



## Metro Inner Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 28 November 2024; 9:30am  
**Meeting Number:** MIDAP/48  
**Meeting Venue:** 140 William Street, Perth

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

[MIDAP/48 - 28 November 2024 - Town of Cambridge - 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 – TOWN OF CAMBRIDGE**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
  - 4.1 Lot 800 (29-33) Northwood Street, West Leederville - Amendments to DAP/20/1911 (DA20/0380) (Works already carried out) – DAP/20/01911
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 1 & 281 (183-185) Benara Road, Noranda - Proposed Two Storey Child Day Care Centre – DAP/24/02684
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

**Karen Hyde**  
Presiding Member, Metro Inner DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Karen Hyde (Presiding Member)	Laura Simmons
Francesca Lefante (Deputy Presiding Member)	Ashlee Kelly
John Syme	
<i>Part B – Town of Cambridge</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Catherine Barlow	Gabriela Poezyn
Cr Georgie Randklev	Steven Laming
<i>Part C – City of Bayswater</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Filomena Piffaretti	Gemma Basley
Cr Joshua Eveson	Helen Smith

**Karen Hyde**  
Presiding Member, Metro Inner DAP



<b>Applicant and Submitters</b>
<i>Part B – Town of Cambridge</i>
Amelia Broun Tom O'Rourke Peter Simpson (PTS Town Planning) Kevin Chu (Georgiou Developments) Andrew Baranowski (Plan E)
<i>Part C – City of Bayswater</i>
Alessandro Stagno (Apex Planning) Benham Bordbar (Transcore) Tim Huggins (Aveling Homes) Malcolm Mackay (Mackay Urbandesign)

**Members of the Public / Media**

There was 1 member of the public in attendance.

**Observers via livestream**

There were 5 persons observing the meeting via the livestream.

**Karen Hyde**  
Presiding Member, Metro Inner DAP



## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9.30am on 29 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

Cr Ben Mayes (Local Government DAP Member, Town of Cambridge)  
Mayor Gary Mack (Local Government DAP Member, Town of Cambridge)

### 3. Members on Leave of Absence

Nil.

### 4. Noting of Minutes

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

**Karen Hyde**  
Presiding Member, Metro Inner DAP



## PART B – TOWN OF CAMBRIDGE

### 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 Catherine Barlow and Cr Georgie Randklev, declared that they had participated in a prior Council meeting in relation to the application at Item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Barlow and Cr Randklev acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

Cr Barlow also declared that she was an elected member when the approval was given in 2021, and the leasee of the Early Learning Centre is known to her.

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

### 3. Form 1 DAP Applications

Nil.

### 4. Form 2 DAP Applications

#### 4.1 Lot 800 (29-33) Northwood Street, West Leederville - Amendments to DAP/20/1911 (DA20/0380) (Works already carried out) – DAP/20/01911

#### Deputations and Presentations

Amelia Broun addressed the DAP against the recommendation for the application at Item 4.1.

Tom O'Rourke addressed the DAP against the recommendation for the application at Item 4.1.

Kevin Chu (Georgiou Developments) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

**Karen Hyde**  
Presiding Member, Metro Inner DAP



Andrew Baranowski (Plan E) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

Peter Simpson (PTS Town Planning) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

The Town of Cambridge addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** John Syme

**Seconded by:** Francesca Lefante

It is recommended that the MIDAP resolves to:

- Accept** that the DAP Application reference DAP/20/01911 as detailed on the DAP Form 2 dated 25 July 2024 is appropriate for consideration in accordance with regulations 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
- Approve** DAP Application reference DAP/20/01911 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Cambridge Local Planning Scheme No 1; being the proposed amendment to the previous development approval DAP20/01911 (dated 2 March 2021 and being for a Three-Storey Child Care Premises and Associated Offices) to the extent of the following elements only:

	<b>Floor Plan/Elevation</b>	<b>Works Description</b>
1	Below ground floor:	A new below ground floor plan to accommodate Pump Room and Tanks.
2	Ground floor:	Reconfiguration of the approved 17 parking bays in the enclosed area below the first floor.
3		The dimensions of the stairwell that have changed to 4.5m (length) x 3.6m (width) from the approved dimensions of 3.8m (length) x 3.4m (depth).
4		Bollards that have been constructed along a portion of the rear elevation.
5		The surface treatment of the parking areas and access ways in broomed concrete and bitumen instead of brick paving.
6	First floor:	Increased kitchen and dining area
7	Second floor:	The top floor balcony area that has been reduced in area from 226m <sup>2</sup> to 220m <sup>2</sup> due to the increase in the size of the void.

**Karen Hyde**  
Presiding Member, Metro Inner DAP



8	East elevation:	The windows above the utility box that have been deleted.
9		Plant screen and lift overrun that has been reduced in size but increased in height.
10	North and South elevations:	The parapet walls on both elevations have increased in height from 1.8m (36.55) to 3.463m (38.213) calculated from the finished floor level of the level 1 (34.75).
11	West elevation:	The various mechanical grilles that have replaced the solid wall on the ground floor.
12		Two windows that have replaced the proposed one window to the toddler playroom.
13		The glass balustrade has been frosted where it was approved with clear glass and contains gaps between the stainless-steel support poles and the glass and the glass and floor of each level.
14		The vent pipes from bathrooms above the roof line.

3. **Advise** the applicant that except for the elements listed above, the development must strictly be in accordance with the previously approved plans (Ref: DAP20/01911, stamped approved 2 March 2021), with all conditions of the previous approval continuing to have effect.

### AMENDING MOTION 1

**Moved by:** Francesca Lefante

**Seconded by:** John Syme

That a new Element No. 15 to be included in Point No. 2 of the report recommendation to read as follows:

**Landscaping (refer to Attachment 6 for differences in approved and as-constructed landscaping)**

**i) Western Elevation:**

- a. Ground cover planting to laneway is replaced with 5 citrus trees.**
- b. First Floor**
  - **The proposed 2 pots with substantial trees have been replaced with low level planting.**
  - **The proposed Arbor Structure to support creepers has been replaced with two pots each containing 2 creepers that have no ability to grow on the structure.**
  - **The proposed self-adhering creepers on either side of the stairwell have been replaced with a planter pot each side filled with herbs.**
- c. Second Floor**
  - **The proposed two substantial trees are replaced with 2 fruit trees in pots**

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- ***The proposed arbor structure has been replaced with 3 pots each containing two creeper plants that have no ability to grow on the structure.***
- ii) **Eastern Elevation:**
- a. ***First Floor***
- ***The proposed significant tree to grow in the void has been replaced with 2 smaller pots – once containing shrubs and the other a medium sized tree.***
  - ***The proposed two palms along the northern and southern side of the balcony have been replaced with 2 planter pots that contain shrubs***
- b. ***Second Floor***
- ***The proposed 2 palms along the northern and southern side of the balcony and the planter box on either side of the void have been replaced with 4 pots containing shrubs.***

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

For: Francesca Lefante  
John Syme

Against: Karen Hyde  
Cr Catherine Barlow  
Cr Georgie Randklev

*Cr Georgie Randklev (Local Government DAP Member, Town of Cambridge) left the panel at 11.13am.*

## **AMENDING MOTION 2**

**Moved by:** John Syme

**Seconded by:** Karen Hyde

That Point No. 3 of the recommendation be amended to read as follows:

***Advise the applicant that except for the elements listed above, the development must strictly be in accordance with the previously approved plans (Ref: DAP20/01911, stamped approved 2 March 2021), with all conditions of the previous approval continuing to have effect, unless otherwise approved to the satisfaction of the Town of Cambridge.***

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

**REASON:** To provide flexibility for these matters to be resolved to the satisfaction of the Town.

**Karen Hyde**  
Presiding Member, Metro Inner DAP





## REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the MIDAP resolves to:

1. **Accept** that the DAP Application reference DAP/20/01911 as detailed on the DAP Form 2 dated 25 July 2024 is appropriate for consideration in accordance with regulations 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
2. **Approve** DAP Application reference DAP/20/01911 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Cambridge Local Planning Scheme No 1; being the proposed amendment to the previous development approval DAP20/01911 (dated 2 March 2021 and being for a Three-Storey Child Care Premises and Associated Offices) to the extent of the following elements only:

	<b>Floor Plan/Elevation</b>	<b>Works Description</b>
1	Below ground floor:	A new below ground floor plan to accommodate Pump Room and Tanks.
2	Ground floor:	Reconfiguration of the approved 17 parking bays in the enclosed area below the first floor.
3		The dimensions of the stairwell that have changed to 4.5m (length) x 3.6m (width) from the approved dimensions of 3.8m (length) x 3.4m (depth).
4		Bollards that have been constructed along a portion of the rear elevation.
5		The surface treatment of the parking areas and access ways in broomed concrete and bitumen instead of brick paving.
6		Increased kitchen and dining area
7	Second floor:	The top floor balcony area that has been reduced in area from 226m <sup>2</sup> to 220m <sup>2</sup> due to the increase in the size of the void.
8	East elevation:	The windows above the utility box that have been deleted.
9		Plant screen and lift overrun that has been reduced in size but increased in height.
10	North and South elevations:	The parapet walls on both elevations have increased in height from 1.8m (36.55) to 3.463m (38.213) calculated from the finished floor level of the level 1 (34.75).
11	West elevation:	The various mechanical grilles that have replaced the solid wall on the ground floor.
12		Two windows that have replaced the proposed one window to the toddler playroom.
13		The glass balustrade has been frosted where it was approved with clear glass and contains gaps

**Karen Hyde**  
Presiding Member, Metro Inner DAP



		between the stainless-steel support poles and the glass and the glass and floor of each level.
14		The vent pipes from bathrooms above the roof line.

- Advise** the applicant that except for the elements listed above, the development must strictly be in accordance with the previously approved plans (Ref: DAP20/01911, stamped approved 2 March 2021), with all conditions of the previous approval continuing to have effect, unless otherwise approved to the satisfaction of the Town of Cambridge.

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

**REASON:** Members were satisfied that the Form 2 application met the DAP regulation 17(1)(c.) and accordingly the matter can be determined. Due regard was given to RAR comments, material provided, submissions and presentations. Members supported many of the modifications and were satisfied that these are appropriate in the site context, and planning framework. Member noted that noise compliance matters are the responsibility of the local government. Some weight was given to the Design Review Panel comments relating to building alterations and aesthetic, however on balance these elements were not supported due to concerns regarding materiality, colour, texture, and on structure landscaping, which required further information and details to enhance the building and address amenity including balcony.

**5. Section 31 SAT Reconsiderations**

Nil.

**PROCEDURAL MOTION 1**

**Moved by:** Karen Hyde

**Seconded by:** Francesca Lefante

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

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

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

*The meeting was adjourned at 11.15am.*

*The meeting was reconvened at 11.20am.*

*Cr Catherine Barlow (Local Government DAP Member, Town of Cambridge) left the panel at 11.15am.*



**Karen Hyde**  
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 11.20am.*

### PROCEDURAL MOTION 2

**Moved by:** Mayor Filomena Piffaretti

**Seconded by:** Nil

To adjourn Part C of the MIDAP Meeting to be determined at a future meeting.

### The Procedural Motion lapsed for want of a seconder

#### 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

Nil

#### 3. Form 1 DAP Applications

##### 3.1 Lot 1 & 281 (183-185) Benara Road, Noranda - Proposed Two Storey Child Day Care Centre – DAP/24/02684

#### Deputations and Presentations

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

Behnam Bordbar (Transcore) 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 questions from the panel.

**Karen Hyde**  
Presiding Member, Metro Inner DAP



## REPORT RECOMMENDATION

**Moved by:** Francesca Lefante

**Seconded by:** Karen Hyde

That the Metro Inner Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02684 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 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.
4. Prior to the submission of a building permit, a revised Landscaping Plan and revised Operational Management Plan shall be submitted to and approved by the City of Bayswater, addressing the following matters:
  - a. The Landscaping Plan to be amended, to provide detail and satisfy the requirements of the City of Bayswater Landscaping Policy and associated Guidelines, as follows:
    - i. A scale, site level contours and lot boundary dimensions;
    - ii. Materials and finishes of all external areas, inclusive of outdoor play areas on the ground and upper floors, vehicle access and parking areas;
    - iii. Barriers separating landscaped areas from vehicle manoeuvring areas;
    - iv. Location and details of all tree species, plant and grass species;
    - v. The provision of a minimum of fourteen standard trees including a standard tree at the eastern end of the vehicle access aisle;
    - vi. Planting of *Agonis flexuosa* as shade trees in the car parking areas; and
    - vii. Specific landscaping maintenance requirements.

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Presiding Member, Metro Inner DAP



- b. The Operational Management Plan being amended, as follows:
  - i. Section 3 to include a total number of four float staff;
  - ii. Section 3 to restrict the staff capacity to a maximum of 19 staff from 10am to 3pm and a maximum of 15 staff at all other times;
  - iii. Section 3 to specify that a maximum of two staff will arrive no earlier than 6.15am and a maximum of two staff will be on-site from 6.30pm to 6.45pm;
  - iv. Section 3.1 to specify that access to the store area and the bin store is not permitted until after 7am;
  - v. Section 3.3 to require staff to park within the three staff marked car bays on the northern side of the car park when the staff bays on the southern side of the carpark are in-use; and
  - vi. Section 3.4 to outline how access to the site will be obtained outside of operating hours for private waste collections.

#### Land Titles

5. Prior to the first occupation of development, Lot 1 (No. 183) and Lot 281 (No. 185) are to be amalgamated into a single lot. Alternatively, the owner may enter into a legal agreement with the City of Bayswater, prepared by the City's Solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The agreement is required to be executed by all parties concerned prior to the commencement of the works hereby permitted.

#### Operational Management

6. A maximum of 86 children is permitted to be cared for in the Child Day Care Centre at any one time, to the satisfaction of the City of Bayswater.
7. The Child Day Care Centre is not permitted to operate on Saturday's, Sundays or public holidays. Children are not permitted to arrive at the centre prior to 6.30am and are to leave the centre no later than 6.30pm Monday to Friday. Staff are permitted on site fifteen minutes prior to and after the abovementioned operating hours.
8. The revised Operational Management Plan required through condition 4b shall be implemented, to the satisfaction of the City of Bayswater.

#### Landscaping

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

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Presiding Member, Metro Inner DAP



10. Prior to the first occupation of the development, a total of one 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 Della Road 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. The City's tree list can be found @ <https://www.bayswater.wa.gov.au/CityOfBayswater/media/Documents/Environment/201027-CoB-Tree-Planting-Guideline.pdf>

#### Transport, Access and Parking

11. Prior to occupation of the development, the intersection of Della Road and Benara Road shall be upgraded and modified, to the specification and satisfaction of the City of Bayswater. All costs associated with the upgrade works are to be borne by the applicant/landowner.
12. Prior to occupation of the development, the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City of Bayswater.
13. The recommendations of the Technical Note 1A Parking Management Plan shall be implemented to the satisfaction of the City of Bayswater.
14. All vehicle parking bays, loading bays, shared ACROD bay and staff parking bays are to be line marked, and shall be clearly signposted, to the satisfaction of the City of Bayswater. Off-street vehicle car parking bays are to be constructed in accordance with AS-2890.1.
15. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
16. The existing crossover on the Della Road reserve is to be removed and the verge be reinstated to the satisfaction of the City of Bayswater.
17. The proposed driveway being constructed with brick paving or concrete and drainage/soak wells to be provided to the satisfaction of the City of Bayswater.
18. Any proposed vehicular entry gates shall be a minimum 50% visually permeable, and suitable management measures shall be implemented to ensure access is available for visitors at all times.
19. No loading or unloading is permitted within the Della Road or Benara Road reserve.

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Presiding Member, Metro Inner DAP



### Construction

20. Prior to the first occupation of the development, 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 to the satisfaction of the City of Bayswater.
21. The approved boundary wall and footings associated with the Store 3 abutting the east boundary must be constructed wholly within the subject allotment. The external surface of the boundary wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
22. 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.

### Design, Materials and Finishes

23. Prior to the submission of a building permit application, a final 'Schedule of Colours and Materials' to be submitted to, and to the satisfaction of the City of Bayswater.
24. Windows, doors and adjacent areas fronting Della Road and Benara Road shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.
25. Any external services and utilities including air conditioning units shall be integrated into the design of the building and shall be located so as not to be visually obtrusive to the street and/or adjoining properties the satisfaction of the City of Bayswater.

### Public Art

26. Prior to occupation of the development, the owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% (\$30,000.00) of the estimated total construction cost of the development (\$3.0 million). Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's on-going 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, prior to the submission of a building permit application.

### Sustainability

27. The recommendations contained within the Sustainability Strategy (V2) prepared by Mackay Urban Design dated November 2024 shall be implemented to the satisfaction of the City of Bayswater.

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28. The external surfaces of the roof is to be cool roof as defined in the City's Sustainability in Design Policy with a maximum solar absorbance rating of 0.45 to the satisfaction of the City of Bayswater.
29. Revised elevations and/or written certification demonstrating that the external surfaces of the roof is a cool roof in accordance with the City's Sustainability in Design Policy are to be submitted to, and to the satisfaction of the City of Bayswater prior to the lodgement of a building permit application.
30. Prior to the first occupation of development the solar panels indicated on the approved plans are to be installed to the satisfaction of the City of Bayswater.
31. Prior to the first occupation of development the two bicycle racks indicated on the approved plans are to be installed to the satisfaction of the City of Bayswater.
32. Prior to the first occupation of development the three electric car chargers indicated on the approved plans are to be installed to the satisfaction of the City of Bayswater.

#### Stormwater Management

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

#### Wastewater Disposal

34. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development.

#### Noise

35. The development is to be undertaken in accordance with the approved acoustic report prepared by Lloyd George Acoustics dated 15 March 2024 to the satisfaction of the City of Bayswater.
36. Prior to the submission of a building permit certification shall be provided from a qualified acoustic consultant confirming that the recommendations of the acoustic report including mechanical plant units can be implemented to comply with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the City of Bayswater.

#### Waste Management

37. Prior to the first occupation of the development, a Refuse and Recycling Management Plan shall be submitted to, and to the satisfaction of the City of Bayswater. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, waste collection times, access to the site for waste collection vehicles and associated access and manoeuvring.

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38. Prior to the first occupation of the development, wash down facilities for the rubbish bins are to be provided within the bin stores and graded to a floor waste and discharged to the sewer to the satisfaction of the City of Bayswater.
39. Waste collection shall occur outside of the peak operating hours of the Child Care Centre and between the hours of 7am to 7pm Mondays to Saturdays.

#### Signage

40. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) which are not compliant with the City's Signage Policy shall be submitted to, and to the satisfaction of the City of Bayswater.

#### Lighting

41. Prior to the submission of a building permit, lighting plans detailing how outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties shall be submitted to and approved to the satisfaction of the City of Bayswater.

#### **Advice Notes**

1. Regarding Condition 11, the City's Traffic Engineers recommend a 'seagull' road layout design as the most suitable upgrade of the Benara Road and Della Road intersection. The City reserves the right to consider alternate intersection concepts, closer to the date of detailed drawings, being submitted to the City for consideration and approval.
2. Regarding Condition 25, the applicant is encouraged to consider the provision of public art in a form integrated with the fencing as recommended by the Design Review Panel.
3. The development shall comply with the *Environmental Protection Act 1986*, the *Health (Miscellaneous Provisions) Act 1911* and any relevant environmental protection or health regulations including but not limited to the following:
  - *Environmental Protection (Noise) Regulations 1997 and;*
  - *Food Act 2008 and Australian Food Code;*
  - *Health (Public Buildings) Regulations 1992.*
4. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

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Presiding Member, Metro Inner DAP



5. 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.
6. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining owner. Please refer to the *Dividing Fences Act 1961*.
7. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
8. The operator is to make separate application to the City's Environmental Health Services demonstrating compliance with the Food Act 2008 and the Australia New Zealand Food Standards Code prior to the submission of a Building Permit.
9. Redundant septic tanks, soak wells and leach drains are to be pumped out by a licensed liquid waste contractor, completely removed from the site and filled with clean sand and compacted. A Statutory Declaration must also be provided by the landowner declaring that these works property have been undertaken. However, if it is not possible to remove septic tanks, the bottoms are to be broken and the tanks backfilled with clean fill and compacted. The applicant is to contact the City's Environmental Health Services at least 72 hours prior to the removal of any system to arrange an inspection.

#### AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: John Syme

That Condition No. 11 be amended to read as follows:

*Prior to occupation of the development, **pavement line marking is to be installed within the intersection of Della Road and Benara Road to improve the staging of vehicles undertaking right turns** shall be upgraded and modified, to the specification and satisfaction of the City of Bayswater. All costs associated with the upgrade works are to be borne by the applicant/landowner. **The pavement line marking is to be installed at the cost of the proponent.***

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

For: Karen Hyde  
Francesca Lefante  
John Syme

Against: Mayor Filomena Piffaretti  
Cr Joshua Eveson

Karen Hyde  
Presiding Member, Metro Inner DAP



**REASON:** The provision of a painted seagull intersection is appropriate based on the development vehicle movement demand.

## AMENDING MOTION 2

**Moved by:** Karen Hyde

**Seconded by:** Francesca Lefante

That a new Advice Note No. 10 be added to read as follows:

***Regarding Condition No. 24 the intention is to avoid obscuring glazed surfaces to maintain optimum passive surveillance and activation.***

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

**REASON:** to provide clarity on the requirement and purpose.

### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02684 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 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.
4. Prior to the submission of a building permit, a revised Landscaping Plan and revised Operational Management Plan shall be submitted to and approved by the City of Bayswater, addressing the following matters:
  - a. The Landscaping Plan to be amended, to provide detail and satisfy the requirements of the City of Bayswater Landscaping Policy and associated Guidelines, as follows:
    - i. A scale, site level contours and lot boundary dimensions;

**Karen Hyde**  
Presiding Member, Metro Inner DAP



- ii. Materials and finishes of all external areas, inclusive of outdoor play areas on the ground and upper floors, vehicle access and parking areas;
  - iii. Barriers separating landscaped areas from vehicle manoeuvring areas;
  - iv. Location and details of all tree species, plant and grass species;
  - v. The provision of a minimum of fourteen standard trees including a standard tree at the eastern end of the vehicle access aisle;
  - vi. Planting of *Agonis flexuosa* as shade trees in the car parking areas; and
  - vii. Specific landscaping maintenance requirements.
- b. The Operational Management Plan being amended, as follows:
- i. Section 3 to include a total number of four float staff;
  - ii. Section 3 to restrict the staff capacity to a maximum of 19 staff from 10am to 3pm and a maximum of 15 staff at all other times;
  - iii. Section 3 to specify that a maximum of two staff will arrive no earlier than 6.15am and a maximum of two staff will be on-site from 6.30pm to 6.45pm;
  - iv. Section 3.1 to specify that access to the store area and the bin store is not permitted until after 7am;
  - v. Section 3.3 to require staff to park within the three staff marked car bays on the northern side of the car park when the staff bays on the southern side of the carpark are in-use; and
  - vi. Section 3.4 to outline how access to the site will be obtained outside of operating hours for private waste collections.

#### Land Titles

5. Prior to the first occupation of development, Lot 1 (No. 183) and Lot 281 (No. 185) are to be amalgamated into a single lot. Alternatively, the owner may enter into a legal agreement with the City of Bayswater, prepared by the City's Solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The agreement is required to be executed by all parties concerned prior to the commencement of the works hereby permitted.

#### Operational Management

6. A maximum of 86 children is permitted to be cared for in the Child Day Care Centre at any one time, to the satisfaction of the City of Bayswater.
7. The Child Day Care Centre is not permitted to operate on Saturday's, Sundays or public holidays. Children are not permitted to arrive at the centre prior to 6.30am and are to leave the centre no later than 6.30pm Monday to Friday. Staff are permitted on site fifteen minutes prior to and after the abovementioned operating hours.
8. The revised Operational Management Plan required through condition 4b shall be implemented, to the satisfaction of the City of Bayswater.

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Presiding Member, Metro Inner DAP



### Landscaping

9. Prior to the first occupation of the development, landscaping, reticulation and the tree(s) required to be planted on the property, shall be completed in accordance with the revised detailed landscape plan and thereafter maintained to the satisfaction of the City of Bayswater.
10. Prior to the first occupation of the development, a total of one 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 Della Road 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. The City's tree list can be found @ <https://www.bayswater.wa.gov.au/CityOfBayswater/media/Documents/Environment/201027-CoB-Tree-Planting-Guideline.pdf>

### Transport, Access and Parking

11. Prior to occupation of the development, pavement line marking is to be installed within the intersection of Della Road and Benara Road to improve the staging of vehicles undertaking right turns to the specification and satisfaction of the City of Bayswater. The pavement line marking is to be installed at the cost of the proponent.
12. Prior to occupation of the development, the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City of Bayswater.
13. The recommendations of the Technical Note 1A Parking Management Plan shall be implemented to the satisfaction of the City of Bayswater.
14. All vehicle parking bays, loading bays, shared ACROD bay and staff parking bays are to be line marked, and shall be clearly signposted, to the satisfaction of the City of Bayswater. Off-street vehicle car parking bays are to be constructed in accordance with AS-2890.1.
15. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
16. The existing crossover on the Della Road reserve is to be removed and the verge be reinstated to the satisfaction of the City of Bayswater.
17. The proposed driveway being constructed with brick paving or concrete and drainage/soak wells to be provided to the satisfaction of the City of Bayswater.
18. Any proposed vehicular entry gates shall be a minimum 50% visually permeable, and suitable management measures shall be implemented to ensure access is available for visitors at all times.
19. No loading or unloading is permitted within the Della Road or Benara Road reserve.

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Presiding Member, Metro Inner DAP



### Construction

20. Prior to the first occupation of the development, 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 to the satisfaction of the City of Bayswater.
21. The approved boundary wall and footings associated with the Store 3 abutting the east boundary must be constructed wholly within the subject allotment. The external surface of the boundary wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
22. 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.

### Design, Materials and Finishes

23. Prior to the submission of a building permit application, a final 'Schedule of Colours and Materials' to be submitted to, and to the satisfaction of the City of Bayswater.
24. Windows, doors and adjacent areas fronting Della Road and Benara Road shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.
25. Any external services and utilities including air conditioning units shall be integrated into the design of the building and shall be located so as not to be visually obtrusive to the street and/or adjoining properties the satisfaction of the City of Bayswater.

### Public Art

26. Prior to occupation of the development, the owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% (\$30,000.00) of the estimated total construction cost of the development (\$3.0 million). Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's on-going 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, prior to the submission of a building permit application.

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Presiding Member, Metro Inner DAP



### Sustainability

27. The recommendations contained within the Sustainability Strategy (V2) prepared by Mackay Urban Design dated November 2024 shall be implemented to the satisfaction of the City of Bayswater.
28. The external surfaces of the roof is to be cool roof as defined in the City's Sustainability in Design Policy with a maximum solar absorbance rating of 0.45 to the satisfaction of the City of Bayswater.
29. Revised elevations and/or written certification demonstrating that the external surfaces of the roof is a cool roof in accordance with the City's Sustainability in Design Policy are to be submitted to, and to the satisfaction of the City of Bayswater prior to the lodgement of a building permit application.
30. Prior to the first occupation of development the solar panels indicated on the approved plans are to be installed to the satisfaction of the City of Bayswater.
31. Prior to the first occupation of development the two bicycle racks indicated on the approved plans are to be installed to the satisfaction of the City of Bayswater.
32. Prior to the first occupation of development the three electric car chargers indicated on the approved plans are to be installed to the satisfaction of the City of Bayswater.

### Stormwater Management

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

### Wastewater Disposal

34. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development.

### Noise

35. The development is to be undertaken in accordance with the approved acoustic report prepared by Lloyd George Acoustics dated 15 March 2024 to the satisfaction of the City of Bayswater.
36. Prior to the submission of a building permit certification shall be provided from a qualified acoustic consultant confirming that the recommendations of the acoustic report including mechanical plant units can be implemented to comply with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the City of Bayswater.

**Karen Hyde**  
Presiding Member, Metro Inner DAP



### Waste Management

37. Prior to the first occupation of the development, a Refuse and Recycling Management Plan shall be submitted to, and to the satisfaction of the City of Bayswater. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, waste collection times, access to the site for waste collection vehicles and associated access and manoeuvring.
38. Prior to the first occupation of the development, wash down facilities for the rubbish bins are to be provided within the bin stores and graded to a floor waste and discharged to the sewer to the satisfaction of the City of Bayswater.
39. Waste collection shall occur outside of the peak operating hours of the Child Care Centre and between the hours of 7am to 7pm Mondays to Saturdays.

### Signage

40. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) which are not compliant with the City's Signage Policy shall be submitted to, and to the satisfaction of the City of Bayswater.

### Lighting

41. Prior to the submission of a building permit, lighting plans detailing how outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties shall be submitted to and approved to the satisfaction of the City of Bayswater.

### **Advice Notes**

1. Regarding Condition 11, the City's Traffic Engineers recommend a 'seagull' road layout design as the most suitable upgrade of the Benara Road and Della Road intersection. The City reserves the right to consider alternate intersection concepts, closer to the date of detailed drawings, being submitted to the City for consideration and approval.
2. Regarding Condition 25, the applicant is encouraged to consider the provision of public art in a form integrated with the fencing as recommended by the Design Review Panel.
3. The development shall comply with the *Environmental Protection Act 1986*, the *Health (Miscellaneous Provisions) Act 1911* and any relevant environmental protection or health regulations including but not limited to the following:
  - *Environmental Protection (Noise) Regulations 1997 and;*
  - *Food Act 2008 and Australian Food Code;*
  - *Health (Public Buildings) Regulations 1992.*

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Presiding Member, Metro Inner DAP





4. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
5. 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.
6. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining owner. Please refer to the *Dividing Fences Act 1961*.
7. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
8. The operator is to make separate application to the City's Environmental Health Services demonstrating compliance with the Food Act 2008 and the Australia New Zealand Food Standards Code prior to the submission of a Building Permit.
9. Redundant septic tanks, soak wells and leach drains are to be pumped out by a licensed liquid waste contractor, completely removed from the site and filled with clean sand and compacted. A Statutory Declaration must also be provided by the landowner declaring that these works property have been undertaken. However, if it is not possible to remove septic tanks, the bottoms are to be broken and the tanks backfilled with clean fill and compacted. The applicant is to contact the City's Environmental Health Services at least 72 hours prior to the removal of any system to arrange an inspection.
10. Regarding Condition No. 24 the intention is to avoid obscuring glazed surfaces to maintain optimum passive surveillance and activation.

**The Report Recommendation (as amended) was put and CARRIED (3/2).**

For: Karen Hyde  
Francesca Lefante  
John Syme

Against: Mayor Filomena Piffaretti  
Cr Joshua Eveson

**Karen Hyde**  
Presiding Member, Metro Inner DAP



**REASON:** The majority of panel members were satisfied that the proposal scale and form is consistent with the planning framework. The development incorporates elements of residential design into the building aesthetics and the provision of play areas towards the road frontage is suitable in its locational context. Members supported minor variations from standards, and concurred with comments on management of amenity impacts through various conditions including operational management plans. The Panel supported the proposal consistent with the assessment and reasons contained in the RAR.

*Mayor Filomena Piffaretti (Local Government DAP Member, City of Bayswater) left the panel at 12.25pm.*

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

A handwritten signature in black ink that reads "Karen Hyde".

**Karen Hyde**  
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 12.26pm.

**Karen Hyde**  
Presiding Member, Metro Inner DAP