



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 21 November 2024; 9:30am
Meeting Number: MIDAP/46
Meeting Venue: 140 William Street, Perth

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

[MIDAP/46 - 21 November 2024 - City of Fremantle - City of Bayswater](#)

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 19, Nos.19-21 McCabe Street, North Fremantle - Amendment to feature external material previously approved by the City of Fremantle, on the advice of the City's Design Advisory Committee, in the clearance of development approval (ref. DAP/20/01821 condition No. 10 – DAP/20/0181
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF BAYSWATER

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 100 (No. 2-16) King Street, Bayswater - Proposed Thirteen (13) Warehouses – DAP/24/02711
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

Clayton Higham
Presiding Member, Metro Inner DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Laura Simmons
Dale Page (Deputy Presiding Member)	Ashlee Kelly
John Syme	
<i>Part B – City of Fremantle</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Ingrid Van Dorssen	Erik Dybdahl
Cr Andrew Sullivan	Chloe Johnston
<i>Part C – City of Bayswater</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Filomena Piffaretti	Adrian Di Nella
Cr Joshua Eveson	Nick Bertone

Clayton Higham
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Fremantle</i>
Trent Durward (Method Planning) Jamie Clarke (Megara) Tom Letherbarrow (Space Collective Agency)
<i>Part C – City of Bayswater</i>
Petar Mrdja (Urbanista) Patrick O'Reilly (Lombardi Management)

Members of the Public / Media

Nil

Observers via livestream

There were 2 persons observing the meeting via the livestream.

Clayton Higham
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:35am on 21 November 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](#).

Clayton Higham
Presiding Member, Metro Inner DAP



PART B – CITY OF FREMANTLE

1. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in Part B of the Related Information in relation to Item 4.1, received on 13 November 2024.

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 Members, 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 4.1. 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 DAP Executive Director 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 19, Nos.19-21 McCabe Street, North Fremantle - Amendment to feature external material previously approved by the City of Fremantle, on the advice of the City's Design Advisory Committee, in the clearance of development approval (ref. DAP/20/01821 condition No. 10 – DAP/20/0181

Deputations and Presentations

Trent Durward (Method Planning) addressed the DAP in support of the recommendation for approval of the application at Item 4.1 and responded to questions from the panel.

Jamie Clarke (Megara) addressed the DAP in support of the recommendation for approval of the application at Item 4.1 and responded to question from the panel.

Tom Letherbarrow (Space Collective Agency) addressed the DAP in support of the recommendation for approval of the application at Item 4.1 and responded to questions from the panel.

Clayton Higham
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION

Moved by: Dale Page

Seconded by: John Syme

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/20/01821 as detailed on the DAP Form 2 dated 30 September 2024 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** amendments to DAP Application reference DAP/20/01821 and accompanying amended development plans (refs. A03-001 Rev K; A03-002 Rev K; A03-010 Rev K; A03-011 Rev K; A03-012 Rev K; A03-013 Rev K; A03-014 Rev K; A03-020 Rev K; A03-021 Rev L; A03-022 Rev K; A03-023 Rev K) 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 4 of the City of Fremantle's Local Planning Scheme No. 4 Scheme No. for the proposed minor amendment to the approved mixed use development 8 Storey Mixed Use Development (Multiple Dwellings, Grouped Dwellings, Shop, Restaurant) at No. 19-21 McCabe Street, North Fremantle, subject to the following amended conditions:

Amended Conditions

2. This decision constitutes planning approval only for plans A01-004 Rev J; DA02 Rev B; DA03 Rev B; DA04 Rev B; DA05 Rev B; DA06 Rev B; DA07 Rev B; DA08 Rev B; DA09 Rev B; DA10 Rev B; DA11 Rev B; DA12 Rev B; DA13 Rev B; DA14 Rev B (where amended by plans A03-001 Rev K; A03-002 Rev K; A03-010 Rev K; A03-011 Rev K; A03-012 Rev K; A03-013 Rev K; A03-014 Rev K; A03-020 Rev K; A03-021 Rev L; A03-022 Rev K; A03-023 Rev K) and Landscaping Plans (ref. P20002-LA-101 Rev E), and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel members noted the City of Fremantle Council's RAR addendum and accepted that the proposed changes, which are well above any direct ground level interaction with the building, are relatively subtle in the overall design quality of the complex. The panel members agreed that the design quality has much more to do with the overall arrangement and design of the units and the amenities available to the residents and community generally. The changes are considered skin deep in the scheme of things and do not significantly impact on the all-important ground level interaction with the building. The overall organic flowing lines of the buildings remains intact and only very close inspection with an architectural eye would anyone notice the subtle difference between the revised proposal and the more elegant original. Given the questionable buildability of the original design components, the amended approach is reasonable.

Clayton Higham
Presiding Member, Metro Inner DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Ingrid Van Dorssen and Cr Andrew Sullivan (Local Government DAP Members, City of Fremantle) left the panel at 9:59am.

A handwritten signature in cursive script, appearing to read 'Clayton Higham'.

Clayton Higham
Presiding Member, Metro Inner DAP



PART C – CITY OF BAYSWATER

Mayor Filomena Piffaretti and Cr Joshua Eveson (Local Government DAP Members, City of Bayswater) joined the panel at 9:59am.

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, Mayor Filomena Piffaretti, declared an impartiality interest in item 3.1. The applicant is known to Mayor Piffaretti through being residents of the City of Bayswater.

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 100 (No. 2-16) King Street, Bayswater - Proposed Thirteen (13) Warehouses – DAP/24/02711

Deputations and Presentations

Petar Mrdja (Urbanista) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

REPORT RECOMMENDATION

Moved by: Dale Page

Seconded by: John Syme

That the Metro Inner DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02711 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Bayswater Town Planning Scheme No. 24, subject to the following conditions:

Clayton Higham
Presiding Member, Metro Inner DAP



Conditions

Approval

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.

Conformity with Plans

3. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.

Land Use

4. The Warehouses shall not be used for human habitation or for the storage of dangerous, corrosive or explosive materials.
5. The office space within the development is to be incidental to the predominant approved use, being the Warehouses, to the satisfaction of the City of Bayswater.
6. No storage or display of goods is to occur outside the building or within car parking areas, to the satisfaction of the City of Bayswater.

Construction

7. Prior to the submission of a building permit application, a Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved, to the satisfaction of the City of Bayswater.
8. The approved boundary walls and footings abutting the southeast and northwest boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
9. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Landscaping and Street Trees

10. Prior to occupation of the development, landscaping, reticulation and the tree(s) required to be planted on the property, shall be completed in accordance with the approved detailed landscape plan, and thereafter maintained, to the satisfaction of the City of Bayswater.

Clayton Higham
Presiding Member, Metro Inner DAP



11. Prior to the removal of the street tree identified on the approved plan, the landowner shall:
 - a) Pay the City of Bayswater the amount of \$1,080 as determined by the Helliwell Assessment undertaken by the City to compensate for the loss of amenity value provided by the tree; and
 - b) Engage a qualified contractor to remove the street tree, to the satisfaction of the City of Bayswater.

The fee associated with removing the tree and any claims that may arise from the removal of the tree shall be at the cost of the landowner.

12. Prior to occupation of the development, a total of four street tree(s), of a species that has the potential to grow to at least 4m in height and minimum size of at least 35 litres when planted, is to be planted on the King Street verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.
13. During construction of the subject development, all other street tree(s) within the King Street verge adjoining the subject property are to be retained and shall have measures consistent with AS 4970- 2009 undertaken to ensure its/their protection, including but not limited to the following:
 - a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the street trees (chain mesh panels or other suitable material) during construction of the subject development.
 - b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - c) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought from the City of Bayswater.
 - d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.
 - e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.
 - f) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree(s).
14. In the event a street tree(s) required to be retained adjacent to the subject site is damaged, removed or suffers irreversible effects to its health during development and in the first three years after completion of the development, the landowner will be liable to pay for the amenity (Helliwell) valuation, the cost of removing the existing tree, plus the cost of a City provided replacement tree (s) and three years maintenance of the replacement street tree.

Clayton Higham
Presiding Member, Metro Inner DAP



Access and Parking

15. Prior to occupation of the development, all car parking on the subject land shall be constructed in accordance with AS-2890.1, and must be sealed, drained, paved and line marked in accordance with the approved plans and thereafter maintained by the owners/occupiers, to the satisfaction of the City of Bayswater.
16. Wheel stops must be provided in accordance with AS2890.01 where the parking bays abut a concrete path.
17. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
18. The three existing crossovers on the King Street road reserve are to be removed and the verge be reinstated to the satisfaction of the City of Bayswater.

Stormwater Management

19. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater

Sustainability

20. The external surfaces of the roof are to be 'cool roof' with a maximum solar absorbance rating of 0.45 as per the City's policy relating to Sustainability in Design, to the satisfaction of the City of Bayswater.

Noise

21. Prior to the submission of a building permit, an acoustic report is to be submitted to and approved by the City of Bayswater assessing the noise generated from the construction and operational activities.
22. Prior to occupation of the development, certification from a qualified acoustic consultant is to be submitted, confirming that the recommendations of the acoustic report have been implemented and installed in accordance with the Acoustic Report, to the satisfaction of the City of Bayswater.

Waste Management

23. Prior to occupation of the development, a revised Waste Management Plan is to be submitted and approved by the City, detailing that each bin shall be placed in front of the roller door of its respective warehouse unit prior to bin collection.

The revised Waste Management Plan shall be implemented to the satisfaction of the City, unless otherwise approved by the City.

24. Waste and refuse generated on the site by the development shall be collected by a private contractor at the expense of the applicant/landowner to the satisfaction of the City.

Clayton Higham
Presiding Member, Metro Inner DAP



25. Each bin storage area is to be provided with a permanent water supply and drainage facility for wash-down and is to be suitably screened, to the satisfaction of the City. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.

Public Art

26. The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater Percent for Public Art Policy, and provide public art with a minimum value of 1% (\$40,000) of the estimated total construction cost of the development (\$4 million). Prior to the submission of a building permit application, details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's ongoing maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to and approved by the City.

Alternatively, the owner, or the applicant on behalf of the landowner, may opt to pay a cash-in-lieu contribution for the public art to the City of Bayswater in accordance with the provisions of the City's Percent for Public Art Policy.

Signage

27. The signage hereby permitted shall not contain any flashing, moving/pulsating, fluorescent, reflective lighting or that includes reflective colours and materials that are distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.
28. Prior to occupation of the development, signage is to be installed at the entrance of the development to require slow traffic movements for pedestrian crossings, and to advise of a maximum 9.5m service/delivery vehicle size restriction, to the satisfaction of the City of Bayswater.

Lighting

29. Prior to the submission of a building permit, a Lighting Plan shall be provided by a suitably qualified consultant, demonstrating that the lighting provided to all car parking areas, building entrances and facades is in accordance with the relevant Australian Standards AS1158.3.1, AS1428.1 and AS4282.

Advice Notes

1. With regard to Condition 12, The City's tree list can be found via <https://www.bayswater.wa.gov.au/CityOfBayswater/media/Documents/Environment/201027-CoB-Tree-Planting-Guideline.pdf>
2. Vehicle crossovers shall be designed and constructed in accordance with the City's Specifications for Crossovers. Applicants/owners are advised to contact the City's Technical Services in regard to the crossover requirements, crossover application process and eligibility for the City's crossover subsidy.

Clayton Higham
Presiding Member, Metro Inner DAP



3. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any street trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
6. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations including,
 - *Environmental Protection Act 1986*;
 - *Environmental Protection (Liquid Waste) Regulations 1996*; and
 - *Explosive and Dangerous (Handling and Storage) Regulations 1992*.
7. The applicant is to make arrangements for the provision of reticulated sewerage to all lots/units within the subdivision/development, to the satisfaction of the Water Corporation. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region.

AMENDING MOTION 1

Moved by: John Syme

Seconded by: Mayor Filomena Piffaretti

That Condition No. 11 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Clayton Higham
John Syme
Mayor Filomena Piffaretti

Against: Dale Page
Cr Josh Eveson

Clayton Higham
Presiding Member, Metro Inner DAP



REASON: The majority of panel members considered that, while the loss of the tree has an amenity impact, this will be compensated for with the planting of additional trees and landscaping of the verge.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02711 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Bayswater Town Planning Scheme No. 24, subject to the following conditions:

Conditions

Approval

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.

Conformity with Plans

3. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.

Land Use

4. The Warehouses shall not be used for human habitation or for the storage of dangerous, corrosive or explosive materials.
5. The office space within the development is to be incidental to the predominant approved use, being the Warehouses, to the satisfaction of the City of Bayswater.
6. No storage or display of goods is to occur outside the building or within car parking areas, to the satisfaction of the City of Bayswater.

Construction

7. Prior to the submission of a building permit application, a Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved, to the satisfaction of the City of Bayswater.

Clayton Higham
Presiding Member, Metro Inner DAP



8. The approved boundary walls and footings abutting the southeast and northwest boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
9. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Landscaping and Street Trees

10. Prior to occupation of the development, landscaping, reticulation and the tree(s) required to be planted on the property, shall be completed in accordance with the approved detailed landscape plan, and thereafter maintained, to the satisfaction of the City of Bayswater.
11. Prior to occupation of the development, a total of four street tree(s), of a species that has the potential to grow to at least 4m in height and minimum size of at least 35 litres when planted, is to be planted on the King Street verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.
12. During construction of the subject development, all other street tree(s) within the King Street verge adjoining the subject property are to be retained and shall have measures consistent with AS 4970- 2009 undertaken to ensure its/their protection, including but not limited to the following:
 - a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the street trees (chain mesh panels or other suitable material) during construction of the subject development.
 - b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - c) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought from the City of Bayswater.
 - d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.
 - e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.
 - f) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree(s).

Clayton Higham
Presiding Member, Metro Inner DAP



13. In the event a street tree(s) required to be retained adjacent to the subject site is damaged, removed or suffers irreversible effects to its health during development and in the first three years after completion of the development, the landowner will be liable to pay for the amenity (Helliwell) valuation, the cost of removing the existing tree, plus the cost of a City provided replacement tree (s) and three years maintenance of the replacement street tree.

Access and Parking

14. Prior to occupation of the development, all car parking on the subject land shall be constructed in accordance with AS-2890.1, and must be sealed, drained, paved and line marked in accordance with the approved plans and thereafter maintained by the owners/occupiers, to the satisfaction of the City of Bayswater.
15. Wheel stops must be provided in accordance with AS2890.01 where the parking bays abut a concrete path.
16. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
17. The three existing crossovers on the King Street road reserve are to be removed and the verge be reinstated to the satisfaction of the City of Bayswater.

Stormwater Management

18. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater

Sustainability

19. The external surfaces of the roof are to be 'cool roof' with a maximum solar absorbance rating of 0.45 as per the City's policy relating to Sustainability in Design, to the satisfaction of the City of Bayswater.

Noise

20. Prior to the submission of a building permit, an acoustic report is to be submitted to and approved by the City of Bayswater assessing the noise generated from the construction and operational activities.
21. Prior to occupation of the development, certification from a qualified acoustic consultant is to be submitted, confirming that the recommendations of the acoustic report have been implemented and installed in accordance with the Acoustic Report, to the satisfaction of the City of Bayswater.

Clayton Higham
Presiding Member, Metro Inner DAP



Waste Management

22. Prior to occupation of the development, a revised Waste Management Plan is to be submitted and approved by the City, detailing that each bin shall be placed in front of the roller door of its respective warehouse unit prior to bin collection.

The revised Waste Management Plan shall be implemented to the satisfaction of the City, unless otherwise approved by the City.

23. Waste and refuse generated on the site by the development shall be collected by a private contractor at the expense of the applicant/landowner to the satisfaction of the City.
24. Each bin storage area is to be provided with a permanent water supply and drainage facility for wash-down and is to be suitably screened, to the satisfaction of the City. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.

Public Art

25. The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater Percent for Public Art Policy, and provide public art with a minimum value of 1% (\$40,000) of the estimated total construction cost of the development (\$4 million). Prior to the submission of a building permit application, details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's ongoing maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to and approved by the City.

Alternatively, the owner, or the applicant on behalf of the landowner, may opt to pay a cash-in-lieu contribution for the public art to the City of Bayswater in accordance with the provisions of the City's Percent for Public Art Policy.

Signage

26. The signage hereby permitted shall not contain any flashing, moving/pulsating, fluorescent, reflective lighting or that includes reflective colours and materials that are distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.
27. Prior to occupation of the development, signage is to be installed at the entrance of the development to require slow traffic movements for pedestrian crossings, and to advise of a maximum 9.5m service/delivery vehicle size restriction, to the satisfaction of the City of Bayswater.

Clayton Higham
Presiding Member, Metro Inner DAP



Lighting

28. Prior to the submission of a building permit, a Lighting Plan shall be provided by a suitably qualified consultant, demonstrating that the lighting provided to all car parking areas, building entrances and facades is in accordance with the relevant Australian Standards AS1158.3.1, AS1428.1 and AS4282.

Advice Notes

1. With regard to Condition 12, The City's tree list can be found via <https://www.bayswater.wa.gov.au/CityOfBayswater/media/Documents/Environment/201027-CoB-Tree-Planting-Guideline.pdf>
2. Vehicle crossovers shall be designed and constructed in accordance with the City's Specifications for Crossovers. Applicants/owners are advised to contact the City's Technical Services in regard to the crossover requirements, crossover application process and eligibility for the City's crossover subsidy.
3. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any street trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
6. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations including,
 - *Environmental Protection Act 1986*;
 - *Environmental Protection (Liquid Waste) Regulations 1996*; and
 - *Explosive and Dangerous (Handling and Storage) Regulations 1992*.
7. The applicant is to make arrangements for the provision of reticulated sewerage to all lots/units within the subdivision/development, to the satisfaction of the Water Corporation. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region.

Clayton Higham
Presiding Member, Metro Inner DAP



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

REASON: The proposed development was considered to be consistent with the planning framework and, in the context of the location, a well designed and unlikely to have any amenity impact on the locality.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

A handwritten signature in cursive script, appearing to read 'Clayton Higham'.

Clayton Higham
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 10:20am.

Clayton Higham
Presiding Member, Metro Inner DAP