



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 28 March 2024; 9:30am
Meeting Number: MIDAP/4
Meeting Venue: 140 William Street, Perth
Public Observing: Online

This DAP meeting was live streamed open to the public rather than requiring attendance in person.

A recording of the meeting is available via the following link: [MIDAP/4 - 28 March 2024 - City of Belmont - Town of Victoria Park](#)

PART A – INTRODUCTION

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

PART B – CITY OF BELMONT

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 454 (Lot 1), 464 (Lot 8873), Miles Road, 3 – 5 (Lots 2 and 803) Belmont Avenue and, 148 (Lot 703) Kewdale Road, Kewdale

PART C – TOWN OF VICTORIA PARK

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 No.15 (Lot 9000) Hill View Terrace, East Victoria Park - Proposed Redevelopment Of Edward Millen Home and Grounds Comprising Works to Existing Buildings and/or New Building for Community, Commercial, Hospitality, Retail and Childcare Uses – DAP/23/02602
4. Form 2 DAP Applications

PART D – OTHER BUSINESS

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

Francesca Lefante
Presiding Member, Metro Inner DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Zoe Hendry
Ian Birch (Deputy Presiding Member)	Tenielle Brownfield
Gabriela Poezyn (Specialist Member)	Laura Simmons
<i>Part B – City of Belmont</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Phil Marks	Brandon Pang
Cr Christopher Kulczycki	Nicholas Reddy
<i>Part C – Town of Victoria Park</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Peter Melrosa	Pierre Quesnel
Cr Daniel Minson	Kelly Vilksen
	Robert Cruickshank

Applicant and Submitters
<i>Part B – City of Belmont</i>
Nik Hidding (Hidding Urban Planning) Sheldon Turner (Total Project Management) Nick Casson (Total Project Management)
<i>Part C – City of Victoria Park</i>
Tim Parker (Hatch) Drew Scott (Blackoak Capital) Michael Benson (Benson Studios)

Francesca Lefante
Presiding Member, Metro Inner DAP



Members of the Public / Media

Nil.

Observers via livestream

There were 4 persons observing the meeting via the livestream.

A handwritten signature in black ink, appearing to read 'Francesca Lefante'.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.43am on 28 March 2024 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 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

Francesca Lefante
Presiding Member, Metro Inner DAP



PART B – CITY OF BELMONT

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 27 March 2024 was published in Part B of the Additional Information.

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

2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Chris Kulczycki, 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 Chris Kulczycki acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

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

3. Form 1 DAP Applications

3.1 454 (Lot 1), 464 (Lot 8873), Miles Road, 3 – 5 (Lots 2 and 803) Belmont Avenue and, 148 (Lot 703) Kewdale Road, Kewdale

Deputations and Presentations

Nik Hidding (Hidding Urban Design), Sheldon Turner and Nick Casson (Total Project Management) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Brandon Pang (City of Belmont) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Cr Phil Marks (Local Government Member, City of Belmont) left the panel at 9.56am.

Francesca Lefante
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION

Moved by: Ian Birch

Seconded by: Gabriela Poezyn

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/23/02605 and accompanying plans dated 30 November 2023 and 19 February 2024 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Belmont Local Planning Scheme No. 15, subject to the following:

Conditions

1. Development/land use shall be in accordance with the attached approved plan(s) dated 30 November 2023 and 19 February 2024, and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City.
2. Prior to lodging an application for a building permit, the owner/applicant shall submit updated plans, to show:
 - (a) A minimum of 120 bays in the area marked 'Overflow Parking' on the approved plans.
 - (b) 3 metres of the building setback areas to the primary street boundary, marked in 'Red' on the approved plans, are set aside for landscaping.
3. Prior to lodging an application for a building permit, a detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted for approval and implemented to the satisfaction of the City.
4. Prior to commencement of use, Lots 1 and 8873 Belmont Avenue, and part Lots 2 and 803 Miles Road shall be amalgamated, and a new Certificate of Title obtained for the lot, in accordance with the approved plans.
5. Prior to occupation of the development or commencement of the use, the owner shall enter into a legal agreement with the City prepared by the City's solicitors by which the owner covenants to construct the shortfall of 120 car parking bays within the area shown as 'Overflow Parking' on the approved plans, when required by the City and agrees to the registration of an absolute caveat against the Certificate/s of Title to the land. The owner is to bear all costs associated with the preparation and stamping of the agreement and the registration of the caveat.
6. Prior to lodging an application for a building permit, the owner/applicant shall submit updated plans showing 14 bicycle bays, to the satisfaction of the City.
7. Prior to lodging an application for a building permit, the owner/applicant shall seek approval from the City of Belmont for an artist to provide public art on the development site to a minimum value of \$400,000 (exclusive GST) to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



8. Prior to occupation, the approved public art concept/strategy shall be implemented and the artwork constructed, in accordance with Condition 7. The artwork shall be maintained for the life of the development to the satisfaction of the City.
9. Prior to lodging an application for a building permit, the applicant/ owner shall submit a Sustainability Report *to the satisfaction of the City, on the advice of the Design Review Panel*. The Sustainability Report shall be prepared by a qualified sustainability/ environmental consultant and include:
 - (a) specification and colour of the recycled asphalt and/ or low carbon concrete for the car park and driveway area;
 - (b) detail of materials that are either recycled or have low embodied energy for the construction of the buildings;
 - (c) details indicating the stormwater collection and storage system and the connection to landscaping irrigation system; and
 - (d) details and specification of the solar panels on the roof.

The Sustainability Report is to be endorsed by a qualified sustainability/ environmental consultant and thereafter implemented and maintained for the life of the development.

10. Prior to lodging an application for a building permit, a detailed landscaping plan for the subject site and/or the road verge(s) *shall be* submitted for approval and implemented to the satisfaction of the City. The plan must include the landscaping of:
 - (a) all areas of the property visible from the street;
 - (b) irrigation details and methods;
 - (c) detail of planting adjacent to the Undercover Outdoor Area; and
 - (b) the street verge in compliance with the Consolidated Local Law 2020
11. Prior to occupation or use of the development, plans shall be submitted detailing the design, specification and locations of the wayfinding signage associated with pedestrian and vehicle access to the site, to the satisfaction of the City.
12. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City.
13. All commercial vehicles and trucks shall ingress and egress the site in forward gear. No reversing of vehicles and trucks to or from the site via a public road is permitted.
14. The maximum size of vehicles to be parked on site shall be limited to A-Double trucks.

Francesca Lefante
Presiding Member, Metro Inner DAP



15. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
- (a) The approved plan (as amended by condition 2);
 - (b) Australian Standard AS/NZS 2890 and AS/NZS 1428;
 - (c) Schedule 7 of City of Belmont Local Planning Scheme No. 15; and
 - (d) The City's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City's specifications and thereafter maintained for the life of the development, to the satisfaction of the City.

16. Parking bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines to the satisfaction of the City. The bays must be individually marked on site and made available for use by visitors and staff members at all times.
17. Bicycle parking and end of trip facilities shall be provided in accordance with the specifications outlined within *Austroads Guide AP-R527-16-Bicycle Parking Facilities Guidelines for Design and Installation* and AS2890.3:2015 to the satisfaction of the City.
18. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be always made available for the parking of vehicles by visitors and employees.
19. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines to the satisfaction of the City.
20. Prior to occupation or use of the development, the owner / applicant shall, after having obtained written approval from the City (Infrastructure Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.
21. Prior to occupation or use of the development, the redundant crossover/s to Lot 1, as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City.
22. Other than for the purpose of reuse, all stormwater runoff from roofed and paved areas shall be collected and disposed of with a combination of on-site and off-site disposal system via an approved sand trapped manhole/ oil and silt separator device in accordance with the City of Belmont's engineering requirements and design guidelines.

Francesca Lefante
Presiding Member, Metro Inner DAP



23. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations prepared in accordance with the City's engineering requirements and design guidelines shall be submitted for approval and thereafter implemented, constructed, and maintained to the satisfaction of the City.
24. Bin storage areas shall be paved with an impervious material and shall drain to an approved disposal system to the satisfaction of the City. Bin storage areas must not drain to a stormwater drainage system or to the environment.
25. The development shall not exceed a maximum height of 35m AHD.
26. The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT) prior to the erection of a crane on the subject site during both construction and operation of the subject site in accordance with their obligations under the Airports (Protection of Airspace) Regulations 1996 (C'th).
27. The Office portion of the development shall be constructed to achieve compliance with AS2021:2015 (Indoor Design Noise Levels).
28. This decision constitutes development 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 four (4) year period, the approval shall lapse and be of no further effect.

Advice Notes

1. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Safer Communities – Building Surveying prior to commencement of any demolition works. Please liaise with the City's Safer Communities – Building Surveying for further information.
2. The proposed public art concept will be forwarded to the Public Art Advisory Panel which will make recommendations for approval by the City's Co-ordinator Arts and Place. Full details and specifications should be submitted at the earliest opportunity to ensure that the finalisation of the public art does not delay the progression of the development.
3. The landscaping plan shall be a minimum size of A3 at a scale of not less than 1:200. It is recommended that the landscaping plan is prepared by a qualified landscape architect / designer and meets the requirements specified in the City's Landscaping Plan Information Sheet.
4. The plants are to be nurtured until they reach their typical mature dimensions and shall thereafter be maintained at those mature dimensions unless the City approves otherwise in writing.
5. Commercial Vehicles' shall have the definition given in Schedule 1 of Local Planning Scheme No. 15. 'Trucks' include any motor vehicle with a gross vehicle mass over 4.5 tonnes, except a bus or tractor as defined in the *Road Traffic Code 2000*.

Francesca Lefante
Presiding Member, Metro Inner DAP



6. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

If access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, potholes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

7. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City's Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
8. Signage is not approved as part of this application. A separate application for development approval and building permit is required prior to display of any advertisements and signage.
9. The subject area is located within the 20-25 ANEF and 200+ N65 contours. For further information on aircraft noise the applicant/owner(s) may contact Perth Airport's Infrastructure Planning team on 9478 8888 or planning@perthairport.com.au or visit Perth Airport's Aircraft Noise Portal at <https://aircraftnoise.perthairport.com.au/>.
10. Applications are to be made online at <https://paat.perthairport.com.au/>. Queries can be directed to Perth Airport's airspace line or inbox at 6278 8122 or airspace@perthairport.com.au.
11. In line with clause 5.4.5 of State Planning Policy 5.1, building insulation is strongly recommended for the proposed office for the following reasons:
 - *Due to the proximity of the site to Perth's Main Runway,*
 - *The excessive aircraft noise the site will experience (more than 200 noise events above 65dBA across an average day), and*
 - *The occupational characteristics of the proposed office land use which will necessitate building users to be provided a reasonable indoor noise level to appropriately undertake their duties of employment.*

Francesca Lefante
Presiding Member, Metro Inner DAP



12. The applicant is advised that any works carried out in proximity to Water Corporations assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA).
13. The applicant is advised that the demolition of the buildings and disposal of the wastes should be undertaken in accordance with the relevant requirements that deal with the potential presence of asbestos or asbestos-containing materials in the existing buildings.
14. The maximum size of vehicles to be parked on site shall be limited to A-Double trucks.

AMENDING MOTION 1

Moved by: Ian Birch

Seconded by: Gabriela Poezyn

The following amendments were moved en bloc:

- (i) That Condition No. 2 (a) be amended to read as follows:

Prior to lodging an application for a building permit, the owner/applicant shall submit updated plans, to show:

- (a) *A minimum of 120 bays in the area marked **in red** 'Overflow Parking' on the approved plans.*

- (ii) That Condition No. 5 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (3/1).

For: Ian Birch
Gabriela Poezyn
Cr Chris Kulczycki

Against: Francesca Lefante

REASON: To clarify the overflow on-site parking requirements

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 2

Moved by: Ian Birch

Seconded by: Gabriela Poezyn

That Condition No. 2 (b) be amended to read as follows:

Prior to lodging an application for a building permit, the owner/applicant shall submit updated plans, to show:

- (a) *A minimum of 120 bays in the area marked 'Overflow Parking' on the approved plans.*
- (b) *~~3 metres~~ **2.4 metres** of the building setback areas to the primary street boundary, marked in 'Red' on the approved plans, are set aside for landscaping **with the provision of deep soil landscaping zones and retention of existing trees where possible to the satisfaction of the City.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Minor modifications to the landscaping area to facilitate on-site vehicle movement and sufficient boundary landscaping.

AMENDING MOTION 3

Moved by: Ian Birch

Seconded by: NIL

That Condition No. 7 be amended to read as follows:

*Prior to ~~lodging~~ **occupancy** an application for a building permit, the owner/applicant shall seek approval from the City of Belmont for an artist to provide public art on the development site to a minimum value of \$400,000 ~~(exclusive GST)~~ **1%** to the satisfaction of the City.*

The Amending Motion was put and LAPSED for want of a seconder.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 4

Moved by: Ian Birch

Seconded by: Gabriela Poezyn

That Condition No. 9 (now Condition No. 8) be amended to read as follows:

Prior to lodging an application for a building permit, the applicant/ owner shall *submit a Sustainability Report to the satisfaction of the City, ~~on the advice of the Design Review Panel.~~ The Sustainability Report shall be prepared by a qualified sustainability/ environmental consultant and include **consideration for the following:***

- (a) *specification and colour of the recycled asphalt and/ or low carbon concrete for the car park and driveway area;*
- (b) *detail of materials that are either recycled or have low embodied energy for the construction of the buildings;*
- (c) *details indicating the stormwater collection and storage system and the connection to landscaping irrigation system; and*
- (d) *details and specification of the solar panels on the roof.*

The Sustainability Report is to be endorsed by a qualified sustainability/ environmental consultant and thereafter implemented and maintained for the life of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the matters to be considered as part of the sustainability report and the role of the DRP as advisory body not decision-making body.

AMENDING MOTION 5

Moved by: Ian Birch

Seconded by: Gabriela Poezyn

The following amendments were made en bloc:

- (i) That Condition No. 14 (now Condition No. 13) be deleted, and the remaining conditions be renumbered accordingly.
- (ii) That a new Advice Note No. 14 be added to read as follows:

Vehicle access has been calculated for the maximum size of vehicles to be parked on site as A Double trucks. Should larger truck road access become available in the future, crossovers may need to be widened to accommodate the nominated larger vehicles/ trucks.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that if any increase in vehicle size is to occur, access is reviewed accordingly and if necessary, site access and crossover configuration is appropriately addressed.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 6

Moved by: Gabriela Poezyn

Seconded by: Ian Birch

The following amendments were made en bloc:

- (i) That Condition No. 7 be deleted, and the remaining conditions be renumbered accordingly.
- (ii) That Condition No. 8 be amended to read as follows:

*Prior to occupation, the approved public art concept/strategy shall be **approved by the City to a minimum value of 1% of the development** and the artwork constructed, in accordance with Condition 7. The artwork shall be maintained for the life of the development to the satisfaction of the City.*

The Amending Motion was put and LOST (1/3).

For: Ian Birch

Against: Francesca Lefante
Gabriela Poezyn
Cr Chris Kulczycki

AMENDING MOTION 7

Moved by: Gabriela Poezyn

Seconded by: Ian Birch

The following amendments were made en bloc:

- (i) That Condition No. 26 (now Condition No. 24) be deleted, and the remaining conditions be renumbered accordingly.
- (ii) That a new Advice Note no. 15 be added to read as follows:

The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT) prior to the erection of a crane on the subject site during both construction and operation of the subject site in accordance with their obligations under the Airports (Protection of Airspace) Regulations 1996 (C'th).

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The wording of Condition 26 has become Advice Note 15 as this requirement is more appropriate as an advice note than a condition

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 8

Moved by: Gabriela Poezyn

Seconded by: Cr Chris Kulczycki

That a new Condition no. 26 be added to read as follows:

Existing Street Trees are to be protected from damage during all phases of development and shall not be pruned or removed without approval from the City of Belmont.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To require clarity on the obligations to protect existing street trees and support the greening of the area.

AMENDING MOTION 9

Moved by: Francesca Lefante

Seconded by: Gabriela Poezyn

That Condition No. 16 (now Condition No. 14), Condition No. 19 (now Condition No. 17) and Condition No. 25 (now Condition No. 23) be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: These conditions are addressed appropriately through other conditions or statutory provisions.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/23/02605 and accompanying plans dated 30 November 2023 and 19 February 2024 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Belmont Local Planning Scheme No. 15, subject to the following:

Conditions

1. Development/land use shall be in accordance with the attached approved plan(s) dated 30 November 2023 and 19 February 2024, and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



2. Prior to lodging an application for a building permit, the owner/applicant shall submit updated plans, to show:
 - (a) A minimum of 120 bays in the area marked in red 'Overflow Parking' on the approved plans.
 - (b) 2.4 metres of the building setback areas to the primary street boundary, marked in 'Red' on the approved plans, are set aside for landscaping with the provision of deep soil landscaping zones and retention of existing trees where possible to the satisfaction of the City.
3. Prior to lodging an application for a building permit, a detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted for approval and implemented to the satisfaction of the City.
4. Prior to commencement of use, Lots 1 and 8873 Belmont Avenue, and part Lots 2 and 803 Miles Road shall be amalgamated, and a new Certificate of Title obtained for the lot, in accordance with the approved plans.
5. Prior to lodging an application for a building permit, the owner/applicant shall submit updated plans showing 14 bicycle bays, to the satisfaction of the City.
6. Prior to lodging an application for a building permit, the owner/applicant shall seek approval from the City of Belmont for an artist to provide public art on the development site to a minimum value of \$400,000 (exclusive GST) to the satisfaction of the City.
7. Prior to occupation, the approved public art concept/strategy shall be implemented and the artwork constructed, in accordance with Condition 7. The artwork shall be maintained for the life of the development to the satisfaction of the City.
8. Prior to lodging an application for a building permit, the applicant/ owner shall submit a Sustainability Report *to the satisfaction of the City*. The Sustainability Report shall be prepared by a qualified sustainability/ environmental consultant and include consideration for the following:
 - (a) specification and colour of the recycled asphalt and/ or low carbon concrete for the car park and driveway area;
 - (b) detail of materials that are either recycled or have low embodied energy for the construction of the buildings;
 - (c) details indicating the stormwater collection and storage system and the connection to landscaping irrigation system; and
 - (d) details and specification of the solar panels on the roof.

The Sustainability Report is to be endorsed by a qualified sustainability/ environmental consultant and thereafter implemented and maintained for the life of the development.

Francesca Lefante
Presiding Member, Metro Inner DAP



9. Prior to lodging an application for a building permit, a detailed landscaping plan for the subject site and/or the road verge(s) *shall be* submitted for approval and implemented to the satisfaction of the City. The plan must include the landscaping of:
 - (a) all areas of the property visible from the street;
 - (b) irrigation details and methods;
 - (c) detail of planting adjacent to the Undercover Outdoor Area; and
 - (b) the street verge in compliance with the Consolidated Local Law 2020
10. Prior to occupation or use of the development, plans shall be submitted detailing the design, specification and locations of the wayfinding signage associated with pedestrian and vehicle access to the site, to the satisfaction of the City.
11. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City.
12. All commercial vehicles and trucks shall ingress and egress the site in forward gear. No reversing of vehicles and trucks to or from the site via a public road is permitted.
13. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan (as amended by condition 2);
 - (b) Australian Standard AS/NZS 2890 and AS/NZS 1428;
 - (c) Schedule 7 of City of Belmont Local Planning Scheme No. 15; and
 - (d) The City's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City's specifications and thereafter maintained for the life of the development, to the satisfaction of the City.
14. Bicycle parking and end of trip facilities shall be provided in accordance with the specifications outlined within *Austroads Guide AP-R527-16-Bicycle Parking Facilities Guidelines for Design and Installation* and AS2890.3:2015 to the satisfaction of the City.
15. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be always made available for the parking of vehicles by visitors and employees.
16. Prior to occupation or use of the development, the owner / applicant shall, after having obtained written approval from the City (Infrastructure Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



17. Prior to occupation or use of the development, the redundant crossover/s to Lot 1, as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City.
18. Other than for the purpose of reuse, all stormwater runoff from roofed and paved areas shall be collected and disposed of with a combination of on-site and off-site disposal system via an approved sand trapped manhole/ oil and silt separator device in accordance with the City of Belmont's engineering requirements and design guidelines.
19. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations prepared in accordance with the City's engineering requirements and design guidelines shall be submitted for approval and thereafter implemented, constructed, and maintained to the satisfaction of the City.
20. Bin storage areas shall be paved with an impervious material and shall drain to an approved disposal system to the satisfaction of the City. Bin storage areas must not drain to a stormwater drainage system or to the environment.
21. The Office portion of the development shall be constructed to achieve compliance with AS2021:2015 (Indoor Design Noise Levels).
22. This decision constitutes development 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 four (4) year period, the approval shall lapse and be of no further effect.
23. Existing Street Trees are to be protected from damage during all phases of development and shall not be pruned or removed without approval from the City of Belmont.

Advice Notes

1. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Safer Communities – Building Surveying prior to commencement of any demolition works. Please liaise with the City's Safer Communities – Building Surveying for further information.
2. The proposed public art concept will be forwarded to the Public Art Advisory Panel which will make recommendations for approval by the City's Co-ordinator Arts and Place. Full details and specifications should be submitted at the earliest opportunity to ensure that the finalisation of the public art does not delay the progression of the development.
3. The landscaping plan shall be a minimum size of A3 at a scale of not less than 1:200. It is recommended that the landscaping plan is prepared by a qualified landscape architect / designer and meets the requirements specified in the City's Landscaping Plan Information Sheet.

Francesca Lefante
Presiding Member, Metro Inner DAP



4. The plants are to be nurtured until they reach their typical mature dimensions and shall thereafter be maintained at those mature dimensions unless the City approves otherwise in writing.
5. Commercial Vehicles' shall have the definition given in Schedule 1 of Local Planning Scheme No. 15. 'Trucks' include any motor vehicle with a gross vehicle mass over 4.5 tonnes, except a bus or tractor as defined in the *Road Traffic Code 2000*.
6. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

If access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be repainted, potholes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

7. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City's Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
8. Signage is not approved as part of this application. A separate application for development approval and building permit is required prior to display of any advertisements and signage.
9. The subject area is located within the 20-25 ANEF and 200+ N65 contours. For further information on aircraft noise the applicant/owner(s) may contact Perth Airport's Infrastructure Planning team on 9478 8888 or planning@perthairport.com.au or visit Perth Airport's Aircraft Noise Portal at <https://aircraftnoise.perthairport.com.au/>.
10. Applications are to be made online at <https://paat.perthairport.com.au/>. Queries can be directed to Perth Airport's airspace line or inbox at 6278 8122 or airspace@perthairport.com.au.

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11. In line with clause 5.4.5 of State Planning Policy 5.1, building insulation is strongly recommended for the proposed office for the following reasons:
 - *Due to the proximity of the site to Perth's Main Runway,*
 - *The excessive aircraft noise the site will experience (more than 200 noise events above 65dBA across an average day), and*
 - *The occupational characteristics of the proposed office land use which will necessitate building users to be provided a reasonable indoor noise level to appropriately undertake their duties of employment.*
12. The applicant is advised that any works carried out in proximity to Water Corporations assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA).
13. The applicant is advised that the demolition of the buildings and disposal of the wastes should be undertaken in accordance with the relevant requirements that deal with the potential presence of asbestos or asbestos-containing materials in the existing buildings.
14. Vehicle access has been calculated for the maximum size of vehicles to be parked on site as A Double trucks. Should larger truck road access become available in the future, crossovers may need to be widened to accommodate the nominated larger vehicles/ trucks.
15. The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT) prior to the erection of a crane on the subject site during both construction and operation of the subject site in accordance with their obligations under the Airports (Protection of Airspace) Regulations 1996 (C'th).

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

REASON: The proposal is consistent with the planning framework and site Industrial zoning. The panel members were satisfied that the discretionary use of a logistic centre is consistent with other developments in the area. the proposal includes sufficient on-site parking, including overflow parking area to cater of vehicles and trucks to the site. Minor variations on onsite landscaping dimensions were supported given the overall site configuration and design. Due consideration was given to the RAR, presentations and meeting discussion, on balance the proposal was approved.

Cr Chris Kulczycki (Local Government Member, City of Belmont) left the panel at 11.25am.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART C – TOWN OF VICTORIA PARK

Cr Peter Melrosa and Cr Daniel Minson (Local Government DAP Member, Town of Victoria Park) joined the panel at 11.28am.

1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 27 March 2024.

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

2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Peter Melrosa and Cr Daniel Minson, 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 Peter Melrosa and Cr Daniel Minson acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

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

3. Form 1 DAP Applications

3.1 No.15 (Lot 9000) Hill View Terrace, East Victoria Park - Proposed Redevelopment Of Edward Millen Home and Grounds Comprising Works to Existing Buildings and/or New Building for Community, Commercial, Hospitality, Retail and Childcare Uses – DAP/23/02602

Deputations and Presentations

Tim Parker (Hatch) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Robert Cruickshank (Town of Victoria Park) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Francesca Lefante
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION

Moved by: Cr Daniel Minson

Seconded by: Cr Peter Melrosa

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/23/02602 and accompanying plans and technical documents (Attachments 2 to 11) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme and the provisions of the Town of Victoria Park Town Planning Scheme No. 1 subject to the following conditions :

Land Use

1. The production of goods associated with the Bakery, Brewery and Gelato is to be limited to the production of goods for sale on-site only so as to be consistent with the intent for these uses to be for small scale production.
2. The upper floor Office space within the Rotunda building is to be used for administrative purposes associated with managing the approved uses on the site only.
3. Prior to occupation of the development an event management plan is to be submitted for the Town's approval for the market space addressing such matters as patron numbers, parking and traffic management, waste management, noise management, set-up and pack-up times, toilet facilities etc.
4. The number of children and staff attending the Child Care Premises is limited to a maximum of 104 children and 20 staff at any one time.

Hours

5. The hours of operation of uses being restricted as follows :
 - (a) the Child Care Premises - Monday – Friday from 6:00am to 7:00pm for staff; from 6:30am to 6:30pm for parents and children. Outdoor play is to be restricted to occur between 7:00am and 6:30pm.
 - (b) the Bar, Bistro, Microbrewery and function space - to 10:00pm Sunday to Wednesday and 12 midnight on Thursday, Friday and Saturday unless otherwise approved by the Town.
 - (c) the Bakery and Café – to 3pm on any day.
 - (d) there being a maximum of two market events each week to occur between the hours of 7am and 12 noon, unless otherwise approved by the Town for an occasional event.

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Presiding Member, Metro Inner DAP



Heritage

6. The following information shall be submitted to the Director, Historic Heritage Conservation, prior to an application for a Building Permit:
 - a. Details of how compliance with the National Construction Code and services and access requirements will be achieved to avoid adverse impacts on heritage fabric and cultural heritage significance. It is likely that bespoke solutions specific to the heritage buildings will be required.
 - b. Details of proposed electrical, hydraulic, mechanical, and fire services. Consideration should be given to minimise the impact of routes, risers, plant location, penetration points, and fixings points.
 - c. Details of the approach to new openings within original walls that includes interpretation of the former internal layout, such as minimum retention of wall nibs of 450mm and a substantial portion of wall from ceiling (downstand to internal walls).
 - d. Requirements for the protection and monitoring of the heritage buildings during works.
 - e. A Construction Management Plan for the demolition and construction activities that includes requirements to minimise potential impacts on the adjacent heritage buildings (*Rotunda Building and Mildred Creak building*), including:
 - i. Demolition procedures that avoid blasting and dropping large sections of building on the ground during demolition and mitigate falling objects in proximity to heritage buildings.
 - ii. Monitoring of crack development in heritage buildings (where existing cracks are present) through crack control tell-tale plates.
 - iii. A requirement for alarmed monitoring of deformation, tilt, ground borne vibrations, and cracks, with the respective trigger levels to be set as follows:
 - ground-borne vibrations - 2mm per second; and
 - deformation, tilt and cracks – distance (mm) to be determined by a structural or geotechnical engineer based on the type of building and structural integrity of the structure.
 - iv. Upon receipt of the alert the following steps are to be carried out:
 - Cease works in and around the heritage buildings.
 - Ascertain what has caused the trigger event.
 - Seek alternative construction methods to mitigate any exceedance of the trigger levels.
 - Access and review the crack control tell-tales to review any movement within the heritage buildings.
 - Recommence work upon satisfactory completion of the above.

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- f. An Interpretation Management Plan to interpret the historical stories and heritage significance of the place, including details of proposed interpretation to be implemented.
7. Prior to the commencement of works, photographic records of the existing buildings and grounds are to be prepared by a registered Heritage Architect and submitted for the Town's approval.

Parking and access

8. Prior to the occupation or use of the development, all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained to the satisfaction of the Town.
9. With respect to the car park accessed off Baillie Avenue, a minimum of 21 car parking bays are to be marked and/or signposted for use by the child care centre during its hours of operation, with the remaining 9 bays in the car park being available for general use at any time.
10. Prior to the occupation of the development, the applicant is to submit and have approved by the Town a Parking Management Plan which addresses the following matters:
- (i) the measures to inform patrons and staff of:
 - on-site parking availability and use;
 - parking availability in the area;
 - available public transport to and from the site;
 - (ii) the measures to be implemented to encourage patrons and staff to use active transport or public transport rather than drive to the site;
 - (iii) the measures to be implemented to manage parking on both a day-to-day basis and during peak periods; and
 - (iv) the availability of the child care centre car bays to other patrons when the child centre is not operating.
11. Bicycle facilities for a minimum of 60 bikes, unless otherwise approved, are to be provided on-site in accordance with Australian Standard AS 2890.3 and to the satisfaction of the Town. This is to include bicycle facilities within close proximity of the entrance to the childcare centre, to accommodate bicycle parking for at least six cargo bicycles. The bicycle parking facilities shall be installed and remain in place permanently unless otherwise approved by the Town.
12. Any letterbox, structure, wall or fence located within a 1.5 metre x 1.5 metre visual truncation at the intersection of any driveway and the front property boundary, is not to exceed a height of 750mm with the exception of:
- (i) one brick pier (maximum dimensions 350mm by 350mm); and/or
 - (ii) wrought iron or similar metal tubing style infill fencing.

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13. Retained existing vehicle crossovers are to be upgraded to the Town's specifications. Any redundant portions of the vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town.

Landscaping

14. Prior to the submission of an application for a building permit, the applicant is to submit detailed landscaping plans for the Town's approval including details of proposed tree species, the depth and width of structural root zones, tree protection zones etc. Such details are to be to the Town's satisfaction.
15. The landscaping plan shall include at least 116 new tree(s), or a lesser number agreed to by the Town, the species and height of which are to be provided to the satisfaction of the Town.
16. This approval is for the removal of only those trees identified on the Tree Removal Plan within the amended Landscape Masterplan dated 5 February 2024, unless otherwise approved by the Town.
17. Those existing trees to be retained identified on the Tree Retention Plan within the Landscape Masterplan dated 5 February 2024 are to be retained and protected in accordance with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the Town.
18. The landscaping areas shown on the approved detailed landscaping plan shall be installed and reticulated prior to occupation of the development, and be thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town.
19. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
20. The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.

Other matters

21. Prior to the submission of an application for a building permit, the interface between the eco-cultural path and both the child care centre and the adjoining residential development to the south are to be resolved to the Town's satisfaction, to improve the safety of this space for users.
22. Prior to occupation of the development, a signage strategy for future tenant and wayfinding signage is to be submitted for the Town's approval.

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Presiding Member, Metro Inner DAP



23. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Town prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.
24. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.
25. Prior to occupation of the development (a) detailed plans shall be submitted for the Town's approval detailing the works to be undertaken to facilitate DFES access to the site via the existing track within Hill View Bushland; and (b) the necessary works shall be completed. All costs in preparing the design and implementing measures to ensure acceptable ongoing access are to be borne by Blackoak Capital. (see Advice Note below).
26. Prior to occupancy the applicant is obtain approval from the Town for the proposed public art concept.
27. All plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas etc 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 prior to the submission of an application for a building permit.
28. Prior to the submission of an application for a building permit, an updated Sustainability Report is to be submitted for the Town's approval confirming that the final design achieves the "Sustainability Commitments" as outlined in the Sustainability Report dated 8 November 2023 (Table 31).
29. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a Construction Management Plan.
30. Unless varied by other conditions of this approval, development being in compliance with the Acoustic Reports (prepared by Herring Storer Acoustics, dated received 1 March 2024) for the life of the development to the satisfaction of the Town.
31. The Waste Management Plan (prepared by Stantec, dated 5 February 2024) is to be implemented and complied with by the applicant for the life of the development, including waste collection to occur between the hours of 10am to 2pm.

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Presiding Member, Metro Inner DAP



32. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
33. Deliveries to the site to be restricted to the day-time period (7am to 7pm Monday to Saturday; 9am to 7pm Sundays and public holidays) - as recommended by the commercial acoustic report).
34. Prior to the submission of an application for a building permit, an amended acoustic report is to be submitted for the Town's approval providing detail of the façade construction of the refurbished buildings and demonstrating that internal noise sources will comply with the *Environmental Protection (Noise) Regulations 1997*.
35. All building works to be carried out under this development approval are required to be contained within the boundaries of that part of the lot the subject of this development application..
36. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
37. Prior to occupation or use of the development, any redundant crossover/s must be removed and the verge and kerb reinstated to the specification and satisfaction of the Town.
38. To address the conditions of this approval, prior to the submission of an application for a building permit 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 applicant for clearance by the Town.
39. 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.
40. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
41. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 28 March 2024 at all times, unless otherwise authorised by the Town.
42. That the applicant provide universal access to the first floor of the Rotunda building to the satisfaction of the Town.

Francesca Lefante
Presiding Member, Metro Inner DAP



Advice Notes

- AN1 The keeping of animals to comply with the Town's Health Local Law
- AN2 It is recommended that the applicant negotiate with the owner(s) of the adjoining land to the south with respect to the boundary interface and matters such as wall and fence heights and material finishes.
- AN3 Regarding the requirement of LPP29 for a public art contribution, and the applicants intent for the alternative use of the funds to be provided towards programming and activation of the artists studios, it is recommended that the applicant engage with the Town's Public Arts Officer at an early stage.
- AN4 Recently completed Drainage swale works at end of Bushland sites internal road will need to be removed to accommodate the proposed turning area into the Fire Pump area. Drainage for road will require a full redesign at applicant's expense to prevent stormwater overland flowing into neighbouring property currently under development and the Ed Millen development site from the bushland site.
- AN5 It is recommended that the applicant consider the following comments from the Town's Design Review Panel in the design development:
- The potential pedestrian entry point at the two large fire tanks presents an opportunity for art or colour on the tanks.
 - Consider relocating one of these tanks, so as to allow for the preservation of an existing tree in this location.
 - The energy efficiency/energy savings achieved in the design of the child care building is heavily reliant upon the installation of Solar PV. Encourage further improvement of sustainability and improving the thermal performance of the building to exceed regulatory requirements.
 - Further consider the animal shelter in terms of the location of the structural posts of the verandah within the fencing line of the yards. Current layout sites these posts within yards presenting a hazard to people and animals. Avoid use of glass in openings of the animal enclosures for safety.
 - Consider including additional glazing to the Childcare Centre to provide natural light and ventilation at both ends of the internal corridor and to both of the cot rooms.
- AN6 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.
- AN7 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 Council by the State Administrative Tribunal within 28 days of the date of this decision.

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Presiding Member, Metro Inner DAP



AN8 The reference to “the applicant” in the conditions of this approval is a reference to Blackoak Capital, who are to be responsible to address all conditions but which may be through their consultant team.

AN9 In relation to recommended condition 11, bike parking is to include space for cargo bikes and e-bikes.

AMENDING MOTION 1

Moved by: Cr Daniel Minson

Seconded by: Cr Peter Melrosa

That a new Advice Note No. AN10 be added to read as follows:

Blackoak are encouraged to consider opportunities for on-site composting as part of the waste management strategy for the site

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: As the site will generate large amounts of waste food organics, and animal manure from the petting zoo (currently proposed to be regularly removed offsite), combined with the on-site garden and adjacent park’s need for compost, on-site composting would lead to positive economic, social and environmental outcomes. I believe this would align with the intent of the sustainability commitments (particularly the circular economy commitment) and the waste management plan.

AMENDING MOTION 2

Moved by: Gabriela Poezyn

Seconded by: Ian Birch

That Condition No. 6 be amended to read as follows:

The following information shall be submitted to the Director, Historic Heritage Conservation, prior to an application for a Building Permit:

- a. *Details of how compliance with the National Construction Code and services and access requirements will be achieved to avoid adverse impacts on heritage fabric and cultural heritage significance. It is likely that bespoke solutions specific to the heritage buildings will be required.*
- b. *Details of proposed electrical, hydraulic, mechanical, and fire services. Consideration should be given to minimise the impact of routes, risers, plant location, penetration points, and fixings points.*
- c. *Details of the approach to new openings within original walls that includes interpretation of the former internal layout, such as minimum retention of wall nibs of 450mm and a substantial portion of wall from ceiling (downstand to internal walls).*
- d. *Requirements for the protection and monitoring of the heritage buildings during works.*

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Presiding Member, Metro Inner DAP



- e. *A Construction Management Plan for the demolition and construction activities that includes requirements to minimise potential impacts on the adjacent heritage buildings (Rotunda Building and Mildred Creak building), including:*
- i. *Demolition procedures that avoid blasting and dropping large sections of building on the ground during demolition and mitigate falling objects in proximity to heritage buildings.*
 - ii. *Monitoring of crack development in heritage buildings (where existing cracks are present) through crack control tell-tale plates.*
 - iii. ***During demolition and in-ground works in close proximity to the Rotunda building, a requirement for alarmed monitoring of deformation, tilt, ground borne vibrations, and cracks, with the respective trigger levels to be set as follows:***
 - *ground-borne vibrations - 2mm per second; and*
 - *deformation, tilt and cracks – distance (mm) to be determined by a structural or geotechnical engineer based on the type of building and structural integrity of the structure.*
 - iv. *Upon receipt of the alert the following steps are to be carried out:*
 - *Cease works in and around the heritage buildings.*
 - *Ascertain what has caused the trigger event.*
 - *Seek alternative construction methods to mitigate any exceedance of the trigger levels.*
 - *Access and review the crack control tell-tales to review any movement within the heritage buildings.*
 - *Recommence work upon satisfactory completion of the above.*
- f. *An Interpretation Management Plan to interpret the historical stories and heritage significance of the place, including details of proposed interpretation to be implemented.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity on the requirements to protect the buildings and condition review officer.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 3

Moved by: Gabriela Poezyn

Seconded by: Ian Birch

The following amendment was made en bloc:

- (i) That Condition No. 42 be deleted, and the remaining conditions be renumbered accordingly.
- (ii) That a new Advice Note No. AN11 be added to read as follows:

That the applicant provide universal access to the first floor of the Rotunda building to the satisfaction of the Town.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The condition is a matter addressed via other legislation and as such is provided as an advice note.

AMENDING MOTION 4

Moved by: Gabriela Poezyn

Seconded by: Ian Birch

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

Bicycle facilities for a minimum of 60 bikes, unless otherwise approved, are to be provided on-site in accordance with Australian Standard AS 2890.3 and to the satisfaction of the Town. ~~This is to include bicycle facilities within close proximity of the entrance to the childcare centre, to accommodate bicycle parking for at least six cargo bicycles. The bicycle parking facilities shall be installed and remain in place permanently unless otherwise approved by the Town.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The modification included removal of an individual type of bicycle.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 5

Moved by: Gabriela Poezyn

Seconded by: Ian Birch

That a new Advice Note No. AN12 be added to read as follows:

In relation to condition 21, if the matters of the interface, levels and passive surveillance between the eco-cultural path, the childcare centre and the adjoining residential development to the south cannot be resolved to the Town's satisfaction, then the Town will consider the removal of the path and this area being allocated for use by the child care centre. In such a scenario, drawings will need to be provided demonstrating how the level differences will be managed to the Town's satisfaction, as well as an updated acoustic report being provided assessing the impacts of the amended design for the child care centre upon the residential lots to the south.

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

REASON: To provide clarity on the requirements and details to be provided to the Town for consideration of any modifications to the eco-cultural path.

AMENDING MOTION 6

Moved by: Cr Daniel Minson

Seconded by: Nil

That Condition No. 5 be amended to read as follows:

The hours of operation of uses being restricted as follows :

- (a) the Child Care Premises - Monday – Friday from ~~6:00am~~ **6:30am** to 7:00pm for staff; **and** from ~~6:30am~~ **7:30am** to 6:30pm for parents and children. ~~Outdoor play is to be restricted to occur between 7:00am and 6:30pm.~~
- (b) the Bar, Bistro, Microbrewery ~~and function space~~ - to 10:00pm Sunday to Wednesday and 12 midnight on Thursday, Friday and Saturday unless otherwise approved by the Town.
- (c) the Bakery and Café – to 3pm on any day.
- (d) there being a maximum of ~~two~~ **one** market events each week to occur between the hours of 7am and 12 noon, unless otherwise approved by the Town for an occasional event.
- (e) **The Function space – to 10pm Sunday to Thursday and 12 midnight on Friday and Saturday, unless otherwise approved by the Town.**

The Amending Motion was put and **LAPSED** for want of a seconder.

Francesca Lefante
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/23/02602 and accompanying plans and technical documents (Attachments 2 to 11) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme and the provisions of the Town of Victoria Park Town Planning Scheme No. 1 subject to the following conditions :

Land Use

1. The production of goods associated with the Bakery, Brewery and Gelato is to be limited to the production of goods for sale on-site only so as to be consistent with the intent for these uses to be for small scale production.
2. The upper floor Office space within the Rotunda building is to be used for administrative purposes associated with managing the approved uses on the site only.
3. Prior to occupation of the development an event management plan is to be submitted for the Town's approval for the market space addressing such matters as patron numbers, parking and traffic management, waste management, noise management, set-up and pack-up times, toilet facilities etc.
4. The number of children and staff attending the Child Care Premises is limited to a maximum of 104 children and 20 staff at any one time.

Hours

5. The hours of operation of uses being restricted as follows :
 - (a) the Child Care Premises - Monday – Friday from 6:00am to 7:00pm for staff; from 6:30am to 6:30pm for parents and children. Outdoor play is to be restricted to occur between 7:00am and 6:30pm.
 - (b) the Bar, Bistro, Microbrewery and function space - to 10:00pm Sunday to Wednesday and 12 midnight on Thursday, Friday and Saturday unless otherwise approved by the Town.
 - (c) the Bakery and Café – to 3pm on any day.
 - (d) there being a maximum of two market events each week to occur between the hours of 7am and 12 noon, unless otherwise approved by the Town for an occasional event.

Heritage

6. The following information shall be submitted to the Director, Historic Heritage Conservation, prior to an application for a Building Permit:
 - a. Details of how compliance with the National Construction Code and services and access requirements will be achieved to avoid adverse impacts on heritage fabric and cultural heritage significance. It is likely that bespoke solutions specific to the heritage buildings will be required.

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Presiding Member, Metro Inner DAP



- b. Details of proposed electrical, hydraulic, mechanical, and fire services. Consideration should be given to minimise the impact of routes, risers, plant location, penetration points, and fixings points.
 - c. Details of the approach to new openings within original walls that includes interpretation of the former internal layout, such as minimum retention of wall nibs of 450mm and a substantial portion of wall from ceiling (downstand to internal walls).
 - d. Requirements for the protection and monitoring of the heritage buildings during works.
 - e. A Construction Management Plan for the demolition and construction activities that includes requirements to minimise potential impacts on the adjacent heritage buildings (*Rotunda Building and Mildred Creak building*), including:
 - i. Demolition procedures that avoid blasting and dropping large sections of building on the ground during demolition and mitigate falling objects in proximity to heritage buildings.
 - ii. Monitoring of crack development in heritage buildings (where existing cracks are present) through crack control tell-tale plates.
 - iii. During demolition and in-ground works in close proximity to the Rotunda building, a requirement for alarmed monitoring of deformation, tilt, ground borne vibrations, and cracks, with the respective trigger levels to be set as follows:
 - ground-borne vibrations - 2mm per second; and
 - deformation, tilt and cracks – distance (mm) to be determined by a structural or geotechnical engineer based on the type of building and structural integrity of the structure.
 - iv. Upon receipt of the alert the following steps are to be carried out:
 - Cease works in and around the heritage buildings.
 - Ascertain what has caused the trigger event.
 - Seek alternative construction methods to mitigate any exceedance of the trigger levels.
 - Access and review the crack control tell-tales to review any movement within the heritage buildings.
 - Recommence work upon satisfactory completion of the above.
 - f. An Interpretation Management Plan to interpret the historical stories and heritage significance of the place, including details of proposed interpretation to be implemented.
7. Prior to the commencement of works, photographic records of the existing buildings and grounds are to be prepared by a registered Heritage Architect and submitted for the Town's approval.

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Parking and access

8. Prior to the occupation or use of the development, all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained to the satisfaction of the Town.
9. With respect to the car park accessed off Baillie Avenue, a minimum of 21 car parking bays are to be marked and/or signposted for use by the child care centre during its hours of operation, with the remaining 9 bays in the car park being available for general use at any time.
10. Prior to the occupation of the development, the applicant is to submit and have approved by the Town a Parking Management Plan which addresses the following matters:
 - (i) the measures to inform patrons and staff of:
 - on-site parking availability and use;
 - parking availability in the area;
 - available public transport to and from the site;
 - (ii) the measures to be implemented to encourage patrons and staff to use active transport or public transport rather than drive to the site;
 - (iii) the measures to be implemented to manage parking on both a day-to-day basis and during peak periods; and
 - (iv) the availability of the child care centre car bays to other patrons when the child centre is not operating.
11. Bicycle facilities for a minimum of 60 bikes, unless otherwise approved, are to be provided on-site in accordance with Australian Standard AS 2890.3 and to the satisfaction of the Town. The bicycle parking facilities shall be installed and remain in place permanently unless otherwise approved by the Town.
12. Any letterbox, structure, wall or fence located within a 1.5 metre x 1.5 metre visual truncation at the intersection of any driveway and the front property boundary, is not to exceed a height of 750mm with the exception of:
 - (i) one brick pier (maximum dimensions 350mm by 350mm); and/or
 - (ii) wrought iron or similar metal tubing style infill fencing.
13. Retained existing vehicle crossovers are to be upgraded to the Town's specifications. Any redundant portions of the vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town.

Landscaping

14. Prior to the submission of an application for a building permit, the applicant is to submit detailed landscaping plans for the Town's approval including details of proposed tree species, the depth and width of structural root zones, tree protection zones etc. Such details are to be to the Town's satisfaction.

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15. The landscaping plan shall include at least 116 new tree(s), or a lesser number agreed to by the Town, the species and height of which are to be provided to the satisfaction of the Town.
16. This approval is for the removal of only those trees identified on the Tree Removal Plan within the amended Landscape Masterplan dated 5 February 2024, unless otherwise approved by the Town.
17. Those existing trees to be retained identified on the Tree Retention Plan within the Landscape Masterplan dated 5 February 2024 are to be retained and protected in accordance with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the Town.
18. The landscaping areas shown on the approved detailed landscaping plan shall be installed and reticulated prior to occupation of the development, and be thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town.
19. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
20. The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.

Other matters

21. Prior to the submission of an application for a building permit, the interface between the eco-cultural path and both the child care centre and the adjoining residential development to the south are to be resolved to the Town's satisfaction, to improve the safety of this space for users.
22. Prior to occupation of the development, a signage strategy for future tenant and wayfinding signage is to be submitted for the Town's approval.
23. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Town prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.
24. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.

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25. Prior to occupation of the development (a) detailed plans shall be submitted for the Town's approval detailing the works to be undertaken to facilitate DFES access to the site via the existing track within Hill View Bushland; and (b) the necessary works shall be completed. All costs in preparing the design and implementing measures to ensure acceptable ongoing access are to be borne by Blackoak Capital. (see Advice Note below).
26. Prior to occupancy the applicant is obtain approval from the Town for the proposed public art concept.
27. All plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas etc 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 prior to the submission of an application for a building permit.
28. Prior to the submission of an application for a building permit, an updated Sustainability Report is to be submitted for the Town's approval confirming that the final design achieves the "Sustainability Commitments" as outlined in the Sustainability Report dated 8 November 2023 (Table 31).
29. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a Construction Management Plan.
30. Unless varied by other conditions of this approval, development being in compliance with the Acoustic Reports (prepared by Herring Storer Acoustics, dated received 1 March 2024) for the life of the development to the satisfaction of the Town.
31. The Waste Management Plan (prepared by Stantec, dated 5 February 2024) is to be implemented and complied with by the applicant for the life of the development, including waste collection to occur between the hours of 10am to 2pm.
32. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
33. Deliveries to the site to be restricted to the day-time period (7am to 7pm Monday to Saturday; 9am to 7pm Sundays and public holidays) - as recommended by the commercial acoustic report).

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34. Prior to the submission of an application for a building permit, an amended acoustic report is to be submitted for the Town's approval providing detail of the façade construction of the refurbished buildings and demonstrating that internal noise sources will comply with the *Environmental Protection (Noise) Regulations 1997*.
35. All building works to be carried out under this development approval are required to be contained within the boundaries of that part of the lot the subject of this development application..
36. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
37. Prior to occupation or use of the development, any redundant crossover/s must be removed and the verge and kerb reinstated to the specification and satisfaction of the Town.
38. To address the conditions of this approval, prior to the submission of an application for a building permit 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 applicant for clearance by the Town.
39. 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.
40. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
41. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 28 March 2024 at all times, unless otherwise authorised by the Town.

Advice Notes

- AN1 The keeping of animals to comply with the Town's Health Local Law
- AN2 It is recommended that the applicant negotiate with the owner(s) of the adjoining land to the south with respect to the boundary interface and matters such as wall and fence heights and material finishes.
- AN3 Regarding the requirement of LPP29 for a public art contribution, and the applicants intent for the alternative use of the funds to be provided towards programming and activation of the artists studios, it is recommended that the applicant engage with the Town's Public Arts Officer at an early stage.

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AN4 Recently completed Drainage swale works at end of Bushland sites internal road will need to be removed to accommodate the proposed turning area into the Fire Pump area. Drainage for road will require a full redesign at applicant's expense to prevent stormwater overland flowing into neighbouring property currently under development and the Ed Millen development site from the bushland site.

AN5 It is recommended that the applicant consider the following comments from the Town's Design Review Panel in the design development :

- The potential pedestrian entry point at the two large fire tanks presents an opportunity for art or colour on the tanks.
- Consider relocating one of these tanks, so as to allow for the preservation of an existing tree in this location.
- The energy efficiency/energy savings achieved in the design of the child care building is heavily reliant upon the installation of Solar PV. Encourage further improvement of sustainability and improving the thermal performance of the building to exceed regulatory requirements.
- Further consider the animal shelter in terms of the location of the structural posts of the verandah within the fencing line of the yards. Current layout sites these posts within yards presenting a hazard to people and animals. Avoid use of glass in openings of the animal enclosures for safety.
- Consider including additional glazing to the Childcare Centre to provide natural light and ventilation at both ends of the internal corridor and to both of the cot rooms.

AN6 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.

AN7 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 Council by the State Administrative Tribunal within 28 days of the date of this decision.

AN8 The reference to "the applicant" in the conditions of this approval is a reference to Blackoak Capital, who are to be responsible to address all conditions but which may be through their consultant team.

AN9 In relation to recommended condition 11, bike parking is to include space for cargo bikes and e-bikes.

AN10 Blackoak are encouraged to consider opportunities for on-site composting as part of the waste management strategy for the site

AN11 That the applicant provide universal access to the first floor of the Rotunda building to the satisfaction of the Town.

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AN12 In relation to condition 21, if the matters of the interface, levels and passive surveillance between the eco-cultural path, the childcare centre and the adjoining residential development to the south cannot be resolved to the Town's satisfaction, then the Town will consider the removal of the path and this area being allocated for use by the child care centre. In such a scenario, drawings will need to be provided demonstrating how the level differences will be managed to the Town's satisfaction, as well as an updated acoustic report being provided assessing the impacts of the amended design for the child care centre upon the residential lots to the south.

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

REASON: The proposal is consistent with the planning framework and the site zoning. The development and use of the site and buildings which have been vacant for many years contributed to reactivation of the site, adaptive reuse of heritage building and a positive development and gateway to the town. On balance the proposed was approved with minor condition variations.

4. Form 2 DAP Applications

Nil.

A handwritten signature in black ink, appearing to read 'Francesca Lefante'.

Francesca Lefante
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/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/23/02480 DR184/2023	City of Vincent	Lot 3 (37-43) Stuart Street, Perth	Proposed Unlisted Use (Community Purpose) & Alterations & Additions	
DAP/22/02259 DR166/2023	City of South Perth	Lots 253 & 50 (4-8) Charles Street, South Perth	Mixed use development	03/11/2023
DAP/23/02550 DR196/2023	City of Belmont	Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale	Warehouse (Self Storage Facility)	21/12/2023

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Finalised SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01521 DR15/2023	City of Belmont	225 (Lot 500), Great Eastern Highway, Belmont	Use Not Listed: Third Party Signage	31/01/2023
DAP/22/02248 DR76/2023	City of Vincent	No. 129 (Lot: 62; D/P: 956) Loftus Street, Leederville	Proposed Child Care Premises	24/05/2023
DAP/20/01770 DR140/2022	City of Nedlands	97 (Lots 1-4) and 105 (Lot 500) Stirling Highway, Nedlands	Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and multiple dwellings.	23/08/2022

* Matters finalised during the last meeting cycle.

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.24pm.

Francesca Lefante
Presiding Member, Metro Inner DAP