



## Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 29 September 2021; 9.30am  
**Meeting Number:** MISJDAP/71  
**Meeting Venue:** Town of Victoria Park  
99 Shepperton Road  
Victoria Park

The meeting was also available to viewed live from the Town of Victoria Park's website at: <http://webcast.victoriapark.wa.gov.au/video.php>

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## Attendance

### DAP Members

Mr Clayton Higham (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)  
Cr Ronnhda Potter (Local Government Member, Town of Victoria Park)  
Cr Vicki Potter (Local Government Member, Town of Victoria Park)

### Officers in attendance

Ms Laura Sabitzer (Town of Victoria Park)

### Minute Secretary

Mr Jonathan van Butzelaar (Town of Victoria Park)

### Applicants and Submitters

Mr Daniel Hollingworth (Rowe Group)  
Ms Paige Walker (Mirvac)  
Mr David Parsons (Mirvac)  
Mr Neil Kidd

### Members of the Public / Media

There were 13 members of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 29 September 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

## 2. Apologies

Mr Peter Lee (Third Specialist 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](#).

### **5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

### **6. Disclosure of Interests**

DAP Member, Mr Peter Lee, declared a Direct Pecuniary Interest in item 8.1. Hassell are employed as the Landscape Architect on this project.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed a Direct Pecuniary Interest interest, was not permitted to participate in the discussion and voting on the item.

### **7. Deputations and Presentations**

- 7.1** Mr Neil Kidd addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Ms Paige Walker (Mirvac) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.4** Mr David Parsons (Mirvac) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.5** Mr Daniel Hollingworth (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 8.1
- 7.6** The Town of Victoria Park Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 No. 45 - 49 (part of Lot 9001 identified in structure plan as superlots 22 and 29) Bow River Crescent, Burswood

Development Description: Proposed Multiple Dwellings and Public Open Space  
Applicant: Rowe Group  
Owner: BL Developments Pty Ltd (Lot 22);  
State of Western Australia with management order to Town of Victoria Park (Lot 29)  
Responsible Authority: Town of Victoria Park  
DAP File No: DAP/22/02020

#### REPORT RECOMMENDATION

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Vicki Potter

Approve DAP Application reference DAP/21/02020 and accompanying plans at **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 Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

#### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development, once commenced, is to be carried out in accordance with the approved plans at **Attachment 2** at all times, unless otherwise authorised by the Town.
4. Prior to submission of an application for the relevant building permit, a Heritage Agreement is to be executed between the proponent, Town of Victoria Park and the Heritage Council of Western Australia to facilitate the transfer of the existing requirement for the cultural heritage interpretation of the 'Old Burswood Canal' from superlot 22 to Lot 29 (as described in the Burswood Lakes Structure Plan).



5. Prior to submission of an application for the relevant building permit, the owner entering into a legal agreement with the Town, prepared by the Town's solicitors at the cost of the owner agreeing to action prior to the occupation or strata-titling of the development, whichever occurs first, to commission and install the following:
  - public art to a sum of 1% of estimated value of building work of the approved development, pursuant to 'Council's Local Planning Policy 29 – Public Art' and consideration to the public art statement at **Attachment 3** (refer to related advice note).
  - landscaping and infrastructure, including a viewing platform, to the public open space at Lot 29 and publicly accessible land at Lot 9001 (northern portion of subject development site), with consideration to the public open space landscape concepts at **Attachment 4**. The public open space area is to be maintained by development for the first two summers following completion and the publicly accessible land is to be maintained in perpetuity by the owner(s) of the development (refer to related advice note).
6. Prior to submission of an application for the relevant building permit, a detailed landscaping plan prepared by a landscape architect depicting the development site and the adjacent verges, shall be submitted to and approved in writing by the Town, on advice of its Design Review Panel (refer to related advice note).
7. Prior to submission of an application for the relevant building permit, a detailed noise management plan is submitted to and approved in writing by the Town (refer to related advice note).
8. Prior to submission of an application for the relevant building permit, a revised on-site parking plan is to be submitted to and approved in writing by the Town, showing a minimum of six (6) car bays on-site designated for visitor parking.
9. Prior to submission of an application for the relevant building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter implement to the satisfaction of the Town (refer to related advice note).
10. Prior to submission of an application for the relevant building permit, a lighting plan shall be submitted to and approved in writing by the Town and shall be in accordance with Australian Standards (refer to related advice note).
11. Prior to submission of an application for the relevant building permit, a Stormwater and Drainage Management Plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted to and approved in writing by the Town. The development shall be constructed in accordance with the approved details and thereafter maintained (refer to related advice note).
12. Prior to submission of an application for the relevant building permit, complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings and all fencing visible from the public realm, are to be submitted to and approved in writing by the Town, on advice of its Design Review Panel. The development shall be constructed in accordance with the approved details and shall be thereafter maintained (refer to related advice note).



13. Prior to submission of an application for the relevant 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. The development shall be constructed in accordance with the approved details, and maintained thereafter, to the satisfaction of the Town.
14. Prior to lodging an application for a building permit, plans are to be submitted demonstrating to the satisfaction of the Town that the development satisfies the silver standard outlined within the Liveable Housing Design Guidelines, pursuant to Element 4.9 'Universal Design' of State Planning Policy 7.3: Volume 2 – Apartments. The development shall be constructed in accordance with the approved details, and maintained thereafter, to the satisfaction of the Town. (refer to related advice note).
15. Prior to the occupation or strata-titling of the development, whichever occurs first, an easement-in-gross is to be registered on the Certificate of Title allowing access to the land, north of the development site (annotated on development plans as 'publicly accessible land' or PAL), for the public at large, in accordance with sections 195 & 196 of the *Land Administration Act 1997* (as amended).
16. Prior to the occupation or strata-titling of the development, whichever occurs first, written evidence is provided demonstrating compliance with the approved detailed Noise Management Plan. The noise amelioration measures must be fully implemented and maintained thereafter, to the satisfaction of the Town.
17. Prior to the occupation or strata-titling of the development, written evidence is provided demonstrating compliance with the approved Lighting Plan. The lighting shall be maintained thereafter, to the satisfaction of the Town.
18. Prior to the occupation or strata-titling of the development, whichever occurs first, written evidence is to be provided demonstrating compliance with the sustainability commitments at **Attachment 5**. The sustainability commitments must be fully implemented and maintained thereafter, to the satisfaction of the Town.
19. Prior to the occupation or strata-titling of the development, whichever occurs first, all car and motorcycle/scooter parking spaces together with their access aisles are to be clearly constructed, sealed, marked and drained. The on-site parking spaces shall be maintained thereafter, to the satisfaction of the Town.
20. Prior to the occupation or strata-titling of the development, whichever occurs first, the visitor bicycle parking facilities shall be installed and remain in place permanently, unless otherwise approved by the Town.
21. Prior to submission of an application for the relevant building permit, details of the security intercom system for access to the visitors cars bays in the basement, are to be provided to the satisfaction of the Town.



22. Prior to the occupation or strata-titling of the development, whichever occurs first, the approved landscaping and reticulation plan, including the adjacent verges, must be fully implemented and maintained thereafter, to the satisfaction of the Town.
23. All tandem car bays are to be allocated to the same dwelling unit.
24. A minimum of six car bays within the basement are to be marked for the exclusive use of visitors at all times, to the satisfaction of the Town.
25. Where a storage unit is adjacent to a car bay, the storage unit must be allocated to the same unit as the car bay.
26. The waste management plan at **Attachment 6**, forms part of this development approval and shall be complied with at all times to the satisfaction of the Town.
27. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
28. To address the conditions of this development approval, a covering letter detailing compliance with each condition, copy of the final working drawings and relevant associated reports and information are to be submitted by the owner/applicant and be cleared in writing by the Town (refer to related advice note).

#### **Advice Notes**

- AN1. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
- AN2. This approval relates to proposed Lots 22 and 29 which are identified in the approved Burswood Lakes Structure Plan dated 22 April 2003.
- AN3. The Town notes that based upon dwelling yields constructed, approved and estimated across the Burswood Lakes Structure Plan area, that the maximum total dwelling yield requirement of 1250 dwellings is anticipated to be exceeded. Accordingly the owners of undeveloped land within the Precinct are to note that the Town will not support any development application which will result in the total dwelling yield exceeding 1250 dwellings, unless a comprehensive review of the Burswood Lakes Structure Plan has been completed and approved.
- AN4. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN5. Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Improvement Unit for approval prior to construction of a new crossover.
- AN6. A verge permit is required to be obtained from the Town prior to commencement of any work in the verge (including, but not limited to, landscaping, parking, paving and lighting) in relation to this development approval.





- AN7. The owner / applicant are to liaise with the Town's Parking Unit in relation to any proposals to relocate and/or removal of any existing on-street parking bays and parking signage, and the installation of any proposed on-street parking bays and new parking signage.
- AN8. The Town's Parking Unit recommends that a designated parking area is provided and appropriately sign-posted, allocating an area for delivery and removalist vehicles to temporarily park when servicing the dwellings of the subject development.
- AN9. This approval is for the use of the residential apartments as dwellings only, to be occupied on a permanent basis, and does not include approval for their use as Serviced Apartments or Short Stay Accommodation. Any alternative use or occupation of the units will require further Development Approval to be obtained.
- AN10. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
- AN11. With respect to the public art provision, the Town of Victoria Park draws attention to the following:
- a) Refer to the Town's Developer Public Art Handbook and Local Planning Policy 29 – Public Art Developer Contribution
  - b) The applicable Heritage Agreement relating to the Old Burswood Canal
  - c) The submitted public art statement at **Attachment 3**
  - d) In relation to the submitted public art statement, the applicant is advised that the Town of Victoria Park will be cognisant of the following matters as part of its final approval
    - i. The software and ongoing digital maintenance and any ongoing costs for the digital interpretation artwork,
    - ii. The long-term aesthetics, durability and longevity of the selected art canopy and heritage interpretation street furniture materials,
    - iii. The ongoing maintenance and ability to source replacement lighting for the proposed illuminated art canopy
  - e) The final public art designs will require input from the Town's Public Art Advisory Group, the Heritage Council and the Town's Mindeera Advisory Group, for input on Aboriginal heritage cultural matters (if applicable)
- AN12. With respect to the public open space and provision of associated infrastructure, the Town of Victoria Park draws attention to the following:
- a) The landscaping concept provided at **Attachment 4**
  - b) The long-term aesthetics, durability and longevity of the selected infrastructure materials, noting the use of timber will not be supported for maintenance reasons.
  - c) For areas to be maintained by the Town of Victoria Park consider ease of access for mowers, vehicles etc, and clearly define public / private lot boundaries (i.e use of concrete edging)
  - d) All furniture fixture to be ground mounted, not surface mounted
  - e) Safety for users, in terms of protection from the steep incline at Lot 29 public open space





- AN13. With respect to the submission of a detailed Landscaping Plan, key consideration is to be given to:
- a) The landscaping concept provided at **Attachment 4**
  - b) Deep soil areas of sufficient size to sustain the trees and plants selected, with guidance from Table 3.3b 'Tree Sizes' and Table 4.12 'Planting On-Structure' of State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments.
  - c) The performance criteria relating to 'Communal Open Space and Publicly Accessible Space' as outlined in Council's Local Planning Policy 9 – Design Guidelines for Burswood Lakes
  - d) Waterwise design principles
  - e) Eliminating opportunities for concealment and maximising opportunities for passive surveillance to the public realm
  - f) Landscaping integrating or being complementary to the overall building design
- AN14. With respect to the submission of a detailed Noise Management Plan, key consideration is to be given to the submitted acoustic assessment and acoustic technical note at **Attachment 7** and State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments, Element 4.7 'Managing the impact of noise'. The plan is to include (but not be limited to) the following:
- a) The mechanical plant equipment selection, including swimming pool pumps, to be in compliance with *Environmental Protection (Noise) Regulations 1997*.
  - b) The dwellings exceeding the minimum acoustic requirements for noise under the National Construction Codes (as amended)
  - c) Outline any noise mitigation design measures proposed, with balanced consideration to architectural design and surveillance.
  - d) Management strategies to manage noise from the communal areas, including strata by-laws.
  - e) Management strategies to ameliorate noise from surrounding entertainment precinct (i.e. Perth Stadium and Crown Burswood).
- AN15. With respect to the submission of a Stormwater and Drainage Management Plan, all stormwater drainage for multi residential developments shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
- AN16. With respect to a Construction Management Plan, it is to address 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;
  - e) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - f) Construction traffic and pedestrian management; and
  - g) Other matters likely to impact on the surrounding properties.



- AN17. With respect to the submission of a Lighting Plan, it is to include lighting to illuminate the vehicle and pedestrian entry points, communal areas, bicycle parking area(s), public open spaces and any other security and safety lighting for the development. Key consideration is to be given to the CPTED report at **Attachment 8**.
- AN18. With respect to the submission of the external colours, materials and finishes, key consideration is to be given to:
- The proposed external materials as per Drawing No. DA1800 at **Attachment 2**
  - In relation to fencing, designed to eliminate concealment areas and maximise opportunities for passive surveillance to the public realm
- AN19. With respect to the submission of details demonstrating that the silver standard of Liveable Housing Design Guidelines are achieved, please be advised that the level of detail required include (but are not limited to) wall reinforcement for future handrails, hobless showers, slip-resistant floor surface etc. The owner/applicant is encouraged to seek the services of a disability access consultant.
- AN20. With respect to clearing the conditions of this development approval, a building permit cannot be issued until those conditions of the development approval requiring clearance 'prior to the submission of an application for the relevant building permit' are given written planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of a building permit application. Should a building permit application be submitted without written planning clearance, then the building permit application will be put on hold until written planning clearance is obtained, or the application may be refused.
- AN21. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate building permit application, in accordance with Council's Local Planning Policy No. 38 – 'Signs'. Please also note that should any signage not comply with the Council's Local Planning Policy No. 38 – 'Signs' a separate development approval will need to be obtained prior to a building permit being submitted to the Town.
- AN22. The bathroom, laundries and kitchens of each dwelling are to comply with the provisions set out in the *Town of Victoria Park Health Local Law 2003*.
- AN23. Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed the requirements in accordance with the *Health Act (Miscellaneous Provisions) Act 1911, (Carbon Monoxide) Regulations 1975* and the *Town of Victoria Park Health Local Law 2003*.
- AN24. The aquatic facilities are to be constructed in compliance with the *Health (Aquatic Facilities) Regulations 2007* and the Aquatic Facilities Code of Practice.



AN25. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of the Metro Inner-South JDAP by the State Administrative Tribunal within 28 days of the date of this decision.

### AMENDING MOTION

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Vicki Potter

The following amendments were made en bloc:

(i) That condition no. 4 be amended to read as follows:

*Prior to submission of an application for the relevant building permit, a Heritage Agreement is to be executed between the ~~proponent~~ **landowner**, Town of Victoria Park and the Heritage Council of Western Australia to facilitate the transfer of the existing requirement for the cultural heritage interpretation of the 'Old Burswood Canal' from superlot 22 to Lot 29 (as described in the Burswood Lakes Structure Plan).*

(ii) That condition no. 5 be amended to read as follows:

*Prior to submission of an application for the relevant building permit, the ~~owner~~ **landowner** entering into a legal agreement with the Town, prepared by the Town's solicitors at the cost of the ~~owner~~ **landowner** agreeing to action prior to the occupation or strata-titling of the development, whichever occurs first, to commission and install the following:*

- *public art to a sum of 1% of estimated value of building work of the approved development, pursuant to 'Council's Local Planning Policy 29 – Public Art' and consideration to the public art statement at **Attachment 3** (refer to related advice note).*
- *landscaping and infrastructure, including a viewing platform, to the public open space at Lot 29 and publicly accessible land at Lot 9001 (northern portion of subject development site), with consideration to the public open space landscape concepts at **Attachment 4**. The public open space area is to be maintained by the ~~development~~ **landowner at the time of the relevant building permit being issued** for the first two summers following completion and the publicly accessible land is to be maintained in perpetuity by the owner(s) of the development (refer to related advice note).*

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

**REASON:** To clearly address the responsible party for the satisfaction of conditions 4 & 5.



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner South JDAP resolves to:

Approve DAP Application reference DAP/21/02020 and accompanying plans at **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 Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

### Conditions

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.

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 four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development, once commenced, is to be carried out in accordance with the approved plans at **Attachment 2** at all times, unless otherwise authorised by the Town.
4. Prior to submission of an application for the relevant building permit, a Heritage Agreement is to be executed between the landowner, Town of Victoria Park and the Heritage Council of Western Australia to facilitate the transfer of the existing requirement for the cultural heritage interpretation of the 'Old Burswood Canal' from superlot 22 to Lot 29 (as described in the Burswood Lakes Structure Plan).
5. Prior to submission of an application for the relevant building permit, the landowner entering into a legal agreement with the Town, prepared by the Town's solicitors at the cost of the owner agreeing to action prior to the occupation or strata-titling of the development, whichever occurs first, to commission and install the following:
  - public art to a sum of 1% of estimated value of building work of the approved development, pursuant to 'Council's Local Planning Policy 29 – Public Art' and consideration to the public art statement at **Attachment 3** (refer to related advice note).
  - landscaping and infrastructure, including a viewing platform, to the public open space at Lot 29 and publicly accessible land at Lot 9001 (northern portion of subject development site), with consideration to the public open space landscape concepts at **Attachment 4**. The public open space area is to be maintained by the landowner at the time of the relevant building permit being issued for the first two summers following completion and the publicly accessible land is to be maintained in perpetuity by the owner(s) of the development (refer to related advice note).



6. Prior to submission of an application for the relevant building permit, a detailed landscaping plan prepared by a landscape architect depicting the development site and the adjacent verges, shall be submitted to and approved in writing by the Town, on advice of its Design Review Panel (refer to related advice note).
7. Prior to submission of an application for the relevant building permit, a detailed noise management plan is submitted to and approved in writing by the Town (refer to related advice note).
8. Prior to submission of an application for the relevant building permit, a revised on-site parking plan is to be submitted to and approved in writing by the Town, showing a minimum of six (6) car bays on-site designated for visitor parking.
9. Prior to submission of an application for the relevant building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter implement to the satisfaction of the Town (refer to related advice note).
10. Prior to submission of an application for the relevant building permit, a lighting plan shall be submitted to and approved in writing by the Town and shall be in accordance with Australian Standards (refer to related advice note).
11. Prior to submission of an application for the relevant building permit, a Stormwater and Drainage Management Plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted to and approved in writing by the Town. The development shall be constructed in accordance with the approved details and thereafter maintained (refer to related advice note).
12. Prior to submission of an application for the relevant building permit, complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings and all fencing visible from the public realm, are to be submitted to and approved in writing by the Town, on advice of its Design Review Panel. The development shall be constructed in accordance with the approved details and shall be thereafter maintained (refer to related advice note).
13. Prior to submission of an application for the relevant 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. The development shall be constructed in accordance with the approved details, and maintained thereafter, to the satisfaction of the Town.
14. Prior to lodging an application for a building permit, plans are to be submitted demonstrating to the satisfaction of the Town that the development satisfies the silver standard outlined within the Liveable Housing Design Guidelines, pursuant to Element 4.9 'Universal Design' of State Planning Policy 7.3: Volume 2 – Apartments. The development shall be constructed in accordance with the approved details, and maintained thereafter, to the satisfaction of the Town. (refer to related advice note).



15. Prior to the occupation or strata-titling of the development, whichever occurs first, an easement-in-gross is to be registered on the Certificate of Title allowing access to the land, north of the development site (annotated on development plans as 'publicly accessible land' or PAL), for the public at large, in accordance with sections 195 & 196 of the *Land Administration Act 1997* (as amended).
16. Prior to the occupation or strata-titling of the development, whichever occurs first, written evidence is provided demonstrating compliance with the approved detailed Noise Management Plan. The noise amelioration measures must be fully implemented and maintained thereafter, to the satisfaction of the Town.
17. Prior to the occupation or strata-titling of the development, written evidence is provided demonstrating compliance with the approved Lighting Plan. The lighting shall be maintained thereafter, to the satisfaction of the Town.
18. Prior to the occupation or strata-titling of the development, whichever occurs first, written evidence is to be provided demonstrating compliance with the sustainability commitments at **Attachment 5**. The sustainability commitments must be fully implemented and maintained thereafter, to the satisfaction of the Town.
19. Prior to the occupation or strata-titling of the development, whichever occurs first, all car and motorcycle/scooter parking spaces together with their access aisles are to be clearly constructed, sealed, marked and drained. The on-site parking spaces shall be maintained thereafter, to the satisfaction of the Town.
20. Prior to the occupation or strata-titling of the development, whichever occurs first, the visitor bicycle parking facilities shall be installed and remain in place permanently, unless otherwise approved by the Town.
21. Prior to submission of an application for the relevant building permit, details of the security intercom system for access to the visitor's cars bays in the basement, are to be provided to the satisfaction of the Town.
22. Prior to the occupation or strata-titling of the development, whichever occurs first, the approved landscaping and reticulation plan, including the adjacent verges, must be fully implemented and maintained thereafter, to the satisfaction of the Town.
23. All tandem car bays are to be allocated to the same dwelling unit.
24. A minimum of six car bays within the basement are to be marked for the exclusive use of visitors at all times, to the satisfaction of the Town.
25. Where a storage unit is adjacent to a car bay, the storage unit must be allocated to the same unit as the car bay.
26. The waste management plan at **Attachment 6**, forms part of this development approval and shall be complied with at all times to the satisfaction of the Town.
27. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.





28. To address the conditions of this development approval, a covering letter detailing compliance with each condition, copy of the final working drawings and relevant associated reports and information are to be submitted by the owner/applicant and be cleared in writing by the Town (refer to related advice note).

### **Advice Notes**

- AN1. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
- AN2. This approval relates to proposed Lots 22 and 29 which are identified in the approved Burswood Lakes Structure Plan dated 22 April 2003.
- AN3. The Town notes that based upon dwelling yields constructed, approved and estimated across the Burswood Lakes Structure Plan area, that the maximum total dwelling yield requirement of 1250 dwellings is anticipated to be exceeded. Accordingly the owners of undeveloped land within the Precinct are to note that the Town will not support any development application which will result in the total dwelling yield exceeding 1250 dwellings, unless a comprehensive review of the Burswood Lakes Structure Plan has been completed and approved.
- AN4. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN5. Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Improvement Unit for approval prior to construction of a new crossover.
- AN6. A verge permit is required to be obtained from the Town prior to commencement of any work in the verge (including, but not limited to, landscaping, parking, paving and lighting) in relation to this development approval.
- AN7. The owner / applicant are to liaise with the Town's Parking Unit in relation to any proposals to relocate and/or removal of any existing on-street parking bays and parking signage, and the installation of any proposed on-street parking bays and new parking signage.
- AN8. The Town's Parking Unit recommends that a designated parking area is provided and appropriately sign-posted, allocating an area for delivery and removalist vehicles to temporarily park when servicing the dwellings of the subject development.
- AN9. This approval is for the use of the residential apartments as dwellings only, to be occupied on a permanent basis, and does not include approval for their use as Serviced Apartments or Short Stay Accommodation. Any alternative use or occupation of the units will require further Development Approval to be obtained.
- AN10. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.





- AN11. With respect to the public art provision, the Town of Victoria Park draws attention to the following:
- a) Refer to the Town's Developer Public Art Handbook and Local Planning Policy 29 – Public Art Developer Contribution
  - b) The applicable Heritage Agreement relating to the Old Burswood Canal
  - c) The submitted public art statement at **Attachment 3**
  - d) In relation to the submitted public art statement, the applicant is advised that the Town of Victoria Park will be cognisant of the following matters as part of its final approval
    - i. The software and ongoing digital maintenance and any ongoing costs for the digital interpretation artwork,
    - ii. The long-term aesthetics, durability and longevity of the selected art canopy and heritage interpretation street furniture materials,
    - iii. The ongoing maintenance and ability to source replacement lighting for the proposed illuminated art canopy
  - e) The final public art designs will require input from the Town's Public Art Advisory Group, the Heritage Council and the Town's Mindeera Advisory Group, for input on Aboriginal heritage cultural matters (if applicable)
- AN12. With respect to the public open space and provision of associated infrastructure, the Town of Victoria Park draws attention to the following:
- a) The landscaping concept provided at **Attachment 4**
  - b) The long-term aesthetics, durability and longevity of the selected infrastructure materials, noting the use of timber will not be supported for maintenance reasons.
  - c) For areas to be maintained by the Town of Victoria Park consider ease of access for mowers, vehicles etc, and clearly define public / private lot boundaries (i.e use of concrete edging)
  - d) All furniture fixture to be ground mounted, not surface mounted
  - e) Safety for users, in terms of protection from the steep incline at Lot 29 public open space
- AN13. With respect to the submission of a detailed Landscaping Plan, key consideration is to be given to:
- a) The landscaping concept provided at **Attachment 4**
  - b) Deep soil areas of sufficient size to sustain the trees and plants selected, with guidance from Table 3.3b 'Tree Sizes' and Table 4.12 'Planting On-Structure' of State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments.
  - c) The performance criteria relating to 'Communal Open Space and Publicly Accessible Space' as outlined in Council's Local Planning Policy 9 – Design Guidelines for Burswood Lakes
  - d) Waterwise design principles
  - e) Eliminating opportunities for concealment and maximising opportunities for passive surveillance to the public realm
  - f) Landscaping integrating or being complementary to the overall building design



- AN14. With respect to the submission of a detailed Noise Management Plan, key consideration is to be given to the submitted acoustic assessment and acoustic technical note at **Attachment 7** and State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments, Element 4.7 'Managing the impact of noise'. The plan is to include (but not be limited to) the following:
- The mechanical plant equipment selection, including swimming pool pumps, to be in compliance with *Environmental Protection (Noise) Regulations 1997*.
  - The dwellings exceeding the minimum acoustic requirements for noise under the National Construction Codes (as amended)
  - Outline any noise mitigation design measures proposed, with balanced consideration to architectural design and surveillance.
  - Management strategies to manage noise from the communal areas, including strata by-laws.
  - Management strategies to ameliorate noise from surrounding entertainment precinct (i.e. Perth Stadium and Crown Burswood).
- AN15. With respect to the submission of a Stormwater and Drainage Management Plan, all stormwater drainage for multi residential developments shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
- AN16. With respect to a Construction Management Plan, it is to address the following matters:
- How materials and equipment will be delivered and removed from the site;
  - How materials and equipment will be stored on the site;
  - Parking arrangements for contractors;
  - Construction waste disposal strategy and location of waste disposal bins; Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - Construction traffic and pedestrian management; and
  - Other matters likely to impact on the surrounding properties.
- AN17. With respect to the submission of a Lighting Plan, it is to include lighting to illuminate the vehicle and pedestrian entry points, communal areas, bicycle parking area(s), public open spaces and any other security and safety lighting for the development. Key consideration is to be given to the CPTED report at **Attachment 8**.
- AN18. With respect to the submission of the external colours, materials and finishes, key consideration is to be given to:
- The proposed external materials as per Drawing No. DA1800 at **Attachment 2**
  - In relation to fencing, designed to eliminate concealment areas and maximise opportunities for passive surveillance to the public realm



- AN19. With respect to the submission of details demonstrating that the silver standard of Liveable Housing Design Guidelines are achieved, please be advised that the level of detail required include (but are not limited to) wall reinforcement for future handrails, hobless showers, slip-resistant floor surface etc. The owner/applicant is encouraged to seek the services of a disability access consultant.
- AN20. With respect to clearing the conditions of this development approval, a building permit cannot be issued until those conditions of the development approval requiring clearance 'prior to the submission of an application for the relevant building permit' are given written planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of a building permit application. Should a building permit application be submitted without written planning clearance, then the building permit application will be put on hold until written planning clearance is obtained, or the application may be refused.
- AN21. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate building permit application, in accordance with Council's Local Planning Policy No. 38 – 'Signs'. Please also note that should any signage not comply with the Council's Local Planning Policy No. 38 – 'Signs' a separate development approval will need to be obtained prior to a building permit being submitted to the Town.
- AN22. The bathroom, laundries and kitchens of each dwelling are to comply with the provisions set out in the *Town of Victoria Park Health Local Law 2003*.
- AN23. Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed the requirements in accordance with the *Health Act (Miscellaneous Provisions) Act 1911, (Carbon Monoxide) Regulations 1975* and the *Town of Victoria Park Health Local Law 2003*.
- AN24. The aquatic facilities are to be constructed in compliance with the *Health (Aquatic Facilities) Regulations 2007* and the Aquatic Facilities Code of Practice.
- AN25. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of the Metro Inner-South JDAP by the State Administrative Tribunal within 28 days of the date of this decision.

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

**REASON:** The proposal was supported unanimously as it is of an appropriate bulk and scale for the precinct and of a commendable design. The approach to the proposal is largely within the intent of the structure plan and within the building envelope. Clause 29 of the Town Planning Scheme No. 1 was cited in respect to the Panel exercising its discretion.



**9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01521 DR 007/2021	City of Belmont	Lot 41 (225) Great Eastern Highway, Lot 28 (90) Daly Street & Lots 29 to 41 (37) Hargreaves Street, Belmont	Mixed Commercial Development (Showroom, Showroom/Warehouse, Motor Vehicle Repair, Vet Consulting Rooms/Vet Hospital, Restaurant/Café) and Signage	21/01/2021
DAP/20/01805 DR 121/2021	Town of Victoria Park	218- 220 Great Eastern Highway (Lots 36 & 37, 38, 39, 40, 41, 42, 67, 68, 69, 70 & 200), Lathlain	Office Restaurant/Café, Liquor Store – Shop and Consulting Room Land Uses with Additions and Alterations to an Existing Hotel	11/06/2021
DAP/21/01936 DR 168/2021	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Office Tower	09/08/2021
DAP/21/01937 DR 120/2021	City of Belmont	No. 3 (Lot 1017), Hawksburn Road, Rivervale	15 Storey Building Comprising Of 123 Multiple Dwellings, Shop, Restaurant, Office and Health Studio	09/06/2021

**11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

**12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 10:05am.