existing tree removal, Helliwell valuation, tree replacement and maintenance for three (3) years is **\$791.26**, which is subject to change pending further quotation by the Town when removal is required. The Town's Parks & Gardens Operations service area is to be notified in writing four weeks prior to removal and payment in full is required at this time. The tree removal process will not commence unless this occurs.

AN18 A minimum distance of 1500mm from the closest point of the existing verge tree trunk to the crossover edge is required.

Public Art

AN19 With regards to the condition relating to the payment of a public art contribution, payment being:

- a) payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or,
- b) payment to the Town of a bond to the value of the contribution, on the basis that the owner/applicant is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development, at which time the bond will be refunded by Council. The public art is to be maintained thereafter by the owner/occupiers; or,
- c) the applicant/owner entering into a legal agreement with the Town prepared by the Town's solicitors at the cost of the owner/applicant, undertaking to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.



AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Neema Premji

That Condition No. 19 be amended to read as follows:

*Prior to the occupation ~~or strata-titling of the building(s), whichever occurs first,~~
the approved landscaping and reticulation plan must be fully implemented and
maintained thereafter, to the satisfaction of the Town.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: there will be no strata-titling of this development. It is therefore more appropriate for the condition to require the action to occur prior to occupation.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Neema Premji

That Condition No. 25 be amended to read as follows:

*External clothes drying facilities shall be provided ~~for each dwelling and shall be~~
screened from view from the street or any other public place.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: there are no dwellings proposed as part of this application. The amended wording is more relevant to the proposed development.



PRIMARY MOTION (AS AMENDED)

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/25/02860 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 Victoria Park Local Planning Scheme No. 2, subject to the following conditions:

Conditions

Operational conditions

1. This approval is for the predominant use of the building to be 'research and development' as defined under the Town of Victoria Park Local Planning Scheme No 2, being:

"premises used for research and development activities for science, technology, education and research purposes inclusive of the development, assembly and production of products."

This approval does not authorise the operation of a child care premises that is not primarily operated for research and development purposes.

Should the building no longer be predominantly used for the purpose of research and development, any child care use shall cease to the satisfaction of the Town, unless otherwise approved.

2. This approval for research and development permits the development to include an operational child care centre operated by Busy Brains and Guardius ('the operator') only. Operation of the child care component by any other operator is not permitted unless approved by the Town.
3. Prior to occupation and commencement of the use hereby approved, the proponent shall enter into a non-registrable agreement with the Town, which confirms that:
 - a) The primary ongoing use is for research and development in early education, and that the use will maintain a clear innovation mandate;
 - b) Development approval for any substantial operational change will be sought from the Town;
 - c) An annual report will be prepared by the proponent, reporting on the preceding calendar year, for the following items:
 - i. Executive summary of the research and development activities at the Busy Brains and Guardius research and development centre, primarily focusing on early childhood development and safety;
 - ii. Research themes and focus areas, relating to early brain development (Busy Brains) and child safety and RTLS innovation (Guardius);
 - iii. Key outputs, including (though not limited to):
 - Peer-reviewed and/or internal reports on key findings;



- Case studies pilot outcomes in childcare settings);
 - Data dashboards (aggregated anonymised data);
 - Innovation pilots (technology and system trials);
 - Parent/Centre feedback (interviews, surveys, co-design sessions);
 - Community briefings (summaries for stakeholders and the Town);
 - Conference presentations (papers and submissions);
 - iv. Regulatory recommendations (safety or question and answer session contributions).
 - v. Partnerships and collaborations;
 - vi. Commercialisation and sector impact;
 - vii. Ethics and data governance;
 - viii. Forward research plan; and,
 - ix. Appendices.
4. A maximum of nine (9) employees are permitted to operate from the premises at any one time.
5. The number of children on-site at any one time shall not exceed 51.
6. Attendance at the site by children and their parents/guardians is limited to Monday to Friday, 6:30am to 6:30pm (excluding public holidays and weekends).

Construction management

7. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
- a) How materials and equipment will be delivered and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Parking arrangements for contractors;
 - d) Construction waste disposal strategy and location of waste disposal bins;
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
 - g) Construction traffic and pedestrian management; and
 - h) Other matters likely to impact on the surrounding properties.

Colours and materials

8. Proposed external colours, finishes and materials to be used in the construction of the building are to be in accordance with the approved plans to the satisfaction of the Town, unless otherwise approved.



Boundary wall

9. A zero lot gutter to be provided for the boundary wall, unless otherwise approved in writing by the Town.
10. Prior to the occupation of the building, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall must be finished to the same standard as the rest of the development to the satisfaction of the Town.

Waste and stormwater

11. Development being in accordance with the approved Waste Management Plan at all times to the satisfaction of the Town.
12. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.

Car and bicycle parking

13. Prior to the occupation or use of the development, all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with AS2890.1 and AS2890.6, and thereafter maintained to the satisfaction of the Town.
14. Prior to occupation of the development, a minimum of six (6) bicycle parking spaces must be provided in accordance with Australian Standard AS 2890.3 and to the satisfaction of the Town. The bicycle parking facilities shall be installed and remain in place permanently, unless otherwise approved by the Town.

Vehicle access, crossovers and verge treatments

15. All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Town.
16. The existing '*Liquidambar Formosana*' verge tree, as marked in red on the approved plans, has been approved for removal. Prior to the removal of the verge tree, the owner/applicant is to pay the Town of Victoria Park the costs associated with the removal of the tree, including the Helliwell valuation (refer to related Advice Note).
17. Prior to the occupation of the development, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town of Victoria Park.



Trees and Landscaping

18. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge must be submitted to and approved by the Town, and must include the following:
- a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - b) The proposed reticulation methodology, with all planting to be appropriately reticulated for the first five (5) summers by the landowner/proponent;
 - c) Any lawn to be established;
 - d) Any existing vegetation and/or landscaped areas to be retained; and,
 - e) Any verge treatments.

The landscaping plan shall include at least 15 new trees, the species and height of which are to be provided to the satisfaction of the Town. These trees are to be maintained and kept in good health in perpetuity, with trees being replaced if they perish. Any replacement trees are to be provided and maintained to the satisfaction of the Town.

19. Prior to the occupation the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.
20. The Tree Growth Zones, as shown on the approved plans, shall be maintained to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zones.
21. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.

Signage

22. This approval does not include signage. Separate approval may be required.

Fencing

23. The pickets of the approved picket fencing to be spaced a gap equal to at least half the width of the picket.

External fixtures

24. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.



25. External clothes drying facilities shall be provided and shall be screened from view from the street or any other public place.

Surveillance and lighting

26. All windows and doors to street frontages are to be provided with clear glazing, and are not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.
27. Prior to lodging an application for a building permit, the location of security cameras are to be provided to provide surveillance over the bicycle racks, and be installed prior to occupation of the development hereby approved, to the satisfaction of the Town.
28. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.

Public art

29. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer related Advice Note)

General

30. 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.
31. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

Advice Notes

Department of Water and Environmental Regulation (DWER)

- AN1 Acid sulfate soils (ASS) risk mapping indicates that Lot 2 is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>



Water Corporation

- AN2 Reticulated water is available to the subject lot. There are currently no water meters onsite.
- AN3 Reticulated sewerage is available to the subject lot. Any portion of the proposed building which is within the zone of influence to sewer main may require suitable footings in accordance with our technical guidelines. Please refer to our website: www.watercorporation.com.au/Developing-and-building/Working-near-assets.
- AN4 Any works carried out in proximity to our Assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA). To assess whether the proposed development will require an APRA, details of the Prescribed Proximities are available on our website: www.watercorporation.com.au/Developing-and-building/Working-near-assets/Approval-for-works.
- AN5 The applicant is required to submit a Commercial/Multi Residential Application by using our online portal BuilderNet: login-buildernet.watercorporation.com.au.

Attachments required for approval will include:

- Final construction site & architectural floor plans
- Engineer certified piling detail plans (if required)
- Hydraulic Plans – Water & Wastewater
- Trade Waste Application Form - Application forms (watercorporation.com.au)
- Trade Waste Supplement Form

Building

- AN6 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN7 Plans are to be assessed by a suitably qualified person to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A copy of the certified plans is to be provided as part of the building permit application.
- AN8 Please note it is the responsibility of the building owner/developer to ensure the development complies with the *Disability Discrimination Act 1992*. Further information may be obtained from Disability Services (WA).
- AN9 Any required excavation or filling greater than 150mm below or above existing ground levels is to be retained along any boundary by a retaining wall system designed by a practising Structural Engineer. Council approval is required for all proposed retaining wall systems greater than 150mm in height or depth.



Environmental Health

AN10 Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.

AN11 The applicant is required to submit a *Food Business Registration/Notification* form to Council's Environmental Health and Regulatory Services in order to register the food business under the Food Act 2008. Annual food risk assessment fees may apply. The form can be downloaded from the Council's website.

Engineering

AN12 A separate application is to be submitted to the Town's Street Improvement business unit for approval prior to construction of a new crossover. To submit a crossover application please complete a 'Crossover Installation Application Form' and refer to the 'Crossover Installation Package'. Both documents are available from the Town's website.

AN13 A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111. It is noted that a Work Zone permit may not be permitted along some sections of Brodie-Hall Drive.

AN14 All services (including power domes, water metres, telecom pits) are to be relocated outside driveway, crossover and vehicle manoeuvring areas.

AN15 All stormwater soakwells located under paving are to have grated lids and all soakwells in driveway areas are to have a grated, trafficable lid.

Parks

AN16 The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.

AN17 The removal of any verge tree remains the responsibility of the Town. An interim quotation (valid this current financial year) for the cost of the existing tree removal, Helliwell valuation, tree replacement and maintenance for three (3) years is **\$791.26**, which is subject to change pending further quotation by the Town when removal is required. The Town's Parks & Gardens Operations service area is to be notified in writing four weeks prior to removal and payment in full is required at this time. The tree removal process will not commence unless this occurs.

AN18 A minimum distance of 1500mm from the closest point of the existing verge tree trunk to the crossover edge is required.



Public Art

AN19 With regards to the condition relating to the payment of a public art contribution, payment being:

- d) payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or,
- e) payment to the Town of a bond to the value of the contribution, on the basis that the owner/applicant is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development, at which time the bond will be refunded by Council. The public art is to be maintained thereafter by the owner/occupiers; or,
- f) the applicant/owner entering into a legal agreement with the Town prepared by the Town's solicitors at the cost of the owner/applicant, undertaking to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.

The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: From the information provided in the application, in the deputation submissions and in response to questions, the panel was comfortable that the primary purpose of the facility is for research and development, albeit in a childcare context. Some of the staff proposed to work in the facility are experts who would not ordinarily work in a normal childcare centre, and the operators are specialist operators. This, coupled with unusual and quite onerous conditions of approval that require the approval to run with the operator and not with the land; the requirement for a formal agreement with the Town; as well as annual reporting on R&D activities, gave the panel comfort that this will not be a normal childcare centre and that land use categorisation and permissibility have been appropriately considered by the Town's officers. The panel was also satisfied that the location of this facility on the site will not unduly impact other R&D businesses in the park or preclude the opportunity for others in the future. The panel agreed that the proposal complies with the rest of the scheme provisions and with the ten design principles of SPP7.0 as report in the RAR. It was noted there were some concerns raised through public consultation about traffic, parking and noise, but given the location of the site and the conclusions of the Traffic Impact Statement and Acoustic Assessment and related conditions of approval, the panel was comfortable these issues have been appropriately addressed.

Dale Page
Presiding Member, Metro Inner DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Dale Page
Presiding Member, Metro Inner DAP

Page 29



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/20/01911 DR192/2024	Town of Cambridge	Lot 800 (29-33) Northwood Street, West Leederville	Three storey care premises and associated office	16/12/2024
DAP/24/02820 DR69/2025	City of Nedlands	Lot 381 (No.6) Alexander Road, Dalkeith	5 Multiple Dwellings	03/06/2025
DAP/25/02866 DR 105/2025	City of South Perth	Lot 46 (No.142) Coode Street, South Perth	proposed three-storey medical centre (dental practice)	15/07/2025

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.11am.